

## **CABINET**

### **MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 6TH OCTOBER, 2022**

**PRESENT:** Councillor Ian Maher (in the Chair)  
Councillors Atkinson, Cummins, Doyle, Fairclough, Hardy, Lappin, Moncur and Veidman

#### **59. APOLOGIES FOR ABSENCE**

An apology for absence was submitted from Councillor Roscoe.

#### **60. DECLARATIONS OF INTEREST**

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declarations of personal interest were made, and the Members concerned left the room / remained in the room during the consideration of the items as indicated below:

Member	Minute No.	Nature of Interest
Councillor Fairclough	Minute No. 69 – Selective and Additional (HMO) Licensing Schemes Re-designation 2023 – 2028	Personal – He is a non-paid Non-Executive Director of his son's private landlord business. He remained in the room but did not vote on the agenda item.
Councillor Hardy	Minute No's 73 and 75 – Disposal of Land at Southport Old Road and Holgate, Thornton	Personal – She has a relative who is an employee of a business referred to in the report. She left the meeting and did not vote on the agenda items.
Councillor Maher	Minute No's 73 and 75 – Disposal of Land at Southport Old Road and Holgate, Thornton	Personal – He has a relative who is an employee of a business referred to in the report. He left the meeting and did not vote on the agenda items.

**61. MINUTES OF THE PREVIOUS MEETING**

**Decision Made:**

That the Minutes of the meeting held on 1 September 2022 be confirmed as a correct record.

**62. COST OF LIVING CRISIS**

The Cabinet considered the report of the Chief Executive which summarised the impact of the escalating Cost of Living Crisis on local businesses and outlined the support available and proposed in Sefton.

**Decision Made:** That

- (1) the support currently provided as set out in paragraph 2.4 of the report be noted; and
- (2) the Equalities Assessment Report set out in Appendix A to the report be noted.

**Reasons for the Decision:**

To enable the Cabinet to consider the impact of the escalating Cost of Living Crisis on local businesses and note the support available and approve plans proposed in Sefton.

**Alternative Options Considered and Rejected:**

None.

**63. SEFTON'S CHILDHOOD POVERTY STRATEGY 2022 - 2030:  
TACKLING CHILDHOOD POVERTY IN SEFTON**

The Cabinet considered the report of the Director of Public Health which sought approval of the Sefton Child Poverty Strategy: Tackling Child Poverty in Sefton 2022-2030. The report indicated that the strategy was a major step in ensuring that Sefton residents are offered opportunities, support, advice, and information that will address the causes and challenges of childhood poverty.

**Decision made:** That:

- (1) the Sefton Child Poverty Strategy 2022-2030 be approved for adoption and implementation by the Health and Wellbeing Board;
- (2) that approval be given to the continued engagement of our community, partners and community and voluntary sector organisations to develop a robust set of action plans, aligned to the objectives set out in the strategy and the performance framework which will underpin the strategy;

- (3) the Council will continue to commit all available resources to underpin the delivery of the strategy using available funds from Public Health, Communities, Education etc. with a commitment to producing an annual summary detailing key achievements and challenges faced in the preceding year; and
- (4) approval be given to a multi-agency launch of the strategy in November 2022.

**Reasons for the Decision:**

Living in poverty has negative impacts in other aspects of people's lives and is not just about money – it impacts educational attainment, access to good paying work, increases the risk of developing poor health conditions and reduces life expectancy. It also means that many people are not able to take part in the normal life of a place as experienced by other residents.

If we are unable to support the most in need families right now, the biggest challenge will be on the poorest in our society, increasing those who most rely on public services who will be limited even further in trying to support their own families and turn their lives around.

Approval of this strategy and its focus on pockets, places and prospects will lead to a fairer and more inclusive Sefton, where everyone is able to live their best life, prosperous and fulfilling, free from poverty and inequality.

**Alternative Options Considered and Rejected:**

None. The strategy focuses on ensuring that the most vulnerable people in our communities receive the support they need, those most at risk and in need of accessing our services.

**64. EDUCATION EXCELLENCE STRATEGY FOR SEFTON 2022 - 2027**

Further to Minute No. 16 of the meeting of the Overview and Scrutiny Committee (Children's Services and Safeguarding) held on 27 September 2022, the Cabinet considered the report of the Assistant Director of Children's Services (Education) which sought approval of the Education Excellence Strategy for Sefton 2022-2027. The report set out how the strategy had been developed, and the proposed next steps in terms of programme development.

**Decision Made:**

That the Education Excellence Strategy for Sefton 2022-2027 be approved.

**Reasons for the Decision:**

To ensure that the priorities of the Education Excellence Strategy for Sefton 2022-2027 and wider Education initiatives are aligned to the

delivery of Sefton's 2030 vision, the Sefton Health and Wellbeing Strategy, and the Sefton Children and Young Peoples Plan, and that they are clearly articulated to parents, carers, young people, residents, early years providers, schools, colleges, providers of SEND education, as well as Health providers and other partners across Sefton and its neighbouring boroughs, in addition to the Department for Education.

To ensure that all children and young people receive an education in Sefton which enables them to reach their individual potential, have a clear pathway to further education, employment and engage positively with others in their community.

**Alternative Options Considered and Rejected:**

None.

**65. EXTENSION OF PARKING AND ENVIRONMENTAL ENFORCEMENT CONTRACT**

The Cabinet considered the report of the Assistant Director of Place (Highways and Public Protection) which sought approval for a six-month extension to the contract for the provision of Parking and Environmental Enforcement, Cash Collection and Car Park Management.

**Decision Made:**

That the Assistant Director of Place (Highways and Public Protection) in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be authorised to agree a six-month extension to the contract for the provision of Parking and Environmental Enforcement, Cash Collection and Car Park Management.

**Reasons for the Decision:**

To ensure continued provision of a statutory service until the tender exercise can be completed.

**Alternative Options Considered and Rejected:**

None.

**66. DIGITAL INCLUSION STRATEGY**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services which sought approval for the Digital Inclusion Strategy 2022 -2025 for Sefton. The report set out how the strategy had been developed, and the proposed next steps in terms of programme development.

**Decision Made:**

That the Digital Inclusion Strategy 2022-2025 be approved.

**Reasons for the Decision:**

To ensure that a clear strategy and programme of work exists to support Digital Inclusion across Sefton and to deliver the following vision:

“To develop a place where Sefton Residents and organisations understand the benefits of digital, feel safe and confident online and are supported to develop their skills and thrive in an increasingly digital world.”

**Alternative Options Considered and Rejected:**

None.

**67. FINANCIAL MANAGEMENT 2022/23 TO 2024/25 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2022/23 – OCTOBER UPDATE**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services which provided details of:

1. the current position relating to the 2022/23 revenue budget;
2. the current forecast on Council Tax and Business Rates collection for 2022/23; and
3. the monitoring position of the Council’s capital programme to the end of August 2023:
  - The forecast expenditure to year end;
  - Variations against the approved budgets and an explanation of those variations for consideration by Members; and
  - Updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

**Decision Made:** That:

Revenue Budget

- (1) the current position relating to the 2022/23 revenue budget be noted;
- (2) the actions being taken to offset the budget pressures being faced in 2022/23 be noted;
- (3) the financial risks associated with the delivery of the 2022/23 revenue budget be recognised and it be acknowledged that the

forecast outturn position will continue to be reviewed, and remedial actions put in place, to ensure a balanced forecast outturn position and financial sustainability can be achieved; and

- (4) the current position relating to the High Needs budget be noted and that officers are currently reviewing all options available to the Council to mitigate the additional pressure and to make the overall High Needs budget financially sustainable; and
- (5) approval be given to decisions on the use of the Household Support Fund being delegated to the Executive Director - People in consultation with the Cabinet Member for Communities and Housing, and it be noted that any discretionary element that will not be passported to vulnerable families and individuals in line with the grant conditions will be approved in accordance with the Financial Procedure Rules.

#### Capital Programme

- (6) the spending profiles across financial years for the approved capital programme (paragraph 7.1) be noted;
- (7) the latest capital expenditure position as of 31 August 2022 of £10.191m (paragraph 7.5); and the latest full year forecast of £56.651m (paragraph 7.6) be noted;
- (8) the explanations of variances to project budgets (paragraph 7.9) be noted; and
- (9) it be noted that capital resources will be managed by the Executive Director of Corporate Resources and Customer Services to ensure the capital programme remains fully funded and that capital funding arrangements secure the maximum financial benefit to the Council (paragraphs 7.10 - 7.12).

#### **Reasons for the Decision:**

To ensure Cabinet are informed of the current position in relation to the 2022/23 revenue budget.

To provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates.

To keep members informed of the progress of the Capital Programme against the profiled budget for 2022/23 and agreed allocations for future years.

To progress any changes that are required in order to maintain a relevant and accurate budget profile necessary for effective monitoring of the Capital Programme.

To approve any updates to funding resources so that they can be applied to capital schemes in the delivery of the Council's overall capital strategy.

**Alternative Options Considered and Rejected:**

None.

**68. APPOINTMENT TO SEFTON NEW DIRECTIONS LIMITED BOARD**

Further to Minute No. 52 of the meeting held on 1 September 2022, the Cabinet considered the report of the Chief Legal and Democratic Officer seeking the appointment of a further elected Member to serve on the Sefton New Directions Limited Board.

**Decision Made:**

That the Cabinet at its next meeting to be held on 3 November 2022, appoint the Council's second representative to serve on the Sefton New Directions Limited Board and that the term of office expire on 25 May 2023.

**Reasons for the Decision:**

The Cabinet has delegated powers set out in Chapter 5, Paragraph 40 of the Constitution to appoint the Council's representatives to serve on Outside Bodies.

To comply with a previous decision of Cabinet that the appointment be made at this meeting of the Cabinet.

**Alternative Options Considered and Rejected:**

None.

**69. SELECTIVE AND ADDITIONAL (HMO) LICENSING SCHEMES RE-DESIGNATION 2023 - 2028**

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) which provided details of the results of the formal public consultation on the proposal to re-designate the Selective and Additional (HMO) Housing Licensing Schemes, as previously approved by the Cabinet on 2 December 2021 (Minute No.76); and which sought approval to re-designate both a Selective Licensing Scheme and two additional Houses in Multiple Occupation (HMO) Licensing Schemes in designated areas of the borough, together with associated matters.

**Decision Made:** That:

- (1) approval be given to the re-designation of a selective licensing scheme in the defined area of Bootle and two additional HMO

licensing schemes in the defined areas of central Southport and areas of Waterloo/Seaforth/Brighton Le-Sands;

- (2) approval be given to a commencement date for the schemes of 1 March 2023;
- (3) the licence conditions, as set out in Background Papers 2 and 4 to the report be approved;
- (4) the fee structure, along with the recommended fee reductions and exemptions be approved; and
- (5) approval be given to the preparation and publication of a Public Notice of designation under sections 80 and 83 of the Housing Act 2004. This Notice shall allow for the designation of the chosen areas for the introduction of a Selective Licensing and two Additional (HMO) licensing schemes.
- (6) the Assistant Director of Place (Economic Growth and Housing) be authorised in consultation with the Cabinet Member for Communities and Housing to agree any minor/technical changes to the schemes (non-fundamental changes); and
- (7) it be noted that the Assistant Director Place (Economic Growth and Housing) will be asked to approve a supplementary revenue estimate of £40k for the first month of operation in 2022/23, in line with the requirements of the Financial Procedure Rules, which will be fully funded by income from the scheme. The budget allocations for future years will be included within the next Budget Report.

**Reasons for the Decision:**

To improve the private rented sector and to ensure safe homes for our residents and landlords as set out in our housing strategy.

Cabinet authority is required for the introduction of a selective housing licensing scheme across the designated area, and two additional (HMO) licensing schemes within the Borough.

**Alternative Options Considered and Rejected:**

1. Do nothing

Sefton could choose not to re-designate the current housing licensing schemes and revert back to a solely reactive service, responding to complaints, linked with more aggressive promotion of the Landlord Accreditation scheme. This option is unlikely to have significant impact due to Landlord Accreditation being a voluntary scheme, with only the better landlords obtaining accreditation status.



## 2. Expand the Enforcement Regime

The Council also has a continued reactive enforcement approach in relation to privately rented properties, dealing with cases as they present themselves, generally from complaints from tenants. A more proactive approach could be taken to target the worst landlords. This would develop an outward facing image of enforcement in relation to rogue landlords.

To practically do this would involve the need to increase the resourcing allocated to the Housing Standards Team by a minimum of 4 additional posts. This cost could be up to £210,161 per annum. This is a more traditional enforcement approach and less of an enabling one than licensing has brought.

## 3. Introduce a borough wide Selective Licensing Scheme

Officers also considered introducing a borough wide scheme, but this was not taken forward because the evidence is not yet sufficient to introduce the whole borough and therefore such an application is unlikely to be supported

## **70. EXCLUSION OF PRESS AND PUBLIC**

To comply with Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice has been published regarding the intention to consider the following matters in private for the reasons set out below.

### **Decision Made:**

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the press and public be excluded from the meeting for the following items on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 and 6a of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

## **71. SERCO – LANDLORD LICENSING**

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) which detailed the approach which was being taken with SERCO who operate the Government's Asylum Seeker Programme in Sefton in relation to the Council's Selective Private Landlord Licensing requirements.

The Chief Legal and Democratic Officer reported that the action being proposed in the report was a regulatory function, not an executive function, so the Cabinet was not being asked to take a decision on this matter other than to note the current position and that the recommendations within the report should be amended accordingly.

**Decision Made:**

That the contents of the report and the approach which is being taken in relation to the Council's Selective Private Landlord Licensing requirements be noted.

**Reasons for the Decision:**

Selective Landlord Licensing has been in operation in Sefton since 1 March 2018, and on the 2 December 2021, the Cabinet considered a report requesting authority to undertake consultation on the extension of the initiative for a further 5 years to March 2028 because of the successful outcomes from the scheme. The strict enforcement of the scheme relies on a consistent and fair approach being taken to ensure that all properties which fall within the scope of the scheme have a licence in place.

**Alternative Options Considered and Rejected:**

1) Not to pursue licensing of properties operated by SERCO which fall within the scope of the Selective Licensing scheme.

This has been rejected because it is important that the scheme is consistently enforced in line with the legislation.

2) Not to proceed to serve the Civil Penalty Notice and to instead pursue the freeholder/owners of the properties to apply for the selective licence as an alternative.

The owners are not regarded to be the most appropriate person to hold the licence, and therefore the Council would not be complying with the legislation.

**72. APPOINTMENT OF CHAIR**

Councillors Hardy and Maher left the meeting at this point in accordance with the Public Interest they had declared in respect of Minute Nos 73 and 75 below

**Decision Made:**

That Councillor Fairclough be appointed as the Chair for the remainder of the meeting in the absence of Councillor Maher.

**73. DISPOSAL OF LAND AT SOUTHPORT OLD ROAD AND HOLGATE, THORNTON - EXEMPT APPENDICES**

The Cabinet considered exempt information in relation to the disposal of land at Southport Old Road and Holgate, Thornton. (Minute No. 74 below refers)..

**Decision Made:**

That the exempt information be considered as part of the report in relation to the disposal of land at Southport Old Road and Holgate, Thornton. (Minute No. 74 below refers).

**Reasons for the Decision:**

The exempt information is required to be considered with the information in the public domain in order that an informed decision may be made.

**Alternative Options Considered and Rejected:**

None.

**74. PUBLIC SESSION**

**Decision Made:**

That the press and public be re-admitted to the meeting.

**75. DISPOSAL OF LAND AT SOUTHPORT OLD ROAD AND HOLGATE, THORNTON**

Further to Minute No. 73 of the meeting held on 7 November 2019, the Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) which indicated that Asset Maximisation is a project within the Council's Framework for Change, Public Sector Reform programme and that as part of this project, the Council's assets will be defined as being required for operational purposes, having heritage value, being required for the economic growth programme or being available for disposal. The first phase of this review was completed in 2019. The site known as Land at Holgate, Thornton was identified as being not operational, surplus to requirements and therefore available for disposal.

On 7 November 2019, the Cabinet approved that Legal Services and Property and Facilities Management finalise an agreement for the disposal of the Council's land known as Plots B and C, Holgate, Thornton and in 2020 an option agreement was entered into with the developer and purchaser, Forth Homes. This has enabled Forth Homes to commence technical due diligence work to inform a planning application for 206 dwellings on the site that was approved in June 2022.

As part of the negotiated deal with Forth Homes, the developer was required to bring on board a strategic partner. Forth Homes has agreed terms for a sale of the Council's land to a larger housebuilder, Castle Green Homes (a management buy-out of Housebuilder Macbryde Homes, backed by Steve Morgan CBE, founder and former chairman of Redrow). The deal agreed between Forth Homes and Castle Green Homes effectively triggered an overage payment for the Council's land, and

therefore changed some conditions of the land sale previously reported to Cabinet.

The Option Agreement sets out the gross land value and allows deductions for abnormal development costs, Section 106 contributions (including affordable housing contribution required by the Council), external highway works and planning gain costs.

The Cabinet previously approved that Officers would be required to report back to Members when sale contracts and all financial issues were resolved. This final report now seeks Cabinet approval to conclude the land sale transaction for Plots B and C at Holgate, Thornton.

**Decision Made:** That:

- (1) as per the terms of the Option Agreement, approval be given for Forth Homes to appoint Castle Green Homes as their Nominated Strategic Partner for the reasons detailed within 3.4 of the report;
- (2) the Heads of Terms for the long lease of land on the north side of Southport Old Road, Thornton as detailed within Appendix 4 of the report be approved;
- (3) approval be given for the Chief Legal and Democratic Officer to complete the long lease and land sale agreements, to secure the capital receipt as presented at Appendix A of the report;
- (4) it be noted that the work undertaken by Property and Facilities Management to verify abnormal costs deductions and the agreed disposal price as set out in Appendix 1 of the report meets best consideration requirements in accordance with Section 123 of the Local Government Act 1972; and
- (5) approval be given to the land disposal receipt being paid in two equal instalments, being 50% on completion and 50% twelve months thereafter.

**Reasons for the Decision:**

- (i) The deal agreed will enable a comprehensive scheme to be brought forward. This will avoid the sterilisation of the Council's land (Plot C – 3.15 acres) if Orchard Farm was redeveloped in isolation with highways access provided from Holgate Road.
- (ii) The developer will fund and deliver an off-site highways solution, which provides an appropriate access into the Council's land at Plot A, unlocking this. This site will be brought forward in future years as a separate disposal.
- (iii) A final capital receipt is supported by an independent valuation provided at Appendix 2 to verify the Market Value of the site. All

costs associated with progressing ground investigations and technical surveys have been passed onto the developer – the Council has not had to fund these works. The basis of the deal therefore meets with the Council's duty to receive best consideration requirements in accordance with Section 123 of the Local Government Act 1972.

**Alternative Options Considered and Rejected:**

Option 1 – “Do nothing”:

The developer has successfully appealed their planning refusal and indicated that they will exercise their option and develop out their consented scheme, utilising Holgate for construction and residential access.

Risk: by redeveloping Orchard Farm in isolation, Holgate Road would be the main highways access into the site, but there would be insufficient capacity on this road to support the redevelopment of Plot C – this would likely remain as farmland. The impact would be the Council taking the remaining Plots A and B to market (see Option 2). The Council would incur costs associated with technical surveys, planning and marketing fees and lose the value of Plot C.

Option 2 – “Council bring forward Plots A and B in isolation”:

The Council would appoint consultants to progress desktop surveys (ecology, highways and ground conditions) and prepare a planning brief. The Council's remaining land would then be marketed to prospective partners – the deal to be conditional upon planning consent.

Risk: The Council would incur costs and staff resource to progress the upfront technical works and due diligence to take the site to market, including the appointment of property agents to market the land.

Option 3 – “Council buy out the Option Agreement”:

This would ensure that the Council had control of the whole site and would be free to take the site to the open market seeking a disposal or joint venture partner.

Risk: Option would mean that the Council would need to pay compensation for costs incurred to date in pursuing planning and loss of future development profit, in addition to a land value to reflect the 14-dwelling scheme proposed. This would not be financially viable.