

Public Document Pack



MEETING: CABINET
DATE: Thursday 25th May, 2023
TIME: 10.00 am
VENUE: Committee Room, Town Hall, Bootle

DECISION MAKER: **CABINET**

Councillor Ian Maher (Chair)
Councillor Atkinson
Councillor Cummins
Councillor Doyle
Councillor Fairclough
Councillor Hardy
Councillor Lappin
Councillor Moncur
Councillor Roscoe
Councillor Veidman

COMMITTEE OFFICER: Steve Pearce
Interim Democratic Services Manager
Telephone: 0151 934 3019
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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A G E N D A

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1	Apologies for Absence		
2	Declarations of Interest Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda. Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation. Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.		
3	Minutes of the Previous Meeting		(Pages 7 - 14)
	Minutes of the meeting held on 6 April 2023		
* 4	Adult Social Care Fees 2023/24	All Wards	(Pages 15 - 166)
	Report of the Executive Director of Adult Social Care and Health and the Executive Director of Corporate Resources and Customer Services		
* 5	Hesketh Park Legacy Project	Cambridge	(Pages 167 - 216)
	Report of the Assistant Director of People (Operational In-House Services)		

*	6	Sustainable Warmth Funding - Extension	All Wards	(Pages 217 - 220)
		Report of the Executive Director of Corporate Resources and Customer Services		
*	7	Council Corporate Internet and Wide Area Network Connectivity Provision	All Wards	(Pages 221 - 226)
		Report of the Executive Director of Corporate Resources and Customer Services		
	8	Appointments to Outside Bodies 2023/24	All Wards	(Pages 227 - 232)
		Report of the Chief Legal and Democratic Officer		
*	9	Bootle Strand Re-purposing Programme – Memorandum of Understanding with the Department for Levelling Up, Housing and Communities for Capital Levelling Up Funding	Derby; Linacre	(Pages 233 - 242)
		Report of the Executive Director - Place		
*	10	Adoption of Supplementary Planning Documents and Planning Information Notes	All Wards	(Pages 243 - 492)
		Assistant Director of Place (Economic Growth and Housing)		
*	11	Millers Bridge Railway Bridge - Investigation Work	Linacre	(Pages 493 - 498)
		Report of the Assistant Director of Place (Highways and Public Protection)		
	12	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 matter(s) in private for the reasons set out below.		
		The Cabinet is recommended to pass the following resolution:		
		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 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.

- | | | | |
|------|---|--|-------------------|
| * 13 | Crown Buildings and the Enterprise Arcade Project Update - Exempt Appendices

Exempt appendices of the Assistant Director of Place (Economic Growth and Housing) | Dukes | (Pages 499 - 502) |
| * 14 | Crosby New Library - Exempt Appendices

Exempt appendices of the Executive Director - People | Blundellsands;
Church; Manor;
Victoria | (Pages 503 - 552) |
| 15 | Public Session

The Cabinet meeting will now move back into open session to consider the following agenda item. | | |
| * 16 | Crown Building and the Enterprise Arcade Project Update

Assistant Director of Place (Economic Growth and Housing) | Dukes | (Pages 553 - 570) |
| * 17 | Crosby New Library

Report of the Executive Director - People | Blundellsands;
Church; Manor;
Victoria | (Pages 571 - 652) |

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 19 APRIL 2023. MINUTE NOS 146, 149 AND 150 ARE NOT SUBJECT TO "CALL - IN."

CABINET

MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL, SOUTHPORT ON THURSDAY 6TH APRIL, 2023

PRESENT: Councillor Ian Maher (in the Chair)
Councillors Cummins, Doyle, Fairclough, Lappin,
Moncur and Roscoe

ALSO PRESENT: Councillor Sir Ron Watson

143. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Atkinson, Hardy and Veidman.

144. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

145. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the meeting held on 9 March 2023 be confirmed as a correct record.

146. CORPORATE PLAN, WORKFORCE PLAN & EQUALITIES, DIVERSITY AND INCLUSION STRATEGY

The Cabinet considered the report of the Chief Executive which presented the draft Corporate Plan, Workforce Plan and the Equalities, Diversity and Inclusion Strategy for consideration and subject to comment, submission to Council for approval.

The report indicated that as part of the Council's response to the feedback to the Local Government Association Peer Challenge Revisit in April 2022, the draft Corporate Plan contains the Council's five priorities for the next three years:

- Children and Young People
- Health and Wellbeing
- Adult Social Care
- Working for Our Communities Every Day
- Inclusive Growth

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The Corporate Plan will run for a three-year period and the progress on its delivery will be reported to the Cabinet on an annual basis. Delivery of the plan will be monitored through existing mechanisms and plans such as the Children's Improvement Plan and Service Plans. The next Corporate Peer Challenge is planned for 21 to 24 November 2023.

The draft Workforce Plan outlined the vision for the Council, values and behaviours, and the priorities to be focused upon to achieve the vision. It demonstrated the value, skills and flexibility of the Council's workforce; and highlighted that the next few years will present a different set of challenges and opportunities for Sefton and the Council's workforce and set out how the Council is planning to respond to the following seven key objectives:

- Increased awareness and engagement across the whole organisation
- Increased engagement with our partners and communities
- Consistent and targeted training and development
- Strengthened support for staff
- Maximise effectiveness and inclusivity in our HR processes and procedures.
- Improved monitoring and measurement of progress
- Establish and strengthen monitoring and governance structures

The draft Equalities, Diversity and Inclusion Strategy aims to make the Council a more inclusive and diverse place for people to work, recognises the need to work with partners to remove barriers for under-represented groups across Sefton and demonstrates the Council's commitment to improve inclusivity in Sefton. The draft Strategy reaffirms the Council's commitment to recognising care experience as a protected characteristic and it recognises the work the Council needs to prioritise internally. The Strategy would also help to deliver the seven key objectives set out in the draft Workforce Plan.

The Chief Executive praised the work been undertaken by the following staff networks:

- Sefton Council Christian Workplace Group
- Sefton's Black and Ethnically Diverse Staff Group
- Sefton LGBT+ Staff Network
- Sefton Disability Staff Network
- Sefton Women's Network

The Chief Executive also reported that members of staff had been nominated for the Municipal Journal Awards 2023 in the following categories:

- Care and Health Integration – Sefton Health and Wellbeing Across the Lifecourse; and
- Rising Star – Lizzie Todd – Sefton Library Service

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Decision Made:

- (1) the Council be recommended to approve the draft Corporate Plan 2023-2026;
- (2) it be noted that the next Corporate Peer Challenge is planned for 21 to 24 November 2023;
- (3) the Council be recommended to approve the draft Workforce Plan 2022-2026; and
- (4) the Council be recommended to approve the draft Equalities, Diversity and Inclusion Strategy 2023-2027.

Reasons for the Decision:

To agree the draft Corporate Plan, Workforce Plan and the Equalities, Diversity and Inclusion Strategy. The Corporate Plan sets out the Council's priorities for the next three years and these are underpinned by achieving financial sustainability, the Workforce Plan, the Equalities, Diversity and Inclusion Strategy and living our values.

Alternative Options Considered and Rejected:

None.

147. DETERMINATION OF PROPOSAL TO EXPAND THE AGE RANGE AT WATERLOO PRIMARY SCHOOL

The Cabinet considered the report of the Executive Director of Children's Social Care and Education which sought the determination of a proposal to expand the age range at Waterloo Primary School.

Decision Made:

That approval be given to the proposal as detailed in the statutory notice to change the age range from 4 to 11 to 2 to 11 at Waterloo Primary School with effect from July 2023, as set out in Appendix A to the report.

Reasons for the Decision:

The local authority had the power to consider all options including expanding a maintained school following the statutory process detailed in the report.

Alternative Options Considered and Rejected:

Local authorities have a statutory duty to secure sufficient childcare places to enable parents to work. These childcare places need to be accessible, affordable, and delivered flexibly in high quality settings. Local authorities must ensure that the needs of children and families in each local area are

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met, by influencing and shaping provision through local partnerships, and by identifying gaps and developing the market.

148. HIGH NEEDS FUNDING 2022/23 - QUARTERLY MONITORING UPDATE

The Cabinet considered the report of the Executive Director of Children's Social Care and Education which provided details of:

1. The monitoring position of the High Needs budget position on 1 February 2023 as per previous agreement to provide regular updates on:
 - The forecast expenditure to year end based on current / anticipated SEND support required during 2022/23; and
 - Provisional High Need budget forecast for the 2023/24 financial year based on announced funding levels and estimated High Needs demands.
2. An update on the current Special Educational Needs (SEN) Review / Sufficiency Programme aimed at bringing High Needs expenditure pressures back into a more manageable financial position in the future.

The Chief Executive reported that the Government had published the SEND and Alternative Provision Plan Right Support, Right Place, Right Time document in March 2023 in response to the SEND Green paper published in March 2022, which proposed a number of reforms to special educational needs and disabilities (SEND) and the details of any Government resources to address the fundamental cost and demand issues faced by local authorities were awaited. The Cabinet was also advised that Sefton Council was one of the 55 local authorities in the second tranche of the Department for Education's 'safety valve' and 'Delivering Better Value in SEND' Programme.

Decision Made:

Dedicated Schools Grant – High Needs Budget

- (1) the current forecast position relating to the 2022/23 High Needs Budget be noted;
- (2) the forecast accumulative deficit position of the High Needs Budget be noted;
- (3) the provisional potential deficit position facing the 2023/24 High Needs Budget be noted;

Update on the 2022/23 SEN Review / Sufficiency Programme

- 4) the continuing work being undertaken through the SEN Review/ Sufficiency Programme be noted; and:

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- 5) the capital projects raised in Section 5.4 of the report be noted.

Reasons for the Decision:

To provide an update on the 2022/23 High Needs budget financial position and a provisional update of the potential deficit budget forecast against the High Needs budget in 2023/24.

To ensure that the SEND Review / Sufficiency programme can progress to provide sustainable and effective SEND support for Sefton pupils within the available resources allocated through the Dedicated Schools Grant – High Needs Block.

Alternative Options Considered and Rejected:

None.

**149. SUPPLEMENTARY REVENUE REPORT DOMESTIC ABUSE
NEW BURDENS FUNDING**

The Cabinet considered the report of the Assistant Director of People (Communities) which set out the supplementary revenue grant funding received by the Council from the Department of Levelling Up, Housing and Communities in respect of Domestic Abuse New Burdens funding for the period of 2021/22, 2022/23 and 2023/24 to 31 March 2024.

Decision Made: That

- (1) the Council be recommended to approve a supplementary revenue estimate of £1.832m which is fully funded by Domestic Abuse New Burdens funding; and
- (2) the Assistant Director of People (Communities) in consultation with the Cabinet Member for Communities and Housing be granted delegated authority for the future acceptance of the same grant funding and the allocation of the funding in line with the grant conditions.

Reasons for the Decision:

To approve updates to the 2023/24 Revenue programme so that the funding can be used by the Council to discharge its duty under part 4 of the Domestic Abuse Act 2021.

Alternative Options Considered and Rejected:

None.

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150. CLIMATE EMERGENCY PHASE 2 UPDATE

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services which indicated that Sefton Council had declared a climate emergency in 2019 and it has a target to achieve net zero carbon by 2030 for Council operations which is set out in the Climate Change Emergency Strategy to achieve this goal.

The report indicated that the Council are coming to the end of the phase 1 delivery (2020 –2023) of the strategy / action plan, and as Phase 2 begins, the strategy highlights the challenges and opportunities associated with the next stage of implementing this challenging commitment.

The Liverpool City Region climate emergency target, to reach net zero by 2040 for all sectors, requires input and collaboration on housing, energy, transport, land use and climate resilience.

Decision Made:

That the Council be recommended to give approval to the implementation of Phase 2 of the Climate Change Emergency strategy / action plan and note the interim targets and the work required to meet the committed net zero targets over the next three years.

Reasons for the Decision:

To meet the Council's net zero carbon commitment by 2030, significant action would be required. It is important that elected members are fully aware of the challenges of meeting that target. Supplementary reports would be brought to elected members for each of the specific actions, as well as annual reports on progress.

Alternative Options Considered and Rejected:

Not to take action on the climate emergency and net zero carbon targets, would be contrary to government policy direction and increase exposure and vulnerability to climate change impacts.

151. 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 had been published regarding the intention to consider the following matter in private for the reason 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 item on the grounds that it involves the likely disclosure of exempt information as defined in

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Paragraph 3 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.

152. COUNCIL HOUSING BUSINESS PLAN - EXEMPT APPENDIX

The Cabinet considered exempt information provided by the Assistant Director of Place (Economic Growth and Housing) in relation to the Council Housing Business Plan. (Minute No. 154 below refers).

Decision Made:

That the exempt information be considered as part of the report in relation to the Council Housing Business Plan. (Minute No. 154 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.

153. PUBLIC SESSION

Decision Made:

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

154. COUNCIL HOUSING BUSINESS PLAN

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) which outlined the draft Council Housing Programme Business Plan, which set a proposal that would see approximately 46 Council owned homes acquired over the next 5 years as part of a first phase of growth to re-establish Council Housing once again in Sefton.

Decision Made:

- (1) the contents of the report be noted, and the approach that is being taken to the Council Housing Programme be endorsed;
- (2) approval be given to the adoption of the Council Housing Business Plan; and
- (3) it be noted that further reports will be presented to Cabinet relating to the purchase of properties on each site.

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Reasons for the Decision:

The Cabinet was required to approve the Business Plan for the Council Housing Programme, Although further reports on each scheme would be brought to Cabinet separately, consideration of the report was required to ensure that the scheme proposals are developed in line with an approved plan.

Alternative Options Considered and Rejected:

Do Nothing

Sefton could choose not to become a stock holding local authority and to rely solely on Registered Providers for the provision of new affordable housing in the borough. However, as outlined in the strategic business case for the provision of new Council Housing considered by the Cabinet on 7 January 2021 (Minute No. 79 refers), and reiterated in the report, to adopt this approach would limit the availability of truly affordable social rent properties in the borough.

A Council Housing Programme would also allow the Council to make strategic decisions on the provision of housing based solely on the objective of meeting housing need in the borough. The proposal outlined in this report would establish the programme through a first phase of growth of 'general needs' properties, and this would give the authority flexibility on managing this stock. Once the programme is established consideration can be given to developing more specialist housing to complement the delivery on existing Registered Providers in the borough.

Agenda Item 4

Report to:	Cabinet Pre Agenda	Date of Meeting:	Thursday 11 May 2023
Subject:	Adult Social Care Fees 2023/24		
Report of:	Executive Director of Adult Social Care and Health & Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Adult Social Care & Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The purpose of this report is to set out the fees payable for Sefton Adult Social Care services, Care sectors, for financial period 2023/2024. The fees proposed include a range of care and support services to adults, including Direct Payment Recipients. The report also, sets out the future strategic direction for services, as part of the national work, which is underpinned by the Department of Health and Social Care national reforms.

Recommendation(s):

Cabinet is recommended to note the contents of the report and having given full consideration to the options outlined in the body of the report, which includes the associated Appendices, the responses to the consultation from a wide range of care and support Providers, the Equality Impact Assessments undertaken as part of the work and to authorise the implementation of the following fee increases (from 1st April 2023) having taken into account a range of factors including the response from Providers, national context, risks raised in relation to additional costs, regional averages, any other information available at the time of the consultation and the availability of financial resources, approve the following:

- (1) **Residential & Nursing Care** – Implement the following rates that are higher than the originally proposed rates outlined in the initial consultation exercise:

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	Residential Care	Residential Dementia	Nursing	Nursing Dementia
2023/24 Fee	£649.70	£735.09	£668.09	£742.51
<i>2022/23 Fee</i>	£561.10	£634.85	£576.98	£641.26
Weekly Increase	£88.60	£100.24	£91.11	£101.25
% Increase	15.79%	15.79%	15.79%	15.79%
<i>Originally Proposed 2023/24 Fee</i>	£616.87	£697.95	£634.33	£705.00
<i>Originally Proposed Weekly Increase</i>	£55.77	£63.10	£57.35	£63.74
<i>Originally Proposed % Increase</i>	9.94%	9.94%	9.94%	9.94%

- (2) Note that for Residential & Nursing care services any existing placements which are costed based on an individual Service User assessment are increased based on the same percentage uplifts detailed in the table above, unless where it is identified that the fee rate is sufficient for the placement. Cabinet is also asked to note that the above fee rates are not the sole funding route to agree a fee rate with care homes as there can be negotiated additional payments to reflect the complexity of care to support individuals when they are placed in a care home setting, which is directly negotiated as part of placement and Care Act assessment activities:
- (3) **Domiciliary Care** – Implement the following rates that are higher than the originally proposed rates outlined in the initial consultation exercise (apart from the Sleep-in rate) for contracted / Pseudo Dynamic Purchasing System (PDPS) Providers:

Duration / Service Element*	2023/24 Rate	<i>Originally Proposed 2023/24 Rate</i>	<i>2022/23 Rate</i>
1 Hour	£21.56	£19.66	£17.89
45 Minutes	£16.17	£14.75	£13.42
30 Minutes	£10.78	£9.83	£8.95
Sleep-in (8 Hour Night)	£95.86	£95.86	£87.40
Waking Night (8 Hour Night)	£172.48	£157.28	£143.12

*Any call duration outside of this framework will have been commissioned by request with Service Users and uplift will apply on a case-by-case basis. It is worth noting that future commissioning arrangements are currently being put in place which highlight that the Council does not seek to commission 15-minute visit durations.

- (4) **Direct Payment recipients who access an Agency** - that the above Domiciliary Care hourly rate is implemented and that rates for night services are increased to the

following;

Duration / Service Element	2023/24 Rate	<i>Originally Proposed 2023/24 Rate</i>	<i>2022/23 Rates</i>
1 Hour (Domiciliary Care & Community Support)	£21.56	£19.66	£17.89
Sleep-in (10 Hour Night)	£119.83	£119.83	£109.25
Waking Night (10 Hour Night)	£215.60	£196.60	£178.90

- (5) **Direct Payment recipients who utilise a Personal Assistant** - that the following rates are implemented, which include a 11.92% increase to the daytime hourly rate and the associated waking-night rate:

Duration / Service Element	2023/24	<i>2022/23</i>
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

(6) Community Support Services

Duration / Service Element	2023/24 Rate	<i>2022/23 Rates</i>
1 Hour	£21.56	£17.89

(7) Supported Living

Duration / Service Element	2023/24 Rate	<i>2023/23 Rates</i>
Hourly Rate	£18.41	£16.76
Sleep-in (9 Hours)	£107.85	£98.33
Sleep-in (10 Hours)	£119.83	£109.25
Waking Night (9 Hours)	£165.69	£150.84

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Waking Night (10 Hours)	£184.10	£167.60
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- (8) **Extra Care Housing Services** - Implement the following rates that are higher than the originally proposed rates outlined in the initial consultation exercise and constitute a 11.99% increase:

Duration / Service Element	2023/24 Rate	<i>Originally Proposed 2023/24 Rate</i>	<i>2022/23 Rate</i>
Hourly Rate	£18.77	£18.41	£16.76

- (9) **Individual Service Funds** – rates are increased based on the proposed 9.84% increase awarded to Supported Living services;

Duration / Service Element	2023/24 Rates	<i>2022/23 Rates</i>
1 Hour	£19.31	£17.58
Sleep-in (9 Hour Night)	£107.85	£98.33
Waking Night (9 Hour Night)	£173.79	£158.22

- (10) **Day Care** – rates are increased by **9.84%**, and Cabinet is asked to note that Day Services will be subject to a future procurement exercise.
- (11) That the method applied to the calculation and payment of sleep-in services are maintained under the current Domiciliary Care, Direct Payment, Supported Living and Individual Service Fund contractual and policy guidelines which is based on the expectation that Providers / Direct Payment recipients pay staff the hourly rate calculated within these rates.
- (12) That Cabinet is asked to note that fee rates will also be reviewed as part of future commissioning / procurement work for certain sectors. Final decisions on any such revised fee rates will be agreed as part of the associated procurement exercise decision-making processes and subject to their assessed affordability. It is recommended that such decisions are delegated to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care and the Executive Director of Corporate Resources and Customer Services.
- (13) Cabinet is asked to note the future fee modelling approaches outlined in this report, particularly with respect to the Real Living Wage.

Reasons for the Recommendation(s):

To enable the Council to set the fees payable for services, during the financial year period 2023/24.

Alternative Options Considered and Rejected: (including any Risk Implications)

1. **Not awarding increases** – this option was rejected in relation to all service areas as there is a requirement to ensure that fee levels are increased to consider the outcome of consultation and in relation to increases to Provider's costs, such as the increase to the National Minimum Wage.
2. **Awarding lower rates to the Residential and Nursing care, as proposed at the beginning of the consultation** – this option was considered but rejected following the analysis of the consultation responses and wider impacts, principally current market conditions, cost pressures being experienced by the sector and the national Market Sustainability and Cost of Care programme, and the specific additional funding allocated for the programme.
3. **Awarding lower rates to Domiciliary Care (which then has linkages to Direct Payments – Agency, Community Support and Extra Care Services) as proposed at the beginning of the consultation** – this option was considered but rejected following the analysis of the consultation responses and wider impacts, principally current market conditions, cost pressures being experienced by the sector and the national Market Sustainability and Cost of Care programme and the specific additional funding allocated for this programme.

What will it cost and how will it be financed?

(A) Revenue Costs

There are additional estimated gross revenue costs of £16.711m associated with the recommendation relating to the proposed uplift for Adult Social Care fees for 2023/24.

The costs associated with the proposed 2023/24 uplift for all service areas will be met from £7.500m within identified and existing permanent provision allocated within the Council's approved revenue budget for 2023/24, £3.221m of national Market Sustainability and improvement funding allocated to the Council, £3.300m from estimated additional income associated with the increase in Adult Social Care fees which includes the annual uplift in contributions from clients as well as additional contributions from health bodies to offset a proportion of the costs of the uplift for jointly funded care packages. The residual £2.690m additional cost will need to be met from the from the existing Adult Social Care budget. Details of the measures that will be introduced are included in section 7 of this report. These measures have been signed off as deliverable in the current year, but will need to become permanent in nature, to reflect the permanent nature of the increases, or alternative permanent savings found. These will need to be delivered alongside the savings approved at budget council in March 2023.

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(B) Capital Costs

None

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets):</p> <p>The impact of the uplift will be met from the Adult Social Care budget set for 2023/24 and additional national funding received linked to Market Sustainability and Fair Cost of Care.</p>								
<p>Legal Implications:</p> <p>Care Act 2014 Care and Support Statutory Guidance The Care and Support and After-Care (Choice of Accommodation Regulations) 2014</p>								
<p>Equality Implications:</p> <p>The equality Implications have been identified and mitigated and reflected in the final Equality Impact Assessments</p>								
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will</p> <table border="1"><tr><td>Have a positive impact</td><td>N</td></tr><tr><td>Have a neutral impact</td><td>Y</td></tr><tr><td>Have a negative impact</td><td>N</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Y</td></tr></table> <p>It is not anticipated that there will be any positive or negative impacts relating to the recommendations proposed in this report.</p>	Have a positive impact	N	Have a neutral impact	Y	Have a negative impact	N	The Author has undertaken the Climate Emergency training for report authors	Y
Have a positive impact	N							
Have a neutral impact	Y							
Have a negative impact	N							
The Author has undertaken the Climate Emergency training for report authors	Y							

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable:</p> <p>By setting fees at the proposed level, Providers will receive additional funding to deliver services, thus ensuring that these services continue to operate and provide valuable care and support services.</p>
<p>Facilitate confident and resilient communities:</p>
<p>Commission, broker and provide core services:</p> <p>By setting fees, the Council will maintain a contractual relationship with Providers and will ensure the services continue to be delivered to vulnerable people.</p>

Place – leadership and influencer:
Drivers of change and reform: The drivers are: <ul style="list-style-type: none">• Integration - national context and local linked to the recent White Paper• Market Sustainability and Improvement national programme – and associated Sefton Market Sustainability Plan• Market Position Statement for Sefton• Adult Social Care Vision and Strategy
Facilitate sustainable economic prosperity: In setting fees at the level proposed the Council has taken account of the need for the sustainability of the local care and support markets.
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7218/23) and the Chief Legal and Democratic Officer (LD.5418/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A robust consultation was conducted with Providers. The consultation process commenced on 20th March 2023. Letters were sent to Provider and Direct Payment Recipients who utilise a Personal Assistant and these letters detailed calculations on how the proposals had been formulated.

The consultation had an initial end date of 16th April 2023, but was then extended until 26th April 2023 in order to afford Providers the opportunity to consider revised proposals and to submit any further responses.

In addition, the following meetings were held where the fee proposals were discussed with Providers and responses made both in relation to the specific questions asked and the mitigation regarding market risks re increasing costs which is reflected in the final proposed rates for decision:

1. 30th March 2023 - consultation meeting with community services Providers.
2. 5th April 2023 – consultation meeting with care home Providers.

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3. 24th April 2023 – meeting with care home Providers to discuss revised fee proposals.
4. 25th April 2023 – meeting with community services Providers to discuss revised fee proposals for some service sectors.

The consultation was overseen by an internal Project Group consisting of representatives from strategic commissioning, legal, finance, communications and adult social care which considered risks identified throughout the consultation and recommended mitigation of such risks as reflected in the proposed rates.

It was also reiterated to the Providers that any revised proposals were subject to internal Council approval and then subsequent Cabinet approval.

For care home Providers the meeting held on 24th April 2023 was also used as an opportunity to clarify with them that it was not the case that the revised fee proposals were linked to, or dependent on, the implementation of the future work on the sector.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting.

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Appendices:

The following appendices are attached to this report which reflect the detail of the robust consultation approach and the potential risks for mitigation linked to the Equality Impact Assessments which were monitored and updated throughout the life of the consultation period:

- Appendix A – 2023/24 Fee Increase consultation letters.
- Appendix B – Provider Responses to the consultations.
- Appendix C – Notes from the consultation events held with Providers.
- Appendix D – Care Home Equality Impact Assessment.
- Appendix E – Domiciliary Care & Direct Payment Rates Equality Impact Assessment.
- Appendix F – Supported Living Equality Impact Assessment.
- Appendix G – Extra Care Housing Equality Impact Assessment.
- Appendix H – Community Support Equality Impact Assessment.
- Appendix I – Day Care Equality Impact Assessment.

Background Papers:

There are no background papers available for inspection.

Introduction/Background

- 1.1. The Council is obliged each year to set and publish the fees it expects to pay when commissioning services and placing people in residential or nursing care settings (Care Homes). In setting these fees the process the Council follows, and the matters it seeks to take into account reflect relevant legal requirements, statutory and other guidance and case law.
- 1.2. In setting such fee rates the Council to have due regard to factors such as the actual costs of providing that care, other local factors; and the Best Value requirements set out in Local Government Act 1999.
- 1.3. In addition, the consultation process underpinning recommendations in this report has outlined Care Act 2014 statutory guidance published in March 2016.
- 1.4. As part of the government's adult social care reform agenda, the Council was required to complete cost of care exercises for the Older People (65+) and Domiciliary Care (18+) sectors. The aim of this is to reach a shared understanding with local care providers cost of providing care, by using the tools provided by the Department of Health and Social Care (DHSC). The exercise and the national funds being made available to local authorities is designed to support:
 - The preparation by local authorities of their markets for reform, including the further commencement of Section 18(3) of the Care Act 2014, subject to confirmation from government as to the actual start date, given the delay announced at the autumn statement reporting and that:
 - Local authorities set out how they may move towards paying providers a fair cost of care - For the purposes of the exercises, DHSC consider 'fair' to mean the median actual operating costs for providing care in the local area (following completion of the exercise). 'Fair' also means what is sustainable for the local market. This is, on average, what Local Authorities are required to move towards paying Providers.

The Council has conducted these exercises and has used outcomes from it to inform the recommendations outlined in this report.

- 1.5. As a result, the process the Council follows and the matters it seeks to take into account reflect the above relevant legal requirements, statutory and other guidance and case law.

2. The Sefton Regulated Provider Market

- 2.1. In summary the Sefton Provider market consists of the following;
 - 123 CQC registered Adults Residential & Nursing care homes – of which 89 of these typically support Older People
 - 20 contracted Domiciliary Care Providers currently delivering care packages (including some Community Support packages)

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- 24 Supported Living / Community Support Providers
- 2 Extra Care housing schemes / Providers
- 4 Individual Service Fund (ISF) Providers

2.2. There are also people that utilise a Direct Payment and either commission a CQC Registered Agency or employ a Personal Assistant to support them with their assessed needs.

2.3. In recent years, and at the present time, the main changes to the markets have encompassed;

- Increased number of bed vacancies within Residential & Nursing care homes
- High acuity levels of people placed in care homes
- Increased demand for Domiciliary Care services – linked to strategic aims on supporting people to remain in their own home for longer and reduced demand for some types of care home placements
- Increased demand for Community Support packages
- Increased demand for Supported Living placements – including those which encompass a lower level of support, and also a growing impetus for the implementation Technology Enabled Care Solutions within services to support independence.
- Recognition of need to expand the Extra Care sector
- Overall Staffing issues across sectors – principally with respect to recruitment and retention of Care Staff and the need to recognise the vital role that such Staff play in the wider Health and Social care sector
- Work to further develop the Adult Social Care Vision of seeing a greater focus on early intervention and prevention and a move away from over reliance on high cost care delivered at point of crisis.

3. The Development of the Proposed 2023/24 Fee Rates and the Consultation Approach

3.1. In line with established processes the proposed fee rates outlined to Providers in the consultation letters (Appendix A) were formulated by taking into account increases to the National Living Wage (NLW) and the Consumer Price Index (CPI) and adjusting these to take into account the percentages of staffing costs and other costs that equate to typical total costs for Providers.

3.2. The consultation approach reinforced to Providers that all feedback was welcomed; and that the Council was particularly interested in gaining feedback on;

1. Whether the proposed fees would cover the cost of meeting assessed care needs / delivering services for the period from 1st April 2023 to 31st March 2024; and
2. If they did not agree with the proposed rates, then they were requested to outline why and provide any supporting information that they felt may be pertinent.

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- 3.3. Consultation meetings were held remotely with Providers during the consultation period which enabled Providers to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general views about the market and the challenges faced. On these meetings Providers were encouraged to formally respond to the consultations.
- 3.4. As part of these meetings the Council re-iterated the fee proposals, highlighted that Providers could submit responses in any formats they wished, and also outlined to Providers the Council's future intentions in terms of commissioning activity, changes in demand, further integrated working with Health and wider nationally driven work relating to market sustainability including cost of care exercises.
- 3.5. The consultation was overseen by an internal Project Group consisting of strategic commissioning, finance, legal, communications and adult social care.

4. Responses to the Consultation and Analysis of the Consultation Responses

- 4.1. Attendance on the remote meetings was significant with Providers encouraged to attend. The level of written response to the consultations was as follows;

Sector	Number of Provider / Care Home Responses (either as one individual response by them or more than one response from them)
Residential & Nursing Care Homes (123 care homes in Sefton)	26 NB: Includes a response (3 separate communications) from the North & South Sefton Care Home Group responding on behalf of a number of care home Providers
Domiciliary Care (20 contracted Providers)	3
Supported Living (24 contracted Providers)	5
Extra Care (2 services in Sefton)	1
Individual Service Funds	0
Day Care	3
Direct Payments – Personal Assistants	9
Community Support	0 (however, it is noted that some Community support Providers also deliver Domiciliary Care and these two sectors rates are aligned)

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- 4.2. It is important to reiterate that for the **Residential & Nursing Care** home responses, some Providers submitted responses / comments more than once and that the above figures also include a response (three separate communications) from the North & South Sefton Care Home Group which is chaired by a Sefton care home owner and was responding on behalf of / representing a number of other care homes.
- 4.3. These submissions / communications are highlighted in Appendix B and included a letter of intent to commence legal proceedings related to the original proposal to implement a 9.94% increase to care home fees.
- 4.4. The Chair of this group also requested to be able to make presentations to Cabinet when this report was timetabled to be considered by them.
- 4.5. All of the responses to the separate consultations have been analysed and are included in Appendix B of this report. Where appropriate, information identifying the individual Provider submitting the response has been removed, in order to anonymise responses.
- 4.6. In summary, responses from Providers (both written responses and verbal responses during the consultation events) encompassed the following points:

Sector	Key Consultation Response Points / Comments
Residential & Nursing	<ul style="list-style-type: none"> • Council has not used the cost of care outcomes / findings. • Proposed increases are insufficient and will cause significant sustainability issues. • Increases do not reflect current significant cost pressures – such as Staffing and Utilities – and such costs are “spiralling”. • Proposed increases are significantly lower than those awarded by other Council’s – and Sefton rates would be the lowest in the region. • Other Local Authorities have also put in place fee rates that afford Providers the ability to pay Staff the Real Living Wage, which then helps with recruitment and retention. • There is no point responding to the consultation as Providers are not being listened to. • Revised fee proposal / rates remain too low, and rates need to reflect an increase of above 20%, considering other Councils are above this. • Care homes require confirmation that the new proposed rates are not linked to any conditions, such as those relating to top-ups. • Implementation of Gross payments / Sefton collection of Service User personal contributions needs to be completed by July 2023, not commenced by July 2023. • North & South Sefton Care Home Group wish to make verbal presentation to Cabinet when it meets on 25th May. • Homes are unable to operate without them levying a Third-Party Top-Up.

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	<ul style="list-style-type: none"> • The revised fee increase using the CPI rate as a method to increase the overall fee rate, does not support "move towards" Fair Cost of care. This Revised Fee increase needs a further urgent review. • Care Homes need the help and support we deserve now, we are running a Business at the end of the day not a charity. Even Charity run Care Homes cannot operate at Sefton's rate (Council rates). Care Homes have been underfunded for years and this realisation is clearly showing now.
Domiciliary Care	<ul style="list-style-type: none"> • Proposed rate is well below that calculated in the recent Cost of Care exercise. • To attract people to the industry the pay at carer rate needs to be £11 minimum. • Rate needs to reflect visit duration and include sufficient pay for mileage. • Sefton are fundamentally undervaluing care and the cost of care. • Inadequacy of the rate both across the North West and nationally. • If the total budget for domiciliary care is fixed and the fee per unit of care is increased, then the number of care hours that can be afforded will decrease. Can it be assumed that this will impact upon means-tested selection of those in need with fewer people being accommodated. With less total of care hours and assuming that all the additional increase is passed on to Carers in their wages the viability of Tier 2 Providers will be jeopardised further. • The overall effect is likely to be counter to Sefton's declared aim of increasing diversity of Providers and to encourage a tendency towards a monopoly situation which will be in nobody's interests other than that of the big Providers. Service-users collectively have the most to lose.
Supported Living	<ul style="list-style-type: none"> • Rate proposed is lower than that of other Local Authorities / lowest in the Liverpool City Region. • Council needs to consider paying a rate that allows Providers to pay Staff the Real Living Wage. • Sleep-in rate is acceptable, but 'daytime' rates are not. • Hourly rate is not sustainable. • Sefton needs to re-consider the proposals. • If rates are increased for other service sectors then this creates Staff pay differentials – particularly for Providers that deliver different types of services, some of which are then receiving increases to then pay Staff the Real Living Wage.
Extra Care	<ul style="list-style-type: none"> • Proposed rate includes a Staff pay rate that will not support Staff recruitment and retention. • Real Living Wage - It would be good to see this as a standard expected of Providers.
Direct Payments –	<ul style="list-style-type: none"> • Agree with the proposed increase.

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Personal Assistants	<ul style="list-style-type: none"> • The increase is required in order to increase Personal Assistants pay. • Consideration needs to be given to rate increases for Day Centre attendance.
Day Care	<ul style="list-style-type: none"> • Providers have not received year-on-year increases – for example 20% over 13 years / only 3 increases in that period of time. • Day care is an important sector and could save Sefton money in terms of how valuable it is for providing services that help mitigate breakdown of family support networks. • Day Care is also a more cost-effective service than care home placements or Domiciliary Care. • Proposed increase is way short of what we believe is the true cost of delivering quality day care / cost of delivering services. • Fee rate should be around £70 per day. • We are pleased with the proposed increase.

5. Proposed Amended Fee Proposals Following the Consultation Exercises

- 5.1. The responses to the consultation exercise and the views of Providers conveyed during the consultation meetings have been helpful in understanding the Sefton marketplace, and have been taken into account in the preparation of this report.
- 5.2. Council Officers have reviewed the responses, conducted further analysis of cost of care exercises, conducted research into rates that may be awarded by comparator Local Authorities in the region and also reviewed national information in order to review the initially proposed fee increases. Under the Care Act officers must give due consideration to the views reflected in the consultation including taking steps to mitigate potential for failure to deliver care and support on the Councils behalf. Given the views expressed in the consultation it is considered essential to reconsider rates originally modelled and to utilise all available funding routes to support this, which has resulted in the percentage increases that can be funded for some parts of the market and not for other parts.
- 5.3. Firstly, it is important to highlight that 2023/24 fee setting work is separate to the national cost of care exercise and that when initial fee proposals were formulated, they were done so in line with Care Act 2014 requirements.
- 5.4. However, as a result of this work and engagement with Providers, it is proposed that rates are increased for the **Residential and Nursing Care** sector which are higher than those originally consulted on. The consultation proposed a 9.94% increase and following consultation feedback and analysis it is recommended that fees are actually increased by 15.79%.
- 5.5. As detailed in the consultation letter the 9.94% increase was calculated in the following way:

	Increase	% of Costs	% Increase Applied
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Staffing (National Living Wage increase)	9.70%	0.7	6.79%
Other Costs – Consumer Price Index rate	10.50%	0.3	3.15%
Total			9.94%

- 5.6. The following table, summarise the change that has been applied from the original above calculations and following the consultation, which then results in a 15.79% increase;

	Increase	% of Costs	% Increase Applied
Staffing (National Living Wage increase)	9.70%	0.7	6.79%
Other Costs – Consumer Price Index rate	30.00%	0.3	9.00%
Total			15.79%

- 5.7. The above change to the Consumer Price Index rate has been made as a mechanism to increase the fees rather than a reflection of the inflationary pressures being faced by Providers. It is expected that inflation will soon start to reduce significantly (including reductions in costs such as gas and electricity costs which Providers have reported as being a significant cost pressure), but the amendment to this rate has been made as a method of increasing the fee rate above that originally proposed.
- 5.8. The proposal to increase fee rates by 15.79% will also support with Sefton implementing the national “move towards” a fair cost of care, and therefore use of the additional Department of Health and Social Care funding specifically allocated to the Council to support this for this care sector.
- 5.9. It is also proposed that **Domiciliary Care** rates are increased which are higher than those originally consulted on. The consultation proposed a 9.89% increase and following consultation feedback it is recommended that fees are increased by 20.51%.
- 5.10. As detailed in the consultation letter the 9.89% proposed increase was calculated in the following way:

Type of Cost	<i>2022/23 Originally Set Rate</i>	2023/24 Rate Element	Rationale
Carer Basic Rate	£9.75	£10.70	9.7% Increase - NLW Increase
Travel Time	£0.98	£1.07	10% of Carer Basic Rate / 6 minutes travel time
Annual	£1.15	£1.26	9.7% Increase - NLW

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Leave			Increase
Training	£0.18	£0.19	9.7% Increase - NLW Increase
Sickness	£0.20	£0.22	9.7% Increase - NLW Increase
NI	£0.55	£0.60	9.7% Increase - NLW Increase
Pension	£0.19	£0.20	9.7% Increase - NLW Increase
Mileage	£0.42	£0.46	9.7% Increase - NLW Increase
Other costs	£3.96	£4.38	CPI of 10.5%
Profit	£0.52	£0.57	3% on £19.09
Hourly cost	£17.89	£19.66	9.89% Increase on £17.89

5.11. It is proposed that following the consultation and further analysis of the outcomes from the cost of care exercise, the following amended calculations are used:

	<i>Cost of Care Outputs</i>	Amended 2023/24 Calculations	Rationale
Direct care / Carer Pay Rate	£10.64	£10.90	Real Living Wage
Travel time	£1.05	£1.09	10% of £10.90 - 6 mins travel time
Mileage	£0.41	£0.45	10.5% Increase
PPE	£0.00	£0.00	
Training (staff time)	£0.21	£0.23	9.7% - NLW Increase
Holiday	£1.42	£1.56	9.7% - NLW Increase
Additional noncontact pay costs	£0.00	£0.00	9.7% - NLW Increase
Sickness/maternity and paternity pay	£0.30	£0.33	9.7% - NLW Increase
Notice/suspension pay	£0.00	£0.00	9.7% - NLW Increase
NI (direct care hours)	£0.88	£0.97	9.7% - NLW Increase
Pension (direct care hours)	£0.38	£0.42	9.7% - NLW Increase
Back office staff	£2.75	£3.04	10.5% - CPI Rate
Travel costs (parking/vehicle lease etc)	£0.00	£0.00	10.5% - CPI Rate
Rent/rates/utilities	£0.31	£0.35	10.5% - CPI Rate
Recruitment/DBS	£0.19	£0.21	10.5% - CPI Rate
Training (third party)	£0.04	£0.04	10.5% - CPI Rate
IT (hardware, software CRM, ECM)	£0.18	£0.20	10.5% - CPI Rate
Telephony	£0.07	£0.08	10.5% - CPI Rate
Stationery/postage	£0.05	£0.06	10.5% - CPI Rate
Insurance	£0.11	£0.12	10.5% - CPI Rate
Legal/finance/professional fees	£0.08	£0.08	10.5% - CPI Rate
Marketing	£0.03	£0.04	10.5% - CPI Rate
Audit and compliance	£0.00	£0.00	10.5% - CPI Rate

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Uniforms and other consumables	£0.03	£0.03	10.5% - CPI Rate
Assistive technology	£0.00	£0.00	10.5% - CPI Rate
Central/head office recharges	£0.30	£0.33	10.5% - CPI Rate
Other overheads	£0.00	£0.00	10.5% - CPI Rate
CQC fees	£0.08	£0.09	10.5% - CPI Rate
Total Return on Operations	£1.05	£0.95	4.63% on £20.61 (i.e. total of the above elements)
TOTAL		£21.56	

- 5.12. Using the above calculations therefore results in a **20.51%** increase to fee rates with the calculations being made based on the individual calculated cost elements from the cost of care exercise conducted, being increased in the main by a 10.5% Consumer Price Index calculation (which was included in the original fee proposal calculations) but with amended Carer Basic Rate of £10.90 which is the current Real Living Wage rate. The travel time element is then calculated based on 10% of the carer pay rate – i.e., 6 minutes of travel time for Staff between care visits.
- 5.13. The above changes have been made to support the Domiciliary Care sector, as Sefton is experiencing a growth in demand for these services, in part due to the implementation of the wider strategic objective of supporting people to remain in their own homes for longer, as well as Providers experiencing significant issues with Staff recruitment and retention.
- 5.14. The proposed revised fee increase will also ensure that the Council is using the additional Department of Health and Social Care funding allocated to the Council to support this for this specific care sector and the “move towards” the fair cost of care.
- 5.15. It is also important to highlight that the cost of care calculations that have been used to calculate the revised proposed 2023/24 rate also reflect actual service delivery arrangements submitted by Providers as part of the cost of care exercise, in terms of calculations being based on typical average care visit times (in the region of 37 minutes) and therefore the overall rate calculated of £21.56 better reflects actual service commissioning and delivery arrangements.
- 5.16. It is also proposed that the above proposed revised rate of £21.56 is also applied to **Community Support and Direct Payment (Agency)** rates. This is due to the fact that such Direct Payment Recipients typically use the same CQC registered agencies that the Domiciliary Care contracted rate would be implemented for and that Community Support has similar service delivery arrangements to that of a Domiciliary Care service and there are some Service Users that have an overall package of support which consists of both Domiciliary Care and Community Support and therefore it is appropriate to apply the same fee rates to both service elements.
- 5.17. Should the proposed Domiciliary Care and Extra Care rates be implemented, then further market analysis will take place to verify pay rates that are actually being paid to Staff by contracted / PDPS Providers and should issues be identified with any of these Providers paying less than the Real / Foundation Living Wage then

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Adult Social Care would reserve the right to consider making adjustments to rates paid to them and/or there being a review of commissioning and contractual arrangements in place with them.

- 5.18. It is also then proposed that the fee rate for **Extra Care** services is also increased above the rate originally proposed. The following table highlights the proposed changes:

Type of Cost	2023/24 Revised Proposed Rate	Rationale / Changes	2023/24 Originally Proposed Rate	Rationale	2022/23 Rate
Carer Basic Rate	£10.90	Same as Domiciliary Care Staff rate	£10.56	9.7% NLW Increase	£9.63
Management	£0.74		£0.74	9.7% NLW Increase	£0.67
Administration	£0.54		£0.54	9.7% NLW Increase	£0.49
Annual Leave	£1.46		£1.46	9.7% NLW Increase	£1.33
Training	£0.34		£0.34	9.7% NLW Increase	£0.31
Sickness	£0.26		£0.26	9.7% NLW Increase	£0.24
NI	£0.77		£0.77	9.7% NLW Increase	£0.70
Pension	£0.41		£0.41	9.7% NLW Increase	£0.37
Other costs	£2.80		£2.80	10.7% CPI	£2.53
Profit	£0.55	3% on £18.22	£0.54	3% on £17.88	£0.49
Hourly Fee	£18.77	11.99%	£18.41	9.84% Increase	£16.76

- 5.19. The above changes have been made in order to ensure parity with the Domiciliary Care Staff pay rate, due to the similar nature of the services and care and support tasks that the Staff conduct.

- 5.20. The additional Department of Health and Social Care funding can also be used to increase fee rates for Extra Care services due to their linkage to Domiciliary Care.

6. Impact on Other Service Sectors – Differential Fee Structures / Consultation Feedback / Real Living Wage Matters

- 6.1. As outlined in section 5 of this report, the consultation exercises and subsequent analysis work has resulted in revised fee increase proposals for some sectors, but not for other sectors and it is important to highlight to Cabinet the reasons for this.

- 6.2. For the Domiciliary Care, Community Support and Extra Care sectors, if the proposed rates are approved then this should result in Providers being able to pay their Staff the current Real Living Wage.
- 6.3. As previously stated, the Council remains committed to the implementation of the Real Living Wage, and will be conducting further work on a sector-by-sector basis on this, however there are significant cost and affordability implications associated with implementation across all sectors, which will need to be taken into account.

7. Financial Implications

- 7.1. The gross costs of implementing the proposed fee increases for 2023/24 are estimated to be £16.711m. This total cost associated will be met from £7.500m within identified and existing permanent provision allocated within the Council's approved revenue budget for 2023/24, £3.221m of national Market Sustainability and fair cost of care funding allocated to the Council (less existing staffing commitments), £3.300m from estimated additional income associated with the increase in Adult Social Care fees which includes the annual uplift in contributions from clients as well as additional contributions from health bodies to offset a proportion of the costs of the uplift for jointly funded care packages. This will leave a sum of £2.690m that the council will need to fund from its existing Adult Social Care budget.
- 7.2. The measures to meet this expenditure will be funded as follows and it is important to note that they are in addition to those savings previously proposed by the service and approved at budget council in March 2023. Like those savings it has been confirmed that these proposals are deliverable to the value outlined:
- Overall reduction in level of care home placements being made – linked to the strategic objective of supporting more people in their own homes for longer and delivery of wider projects on reviews of placement costs, including partnership working with Cheshire & Merseyside ICB Sefton Place Team - **£0.230m**
 - Transformation and improvement activities – such as increased 'front door offer', greater use and provision of community-based services and increased use of Technology enabled Care Solutions and the expansion of the Reablement service (which results in more people receiving an initial phase of Reablement, helping people be as independent as possible for longer thus reducing the level of any long-term care/support required) and greater use of community assets - **£0.425m**.
 - Revised Domiciliary Care contractual and delivery arrangements – including implementation of Payment by Actuals with all Domiciliary Care Providers, Trusted Assessor approach which ensures that identified reductions in care packages are implemented in a timely manner – delivery of this approach will be monitored through an enhanced contract monitoring framework and review programme - **£0.535m**
 - Review programme for complex community packages - **£0.750m**
 - Utilisation of grant funding to deliver / commission services - **£0.250m**
 - Better Care Fund - **£0.500m**

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The delivery of these proposals will be reported to cabinet as part of the regular monthly monitoring process.

- 7.3. For the proposed fee increases, the additional budgetary impact broken down by the service sectors is as follows;

Sector	£
Residential & Nursing	£8.425m
Domiciliary Care / Extra Care / Direct Payments (Agency) / Community Support	£4.473m
Direct Payments (Personal Assistants)	£0.798m
Supported Living	£2.376m
Individual Service Funds	£0.181m
Total	£16.711m

8. Equality Impact Assessments and Risk Management Overview

- 8.1. The initial proposals for Adult Social Care fees for 2023/24 have been subject to consultation and engagement with Providers as part of the process of assessing the potential equality impact of the proposals.
- 8.2. The initial Equality Impact Assessments produced at the commencement of the consultations have been reviewed as part of the consultation processes and considers and reflects feedback from Providers.
- 8.3. The revised fee proposal recommendations do not involve any change to the criteria for services, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services. Assessments and eligibility for services will continue to be undertaken in line with the Care Act 2014 and meeting all required statutory duties.
- 8.4. There may be an impact relating to viability and that in implementing these fee proposals some Providers may face difficulties in adapting their services to the new fee levels if there is a gap in funding. This will be monitored closely through commissioning meetings and engagement with providers.
- 8.5. In addition, if the recommendations were to be implemented then this could result in fee structures for clients changing. For example, for the care home sector, Providers may seek to obtain the difference between the existing fee amount and the fee they wish to charge from clients via increasing their contribution. This may place some clients at an economic disadvantage. To mitigate risk of these issues impacting on Families and Residents, officers will review and monitor closely through commissioning meetings and engagement with providers and risks managed accordingly.

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- 8.6. Equality Impact Assessments are included as Appendices D-I of this report, which outline that should the above issues materialise then which protected characteristics may be affected. The Equality Impact Assessments outline actions to be implemented to monitor the impact of the proposed recommendations.
- 8.7. It is also important to note that fee rates will also be reviewed as part of future commissioning / procurement work for certain sectors. Final decisions on any such revised fee rates will be agreed as part of the associated procurement exercise decision-making processes and subject to their assessed affordability. It is recommended that such decisions are delegated to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care and the Executive Director of Corporate Resources and Customer Services.

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Appendix A

2023/24 Fee Increase consultation letters

Residential & Nursing Care Homes

RE: Sefton Council Annual Consultation on Care Home Fees

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.94%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023);

	Residential Care	EMI Residential	Nursing	EMI Nursing
<i>2022/23 Fee – Fee Rate originally set for 2022/23</i>	£561.10	£634.85	£576.98	£641.26
2023/24 Fee - 9.94% increase	£616.87	£697.95	£634.33	£705.00
Difference	£55.77	£63.10	£57.35	£63.74

The following table outlines how the increase has been calculated;

	Increase	% of Costs	% Increase Applied
Staffing (National Living Wage increase)	9.70%	70%	6.79%
Other Costs - CPI	10.50%	30%	3.15%
Total			9.94%

Please note the following;

- Increase calculations are based on originally set 2022/23 fee rates
- Nursing figures do not include Funded Nursing Care
- Any existing placements which are costed based on an individual Service User assessment will be increased based on the same percentage uplifts detailed in the table above. However, please note that the Council are exploring the implementation of new mechanisms to calculate and formulate fee levels for individually assessed Service Users
- Fees will be applicable from 1st April 2023

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As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions;

1. Whether the level of proposed fees set out will cover the cost of meeting assessed care needs within an efficient residential/nursing home for the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost of meeting assessed care needs within an efficient residential/nursing home, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process;

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of "call-in" period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that;

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.
2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to Neil.Watson@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher

Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Community Support

RE: Consultation on Sefton Community Support Rate – 2023/2024

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.89%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023):

Table 1 - Proposed 2023/2024 Community Support Rate

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Duration / Service Element	2023/24	2022/23
1 Hour	£19.66	£17.89

In the spirit of openness and transparency the table below details how the **£19.66** has been arrived at. Please also note:

- Fees would be applicable from 1st April 2023.
- The figures in the table below are not a definitive guide on expenditure on each specific element as it is acknowledged that Providers will have their own specific business models and operating costs.
- The above rate would also be applicable to Direct Payment recipients who utilise a CQC registered Agency.

Table 2 - Calculations for 2023/2024 Community Support Rate

Type of Cost	2022/2023 Current Rate	2023/2024 Rate	Rationale
Carer Basic Rate	£9.75	£10.70	9.7% Increase - NLW Increase
Travel Time	£0.98	£1.07	10% of Carer Basic Rate
Annual Leave	£1.15	£1.26	9.7% Increase - NLW Increase
Training	£0.18	£0.19	9.7% Increase - NLW Increase
Sickness	£0.20	£0.22	9.7% Increase - NLW Increase
NI	£0.55	£0.60	9.7% Increase - NLW Increase
Pension	£0.19	£0.20	9.7% Increase - NLW Increase
Mileage	£0.42	£0.46	9.7% Increase - NLW Increase
Other costs	£3.96	£4.38	CPI of 10.5%
Profit	£0.52	£0.57	3% on £19.09
Hourly cost	£17.89	£19.66	9.89% Increase on £17.89

As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions:

1. Whether the level of proposed fees set out in the proposals and tables above will cover the cost of delivering Community Support services for the period from 1st April 2023 to 31st March 2024.
2. If you do not agree with the above rates, in particular if you consider that they will not cover the Care Act 2014, the cost of delivering Community Support services, please provide budgeted costings, together with evidence of actual

expenditure and a breakdown of your hourly rate, in support of your comments.

The following plan/timeline outlines the next steps of the Consultation and decision-making process;

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of "call-in" period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that;

1. This is being applied as a **without prejudice** payment to ensure that

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Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.

2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to commissioningandcontracts@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours faithfully,



Deborah Butcher
Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Day Care

RE: Sefton Council Annual Consultation on Day Care Fees

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.84%** increase to fees – from 1st April 2023. This increase is proposed in line with other community-based services fee increase proposals.

As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions;

1. Whether the level of proposed fees set out will cover the cost of delivering Day Care services for the period from 1st April 2023 to 31st March 2024; and

2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost of delivering Day Care services, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process;

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of "call-in" period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that;

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for

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full backdated payments to 1st April 2023 after the Cabinet decision.

2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to Rebecca.Bond@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher
Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Direct Payments – Personal Assistants

RE: Sefton Council Consultation on 2023/24 Direct Payment (Personal Assistant Rate)

I am writing to you as a Direct Payments Recipient who employs Personal Assistants, as Sefton Council are commencing formal consultation on our proposed rate paid for the 2023/24 financial year (1st April 2023 to 31st March 2024).

The Council are proposing a **11.92%** increase to fees resulting in the following rate being implemented (with effect from 1st April 2023).

Duration / Service Element	2023/24	2022/23
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

Personal Assistant Rates

The proposed rate of **£14.55 per hour** will allow your Personal Assistants to be paid the National Minimum wage from 1st April 2023.

The rate that you receive per hour from Sefton Council is higher than the rate that

you pay your Personal Assistants. This is to ensure that you have sufficient monies to cover your **employers on costs**, which include:

- Additional support required when your Personal Assistant takes a holiday or is off sick.
- Double time for hours worked on an official bank holiday.
- Employer's contributions towards Workplace Pensions and National Insurance Contributions
- Annual Employers and Public Liability insurance payments

As a guide, we advise that you should pay your Personal Assistant a rate up to a maximum of £11 per hour. Should you choose to pay your Personal Assistants a higher rate per hour than the maximum rate (£11.00 per hour), then any shortfall of monies in the Direct Payments account must be paid from personal funds.

Consultation

As part of this consultation process the Council particularly wishes to receive and consider your feedback in relation to the following questions.

1. Do the proposed rates set out cover the cost of employing a Personal Assistant and meeting assessed care needs for the period from 1st April 2023 to 31st March 2024?
2. If you do not think that the proposed rates will cover the cost of employing a Personal Assistant and meeting the Care Act 2014, assessed care needs, please outline why and provide any supporting information that you feel may be pertinent.

If you would like to respond to the consultation and the questions above, require a breakdown of how the rates have been calculated or should you have any comments you would like to make, then please e-mail selfdirectedsupport@sefton.gov.uk or write to *Consultations, Self-Directed Support team, 1st Floor, Magdalen House, Trinity Road, Bootle L20 3NJ.*

The Council will also be running online consultation events via Microsoft Teams, if you would like to participate then please contact us as above.

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that:

1. This is being applied as a **without prejudice** payment to ensure that Recipients receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.

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2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours sincerely



Deborah Butcher
Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Timeline for consultation

The following plan/timeline outlines the next steps of the Consultation and decision-making process.

Ref	Action	Target Date
1	Confirm Proposals and Process to Direct Payment Recipients (<i>Letter to all Recipients to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Recipients (<i>Recipients to supply comments, information and evidence on the matters consulted on</i>)	21 st March 2023 - 16 th April 2023
3	Consultation event with Recipients	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Recipients together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023

6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Recipients (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of “call-in” period for Decision</i>)	3 rd June 2023

Domiciliary Care

RE: Sefton Council Annual Consultation on Domiciliary Care Fees – PDPS Providers

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.89%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023);

Table 1 - Proposed 2023/2024 Domiciliary Care Rate

Duration / Service Element	2023/24 Proposed Rate	2022/23 Originally Set Rates
1 Hour	£19.66	£17.89
45 Minutes	£14.75	£13.42
30 Minutes	£9.83	£8.95
15 Minutes	£4.92	£4.47
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£157.28	£143.12

The following table outlines how the increase has been calculated;

Table 2 - Calculations for 2023/2024 Domiciliary Care Rate

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Type of Cost	2022/23 Originally Set Rate	2023/24 Rate Element	Rationale
Carer Basic Rate	£9.75	£10.70	9.7% Increase - NLW Increase
Travel Time	£0.98	£1.07	10% of Carer Basic Rate
Annual Leave	£1.15	£1.26	9.7% Increase - NLW Increase
Training	£0.18	£0.19	9.7% Increase - NLW Increase
Sickness	£0.20	£0.22	9.7% Increase - NLW Increase
NI	£0.55	£0.60	9.7% Increase - NLW Increase
Pension	£0.19	£0.20	9.7% Increase - NLW Increase
Mileage	£0.42	£0.46	9.7% Increase - NLW Increase
Other costs	£3.96	£4.38	CPI of 10.5%
Profit	£0.52	£0.57	3% on £19.09
Hourly cost	£17.89	£19.66	9.89% Increase on £17.89

Please note the following:

- Increase calculations are based on originally set 2022/23 fee rates.
- Fees would be applicable from 1st April 2023.
- The figures in the table below are not a definitive guide on expenditure on each specific element as it is acknowledged that Providers will have their own specific business models and operating costs.
- The Sleep-in rate above is based on the new National Living Wage of £9.50 plus 15% on costs (I.E. (£10.42 + 15%) x 8 hours).
- The above 'daytime' rates would also be applicable to Direct Payment recipients who utilise a CQC registered Agency.

As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions:

1. Whether the level of proposed fees set out will cover the cost of delivering Domiciliary Care the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost delivering Domiciliary Care, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process:

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of “call-in” period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that:

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.
2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to pippa.mchaffie@sefton.gov.uk

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Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher

Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Extra Care

RE: Sefton Council Annual Consultation on Extra Care Fees

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.84%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023);

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.41	£16.76
Sleep-in (9 Hours)	£107.85	£98.33
Sleep-in (10 Hours)	£119.83	£109.25
Waking Night (9 Hours)	£165.69	£150.84
Waking Night (10 Hours)	£184.10	£167.60

The following table outlines how the increase has been calculated;

Type of Cost		Rationale	Notes	2023/24	Rationale
Carer Basic Rate	£9.63	6.62%		£10.56	9.7% NLW Increase
Management	£0.67	6.62%		£0.74	9.7% NLW Increase

Administration	£0.49	6.62%		£0.54	9.7% NLW Increase
Annual Leave	£1.33	6.62%		£1.46	9.7% NLW Increase
Training	£0.31	6.62%		£0.34	9.7% NLW Increase
Sickness	£0.24	6.62%		£0.26	9.7% NLW Increase
NI	£0.70	34.62%		£0.77	9.7% NLW Increase
Pension	£0.37	6.62%		£0.41	9.7% NLW Increase
Other costs	£2.53	7.40%	10.00%	£2.80	10.5% CPI
Profit	£0.49	3.00%	3% on £16.27	£0.54	3% on £17.88
Hourly Fee	£16.76		7.71% Increase	£18.41	9.84% Increase

Please note the following;

- Fees will be applicable from 1st April 2023

As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions;

1. Whether the level of proposed fees set out will cover the cost of meeting assessed care needs within an efficient Extra Care Scheme for the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost of meeting assessed care needs within an efficient Extra Care Scheme, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process;

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023

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5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of “call-in” period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that;

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.
2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to jacqueline.byrne@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher

Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Individual Service Funds

RE: Sefton Council Annual Consultation on ISF Rates

I am writing in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.84%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023);

Duration / Service Element	2023/24 Pilot Project Rates	2022/23 Pilot Project Rates
1 Hour	£19.31	£17.58
Sleep-in (9 Hour Night)	£107.85	£98.33
Waking Night (9 Hour Night)	£173.79	£158.22

Please note the following:

- Fees would be applicable from 1st April 2023.
- The Sleep-in rate above is based on the new National Living Wage of £9.50 plus 15% on costs (I.E. (£10.42 + 15%) x 9 hours).

As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions:

1. Whether the level of proposed fees set out will cover the cost of delivering ISF's in the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost delivering ISF's, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process:

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	24 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence</i>)	24 th March 2023 - 16 th

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	<i>on the matters consulted on)</i>	April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
7	Letter to all Providers (<i>signposting them to Cabinet report - published the week in advance of the meeting</i>)	w/c 15 th May 2023
8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of “call-in” period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that:

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.
2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to Neil.Watson@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher

Executive Director Adult Social Care and Health (DASS) and NHS Director Sefton

Supported Living

RE: Sefton Council Annual Consultation on Supported Living Fees

I am writing to you in order to commence formal Sefton Council consultation with you on our proposed fees for the 2023/24 financial year.

Firstly, please accept our apologies for the timescales for this consultation. We are aware that Providers will be experiencing pressures from 1st April 2023 and as a result, this letter includes measures being taken to mitigate this issue, in light of the consultation process/timeline detailed.

The Council are proposing a **9.84%** increase to fees resulting in the following rates being implemented (with effect from 1st April 2023);

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.41	£16.76
Sleep-in (9 Hours)	£107.85	£98.33
Sleep-in (10 Hours)	£119.83	£109.25
Waking Night (9 Hours)	£165.69	£150.84
Waking Night (10 Hours)	£184.10	£167.60

The following table outlines how the increase has been calculated;

Type of Cost		Rationale	Notes	2023/24	Rationale
Carer Basic Rate	£9.63	6.62%		£10.56	9.7% NLW Increase
Management	£0.67	6.62%		£0.74	9.7% NLW Increase
Administration	£0.49	6.62%		£0.54	9.7% NLW Increase
Annual Leave	£1.33	6.62%		£1.46	9.7% NLW Increase
Training	£0.31	6.62%		£0.34	9.7% NLW Increase
Sickness	£0.24	6.62%		£0.26	9.7% NLW Increase
NI	£0.70	34.62%		£0.77	9.7% NLW Increase
Pension	£0.37	6.62%		£0.41	9.7% NLW Increase
Other costs	£2.53	7.40%	10.00%	£2.80	10.5% CPI
Profit	£0.49	3.00%	3% on £16.27	£0.54	3% on £17.88
Hourly Fee	£16.76		7.71% Increase	£18.41	9.84% Increase

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As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions;

1. Whether the level of proposed fees set out will cover the cost of delivering Supported Living Services for the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost of delivering Supported Living Services, please outline why and provide any supporting information that you feel may be pertinent.

The following plan/timeline outlines the next steps of the Consultation and decision-making process;

Ref	Action	Target Date
1	Confirm Proposals and Process to All Providers (<i>Letter to all providers to confirm proposals and consultation process</i>)	20 th March 2023
2	Period for Consultation Responses from Providers (<i>Providers to supply comments, information and evidence on the matters consulted on</i>)	20 th March 2023 - 16 th April 2023
3	Consultation event with Providers	w/c 27 th March 2023 or w/c 3 rd April 2023
4	Assessment and Analysis of Responses (<i>Assessment and analysis of comments, information and evidence supplied by Providers together with other information available to the Authority</i>)	17 th April – 23 rd April 2023
5	Work on proposals and Cabinet report (including draft Cabinet report internal review and FD/LD stages, and production of supporting documentation).	24 th April 2023 – 30 th April 2023
6	Deadline for Cabinet report to be submitted	30 th April 2023
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8	Cabinet Decision	25 th May 2023
9	2023/24 Fees Published (<i>Following expiry of “call-in” period for Decision</i>)	3 rd June 2023

The Consultation period will run until **Midnight on Sunday 16th April 2023** so please ensure that all responses are returned by this time in order for them to be taken account of in our decision-making process.

As outlined, we are aware that the above timeline results in fees being set after 1st April 2023, so consequently the local authority will be applying the proposed rates on our finance systems so that it is actually paid as soon as possible (from 1st April 2023 onwards) to further support market sustainability, however please note that;

1. This is being applied as a **without prejudice** payment to ensure that Providers receive an increase as soon as possible and do not have to wait for full backdated payments to 1st April 2023 after the Cabinet decision.
2. This in no way pre-empts the outcome of the consultation exercise and final decisions.
3. Should the proposed increases be amended, then following the Cabinet decision, further adjusted payments would be made.

Please return your comments by e-mail to jacqueline.byrne@sefton.gov.uk

Once the consultation period has closed, we will give full consideration to any responses received before submitting a report to Cabinet for decision.

I would like to take the opportunity to thank you for taking the time to consider this matter and to respond to this consultation.

Yours Faithfully



Deborah Butcher

**Executive Director Adult Social Care and Health (DASS) and NHS Director
Sefton**

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Equality Analysis Report - Care Home Fees

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the fees payable to Care Homes, in respect of residents placed in those homes by the Council, during the 2023/24 financial year.

The specific detail of the proposal is a 15.79% increase to Residential and Nursing care home fees. The proposal is currently out for consultation with Sefton Residential and Nursing care home Providers.

Residential care homes provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities

Nursing care homes provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities
- Terminal Illness (not including older people)

Nursing Homes either cater for specific client groups (listed above) or are able to cater for more than one type of client group.

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There are currently 123 registered care homes for Adults in Sefton, of which 89 predominately cater for Older People. The remainder are typically small registered homes for people such as those with complex Learning Disabilities and typically base fees on individual assessments.

Of the 89 Older People homes;

- 55 are residential homes
- 34 are nursing homes

67 of these 89 homes are CQC registered to be able to support people with Dementia.

For the 89 care homes, there are 10 homes where fees are typically calculated based on individual assessments of Service User's needs due to the complexity of the care package requirements and diversity of need being catered for and as a result "3rd Party Top-Ups" are not applicable.

Of the remaining 84 care homes, 68 (81% of applicable homes) currently charge residents a 3rd Party Top-Up over and above the fee paid by Sefton Council. The percentage of homes levying a 3rd Party Top-Up has increased since the fees were last set.

Within the 123 care homes, there are currently 3,629 bed spaces. At the time of the last weekly quantification of vacancies there were 241 vacancies (6.64%), across all care home types and categories and so the market was operating at 93.36% capacity.

Typically, over recent years, at any one-time Sefton placements have accounted for in the region of 45% of the occupied bed spaces, with a total of 1,400 placements, of which 1,000 are in residential care homes and 400 in nursing homes.

The demographics of Service Users accessing these services are;

Age Group

Table 1 - Age Groups of Care Home Service Users

	Total Clients	
Adults	273	14.01%
Age 65-74	245	12.58%
Age 75-84	580	29.77%
Age 85-94	681	34.96%
Age 95+	169	8.68%
Sum:	1948	

Gender

Table 2 - Gender of Care Home Service Users

	Total Clients		Total Clients	
	Female		Male	
Adults	124	6.37%	149	7.65%

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	Total Clients		Total Clients	
Older People	1078	55.34%	597	30.65%
Sum:	1202		746	

Ethnicity

Table 3 - Ethnicity of Care Home Service Users

	Total Clients		Total Clients	
	Adults		Older People	
Any other ethnic group				4
Asian/Asian British - Any other Asian background				1
Asian/Asian British - Chinese	2	0.10%		4
Asian/Asian British - Indian	1	0.05%		1
Black/Black British - African	1	0.05%		
Black/Black British - Caribbean	1	0.05%		1
Information not yet obtained	9	0.46%		140
Mixed - Any other mixed background	1	0.05%		
Mixed - White and Asian	1	0.05%		
Mixed - White and Black Caribbean	1	0.05%		
Not Recorded	1	0.05%		
Not Stated				6
Refused				1
White - Any other White background	2	0.10%		28
White - British/English/Welsh/Scottish/Northern Irish	249	12.78%		1480
White - Irish	4	0.21%		8
White - Traveller of Irish Heritage				1
Sum:	273			1675

Primary Support Reason

Table 4 - Primary Support Reason of Care Home Service Users

	Total Clients		Total Clients		Total Clients		Total Clients	
	Female		Female		Male		Male	
	Adults		Older People		Adults		Older People	
Learning Disability Support	44	2.26%	34	1.75%	52	2.67%	20	1.03%
Mental Health Support	35	1.80%	103	5.29%	41	2.10%	74	3.80%
Physical Support -	4	0.21%	41	2.10%	2	0.10%	19	0.98%

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	Total Clients		Total Clients		Total Clients		Total Clients	
Access and Mobility Only								
Physical Support - Personal Care Support	30	1.54%	603	30.95%	46	2.36%	350	17.97%
Sensory Support - Support for Dual Impairment			2	0.10%				
Sensory Support - Support for Hearing Impairment							2	0.10%
Sensory Support - Support for Visual Impairment			2	0.10%			4	0.21%
Social Support - Substance Misuse Support					1	0.05%	1	0.05%
Social Support - Support for Social Isolation / Other	2	0.10%	3	0.15%			3	0.15%
Support with Memory and Cognition	9	0.46%	290	14.89%	7	0.36%	124	6.37%
Sum:	124		1078		149		597	

Ramifications of Proposal:

The proposals relate to the fees paid to Providers for Residential and Nursing care home placements. The specific proposals are that for the 2023/24 period it will introduce the following fees;

Table 5 - Proposed 2023/24 Care Home Fees

	Residential Care	EMI Residential	Nursing	EMI Nursing
2023/24 Fee	£649.70	£735.09	£668.09	£742.51
2022/23 Fee	£561.10	£634.85	£576.98	£641.26
<i>Weekly Increase</i>	£88.60	£100.24	£91.11	£101.25
<i>% Increase</i>	15.79%	15.79%	15.79%	15.79%

It is also proposed that any existing placements

which are costed based on an individual Service User assessment would also be uplifted by the same percentage increase as detailed in the above table.

If the recommendations were to be implemented, then this could result in fee structures for clients changing. For example, providers may seek to obtain the difference between the existing fee amount and the fee they wish to charge from clients via increasing their contribution. This could place some clients at an economic disadvantage.

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- *Age*
- *Disability*
- *Gender Reassignment*
- *Marriage and Civil Partnership*
- *Race*
- *Religion or Belief*
- *Sex*
- *Sexual Orientation*
- *Pregnancy and Maternity*

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- Age - as the majority of current service users are aged over 65;
- Gender - as the majority of current service users are female;
- Disability - as by definition all those people assessed as eligible for residential and nursing care have a disability.
- Complexity

Approach to support those with protected characteristics

The issue would be to ensure care providers are able to provide the level of care to meet needs identified in assessment and care plan – some people residing in care homes have complex and unpredictable levels of need which will be individual to themselves and so in addition to proposals on a new fee increase / usual price, Sefton Council have a process for funding individual needs over and above this usual rate . This is to safeguard those who may be affected by applying a standard rate which may not meet their needs/characteristics (for example 1:1 funding) and ensures that rates paid are sufficient to meet assessed needs.

Consultation:

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Consultation:

The consultation encompassed the original proposal to increase both Residential and Nursing fees by 9.94%, based on the following calculations;

Table detailing proposed 2023/24 care home fee increases

	Residential Care	EMI Residential	Nursing	EMI Nursing
2023/24 Proposed Fee	£616.87	£697.95	£634.33	£705.00
<i>2022/23 Fee</i>	£561.10	£634.85	£576.98	£641.26
<i>Weekly Increase</i>	£55.77	£63.10	£57.35	£63.74
<i>% Increase</i>	9.94%	9.94%	9.94%	9.94%

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out will cover the cost of meeting assessed care needs within an efficient residential/nursing home for the period from 1st April 2023 to 31st March 2024; and
2. If you do not agree with the above rates and in particular, if you consider that they will not cover the cost of meeting assessed care needs within an efficient residential/nursing home, please outline why and provide any supporting information that you feel may be pertinent.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 5th April 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 24th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

1. *Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*

2. *Advance equality of opportunity between people who share a protected characteristic and those who do not.*
3. *Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- *Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- *Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- *Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for residential or nursing care, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each supported resident in residential and nursing care homes will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of residents Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Residential & Nursing care home placements will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on placements made to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Placements are based on a person's individual need and offers opportunities for people to live as independently a life as possible including in the wider community.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met – for example by Service User's being placed in care homes that deliver cultural specific services thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

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Residential & Nursing care facilitates support people with disabilities to live within the community thus making sure that disability is accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity, and create an environment free from discrimination, bullying and harassment for Service Users and staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014.
- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- Residential & Nursing care is a program specifically designed, costed and targeted for disabled people.

What actions will follow if proposal accepted by cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with care home Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual care homes.
- There is also ongoing work taking place relating to the national Department of Health and Social Care Market Sustainability and Fair Cost of Care programme, and the revised fee proposals have been formulated based on this programme and additional funding allocated to the Council for the "move towards" a fair cost of care.
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the financial viability of individual care homes will be monitored. The impacts of any potential financial difficulties identified would be assessed, especially with respect to the impact on the wider Sefton care home market, meeting demand for services and capacity in the market. To this end the capacity of current services will be monitored regularly to assess capacity levels for all categories of care homes.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC if and when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided in care homes, regular monitoring will continue to take place. This will include monitoring of factors

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such as the standard of the physical environment, the quality and retention of staff, staff training and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.

- Implementation of the joint Care Home Strategy 2021-24 will continue, which references work on a review of fee rates and the new cost of care exercise. Strategy implementation will encompass further engagement and consultation with Providers.
- In addition, the Care Home Strategy outlines joint approaches to;
 - Care home market management
 - Contractual and quality compliance and monitoring
 - Improving outcomes for residents
 - Improving service quality
 - Support to Providers and their staff
 - Implementation of technological solutions
 - Consultation and engagement with the market

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Appendix H - Community Support Equality Impact Assessment 2023-24

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the hourly rate payable to Community Support Providers during the 2023/2024 financial year.

The specific detail of the proposal is a **20.51%** increase to the Community Support hourly rate.

The proposal encompasses the implementation of the following fee rate for contracted Community Support Services.

Table 1 - Proposed Community Support 2023-2024 Fees

Duration / Service Element	2023/24	2022/23
1 Hour	£21.56	£17.89

Community Support Providers provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities
- Terminal Illness

The demographics of Service Users accessing these services are outlined in Tables 2 – 4. All %s (%) shown are of the total service user group.

Age Group

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Table 2 - Age Groups of Community Support Service Users

	Total Clients	%
Adults	199	83.97%
Age 65-74	19	8.02%
Age 75-84	12	5.06%
Age 85-94	7	2.95%
Sum:	237	

Gender

Table 3 - Gender of Community Support Service Users

	Female		Male	
	Total Clients	%	Total Clients	%
Adults	75	31.65%	124	52.32%
Older People	13	5.49%	25	10.55%
Sum:	88	37.13%	149	62.87%

Ethnicity

Table 4 - Ethnicity of Community Support Service Users

	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group			1	0.42%	1	0.42%
Asian/Asian British - Chinese	2	0.84%	1	0.42%	3	1.27%
Asian/Asian British - Indian	1	0.42%			1	0.42%
Black/Black British - Any other Black background	2	0.84%	1	0.42%	3	1.27%
Information not yet obtained	14	5.91%	5	2.11%	19	8.02%
Mixed - Any other mixed background	1	0.42%			1	0.42%
Mixed - White and Black African	1	0.42%			1	0.42%
White - Any other White background	1	0.42%			1	0.42%
White - British/English/Welsh/Scottish/Northern Irish	175	73.84%	30	12.66%	205	86.50%
White - Irish	2	0.84%			2	0.84%
Sum:	199	83.97%	38	16.03%	237	

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Primary Support Reason

Table 5 - Primary Support Reason of Community Support Service Users

	Female				Male				Total	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	37	15.6%	1	0.4%	65	27.4%	5	2.1%	108	45.6%
Mental Health Support	22	9.3%	1	0.4%	33	13.9%	7	3.0%	63	26.6%
Physical Support - Access and Mobility Only	3	1.3%			1	0.4%			4	1.7%
Physical Support - Personal Care Support	8	3.4%	6	2.5%	14	5.9%	9	3.8%	37	15.6%
Sensory Support - Support for Hearing Impairment	1	0.4%	1	0.4%					2	0.8%
Sensory Support - Support for Visual Impairment					1	0.4%			1	0.4%
Social Support - Substance Misuse Support					1	0.4%			1	0.4%
Social Support - Support for Social Isolation / Other	3	1.3%			7	3.0%	2	0.8%	12	5.1%
Support with Memory and Cognition	1	0.4%	4	1.7%	2	0.8%	2	0.8%	9	3.8%
Sum:	75	31.7%	13	5.5%	124	52.3%	25	10.6%	237	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Community rate

The specific proposals relating to contracted Community Support Providers are that for the 2023/2024 period it will introduce the following fees:

Table 6 - Proposed 2023/2024 Community Support rate

Duration / Service Element	2023/24	2022/23
1 Hour	£21.56	£17.89

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There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

There are no proposals that change services on the basis of Protected Characteristics or identified to make an indirect negative effect. Furthermore, the proposals are planned to ensure that the rate paid for care is a sustainable rate. The fees proposed is aimed to support all residents to receive high quality Community Support regardless of their Protected Characteristics.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Disability** – a high proportion of service user have a learning disability
- **Gender** - as the majority of current service users are male

Consultation:

The consultation period commenced on 20th March 2023 and lasted until up to 16th April 2023.

The consultation period commenced on 20th March 2023 and lasted until up to 16th April 2023.

The consultation encompassed the original proposals outlined in the following tables:

Table 7 – Originally Proposed 2023/2024 Community Support Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£19.66	£17.89

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out in the proposals and tables above will cover the cost of delivering Community Support for the period from 1st April 2023 to 31st March 2024.
2. If you do not agree with the above rates, in particular if you consider that they will not cover the cost of delivering services, please provide budgeted costings, together with evidence of actual expenditure and a breakdown of your hourly rate, in support of your comments.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

1. *Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
2. *Advance equality of opportunity between people who share a protected characteristic and those who do not.*
3. *Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- *Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- *Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- *Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

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The options proposed do not involve any change to the criteria for Community Support, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Community Support services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Community Support packages are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Community Support services support people with disabilities to continue to live within the community thus making sure that disability is accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Community Support staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014.

- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- The current service specification contains specific requirements relating to equalities.
- Community Support is designed, costed, and targeted to support disabled people.

What actions will follow if proposal accepted by cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Community Support Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- Central Government have announced reforms which will be introduced from 2022-23 and will impact on Adult Social Care fee rates and fair cost of care exercises. Work will take place on implementation of these reforms for the Community Support sector and further consultation and engagement with Providers will take place
- Future commissioning arrangements will be devised including assessments on;
 - Change in demand for services and strategic objectives
 - Service delivery issues – such as any issues with delivery in specific Sefton geographical areas
 - New contractual and payment arrangements – such as block bookings
 - Workforce development and support
 - Recruitment and retention of staff
 - Further implementation of enabling approach
 - Implementing new I.T. systems for better recording of care delivery
 - Linkages to other initiatives such as greater use of Technology Enabled Care solutions
- The demand for services will also be monitored, such as changes to the demographic profile of the borough and the demand for more specialist services.
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to ‘absorb’ individual Providers withdrawing from the Sefton market. This analysis will also be informed by performance information on numbers of Community Support packages commissioned and ability to meet demand and individual needs
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the financial viability of individual Providers will be monitored. The impacts of any potential financial difficulties identified would be assessed, especially with respect to the impact on the wider Sefton market, meeting demand for services and capacity in the market. To this end the capacity of current services will be monitored regularly to assess capacity levels.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC if and when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training

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and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.

Appendix I – Day Care Rates Equality Impact Assessment 2023 – 2024

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the rate payable to Day Care Providers during the 2023/2024 financial year.

The specific detail of the proposal is a **9.84%** increase to the Day Care rate.

The proposal encompasses the implementation of the following fee rate for contracted Day Care services.

Day Care Providers provide services for the following client groups:

- Learning Disabilities
- Physical Disabilities
- Older People
- Mental health

The demographics of Service Users accessing these services are outlined in Tables 1 - 3. All %s (%) shown are of the total service user group.

Age Group

Table 1 - Age Groups of Day Care Service Users

	Female		Male		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Adults	138	25.51%	228	42.14%	366	67.65%
Age 65-74	18	3.33%	17	3.14%	35	6.47%
Age 75-84	45	8.32%	32	5.91%	77	14.23%
Age 85-94	37	6.84%	20	3.70%	57	10.54%
Age 95+	3	0.55%	3	0.55%	6	1.11%
Sum:	241		300		541	

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Gender

Table 2 - Gender of Day Care Service Users

	Female		Male		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Adults	138	25.51%	228	42.14%	366	67.65%
Older People	103	19.04%	72	13.31%	175	32.35%
Sum:	241	44.55	300	55.45%	541	

Ethnicity

Table 3 - Ethnicity of Day Care Service Users

	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group	1	0.18 %	2	0.37 %	3	0.55%
Asian/Asian British - Bangladeshi	1	0.18 %			1	0.18%
Asian/Asian British - Chinese	2	0.37 %			2	0.37%
Asian/Asian British - Indian	1	0.18 %			1	0.18%
Information not yet obtained	30	5.55 %	9	1.66 %	39	7.21%
Mixed - Any other mixed background	3	0.55 %			3	0.55%
Mixed - White and Asian	2	0.37 %			2	0.37%
Mixed - White and Black African	1	0.18 %			1	0.18%
Mixed - White and Black Caribbean	1	0.18 %			1	0.18%
Not Stated			1	0.18 %	1	0.18%
White - Any other White background	4	0.74 %	3	0.55 %	7	1.29%
White - British/English/Welsh/Scottish/Northern Irish	320	59.15 %	160	29.57 %	480	88.72 %
Sum:	366		175		541	

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Primary Support Reason

Table 4 - Primary Support Reason of Day Care Service Users

	Female				Male				Total	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	108	19.96%	2	0.37%	194	35.86%	7	129%	311	57.49%
Mental Health Support	2	0.37%	7	129%	1	0.18%	5	0.92%	15	2.77%
Physical Support - Access and Mobility Only	1	0.18%	1	0.18%	1	0.18%	4	0.74%	7	1.29%
Physical Support - Personal Care Support	18	3.33%	56	10.35%	22	4.07%	35	6.47%	131	24.21%
Sensory Support - Support for Visual Impairment	1	0.18%			1	0.18%			2	0.37%
Social Support - Support for Social Isolation / Other	5	0.92%	4	0.74%	7	1.29%	4	0.74%	20	3.70%
Support with Memory and Cognition	3	0.55%	33	6.10%	2	0.37%	17	3.14%	55	10.17%
Sum:	138		103		228		72		541	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Day Care Providers.

The specific proposals relating to contracted Day Care Providers are that for the 2023/2024 period it will introduce an increase of 9.84%

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability

- *Gender Reassignment*
- *Marriage and Civil Partnership*
- *Race*
- *Religion or Belief*
- *Sex*
- *Sexual Orientation*
- *Pregnancy and Maternity*

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

There are no proposals that change services on the basis of Protected Characteristics or identified to make an indirect negative effect. Furthermore, the proposals are planned to ensure that the rate paid for care is a sustainable rate. The fees proposed is aimed to support all residents to receive high quality Day Care regardless of their Protected Characteristics.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Disability** – a high proportion of service user have a learning disability
- **Gender** - as the majority of current service users are male

Consultation:

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out in the proposals would cover the cost of delivering Day Care services for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of the Care Act 2014, the cost of delivering Day Care services, to outline why and provide any supporting information that they feel may be pertinent.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages. The consultation period was then extended to 26th April 2023.

A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

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The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Day Care, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Day Care services will continue to be provided based on assessed need and to improve required outcomes.

Performance monitoring of contracts regularly takes place and Social Workers and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Day Care services enable local people to live the lives they want to lead, retain their independence, and live a fuller life, enabling them to socialise with others and meet people who may be in a similar situation whilst making a positive contribution to the community.

People should have a purpose, to do things members of the wider community would do, ensure friendships and connections whilst creating a sense of belonging which prevents social isolation.

Under current eligibility assessments, Service User's religious and cultural needs are considered and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Day Care services support people with disabilities to continue live and become part of the community thus making sure that disability is accepted and understood by the wider community.

Day Care services provide services users with the opportunity to connect with others, linking into other support and making service users feel safe and secure.

Day Care services provide respite to carers to allow them to continue in their caring role.

All Provider's must evidence how they will treat Service Users with respect and dignity and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Support staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014
- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs
- The current service specification contains specific requirements relating to equalities
- Day Care services are designed, costed and targeted to support disabled people, older people to remain in the community but have access to activities and friendship groups.

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What actions will follow if proposal accepted by Cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Day Care Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers
- Central Government have announced reforms which will be introduced from 2022-23 and will impact on Adult Social Care fee rates and fair cost of care exercises. Work will take place on implementation of these reforms for the Day Care sector and further consultation and engagement with Providers will take place
- We will continue to explore ways in which we can improve the Day opportunity sector, including;
 - Developing pathways onto education, supported employment, internships, job coaching, training and volunteering opportunities
 - Facilitate a cultural shift based on strength-based practice and commissioning at place level linked to the integration agenda
 - Developing innovation partnerships with stakeholders
 - Facilitate the development of community interest companies
 - Facilitate participation in leisure, arts, hobbies and socialising
 - Enable friendships and local connections within the community to develop a sense of belonging
 - Appropriate training to upskill staff support for more complex service users
 - Identifying scope for reducing overreliance on support in services through Providers identifying flexibilities in support hours which adapt to changes in Service User's needs and continues to promote independence
 - Linkages to other initiatives such as greater use of Technology Enabled Care solutions for better self-management of longer-term health conditions
 - Robust market management in relation to cost and quality
 - Cost of Care modelling to inform appropriate unit cost
 - Align to the implementation of the Extra Care Strategy
 - Align to the implementation of the Supported Living Plan and Strategy
 - Align to the implementation of the Intermediate Care Strategy/Domiciliary Care and Enablement
 - Plan and shape the market more effectively in relation to transitions and preparation for adulthood.
- The demand for services will also be monitored, such as changes to the demographic profile of the borough and the demand for more specialist services
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to support more complex individuals. This analysis will also be informed by performance information on numbers of day opportunity places commissioned and the ability to meet current and future demand and complex individual needs
- Monitoring of Safeguarding referrals and regulatory notifications will also continue.

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Appendix E – Domiciliary Care & Direct Payment Rates Equality Impact Assessment 2023 – 2024

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the fees payable to Domiciliary Care Providers during the 2023/2024 financial year.

The specific detail of the proposal is a 9.89% increase to the Domiciliary Care hourly rate and increases to the sleep-in rates, which would also be applied to Direct Payment rates where the Direct Payment Recipient utilises a Care Quality Commission (CQC) registered Domiciliary Care Agency to deliver their care and support.

The proposal encompasses the implementation of the following fee rates for contracted Domiciliary Care services;

Table 1 - Proposed Domiciliary Care 2023/2024 Fees

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£21.56	£17.89
45 Minutes	£16.17	£13.42
30 Minutes	£10.78	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£172.48	£143.12

The proposal also encompasses the implementation of the following rates for Direct Payment Recipients that utilise an Agency;

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Table 2 - Proposed Direct Payment (Agency) Rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£21.56	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£215.60	£178.90

The proposal also encompasses the implementation of the following rates for Direct Payment Recipients that utilise a Personal Assistant;

Table 3 - Proposed Direct Payment (Personal Assistant) Rates

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

Domiciliary Care Providers provide services for the following client groups:

- Older People
- Mental Health
- Alcohol / Drugs
- Learning Disabilities
- Physical Disabilities
- Terminal Illness

The demographics of Service Users accessing these services are outlined below in Tables 4 – 7. All percentages (%) shown are of the total service user group.

Age Group

Table 4 - Age Groups of Domiciliary Care and Direct Payment Service Users

	Total Clients	%
Adults	688	26.09%
Age 65-74	374	14.18%
Age 75-84	709	26.89%
Age 85-94	752	28.52%
Age 95+	114	4.32%
Sum:	2637	

Gender

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Table 5 - Gender of Domiciliary Care and Direct Payment Service Users

	Female		Male	
	Total Clients	%	Total Clients	%
Adults	363	13.77%	325	12.32%
Older People	1294	49.07%	655	24.84%
Sum:	1657	62.64%	980	37.16%

Ethnicity

Table 6 - Ethnicity of Domiciliary Care and Direct Payment Service Users

Ethnic Group	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Any other ethnic group	1	0.04%	5	0.19%	6	0.23%
Arab	1	0.04%	1	0.04%	2	0.08%
Asian/Asian British - Any other Asian background	1	0.04%	1	0.04%	2	0.08%
Asian/Asian British - Bangladeshi	1	0.04%			1	0.04%
Asian/Asian British - Chinese	1	0.04%	2	0.08%	3	0.12%
Asian/Asian British - Indian			1	0.04%	1	0.04%
Black/Black British - Any other Black background	1	0.04%	1	0.04%	2	0.08%
Black/Black British - Caribbean	1	0.04%	2	0.08%	3	0.12%
Information not yet obtained	47	1.78%	134	5.08%	181	6.86%
Mixed - Any other mixed background	2	0.08%			2	0.08%
Mixed - White and Asian	3	0.11%	1	0.04%	4	0.15%
Mixed - White and Black Caribbean	2	0.08%	1	0.04%	3	0.12%
Not Recorded			2	0.08%	2	0.08%
Not Stated	2	0.08%	5	0.19%	7	0.27%
White - Any other White background	11	0.42%	42	1.59%	53	2.01%
White - British/English/Welsh/Scottish/Northern Irish	610	23.13%	1742	66.06%	2352	89.19%
White - Gypsy/Roma			1	0.04%	1	0.04%
White - Irish	3	0.11%	7	0.27%	10	0.38%
White - Traveller of Irish Heritage	1	0.04%			1	0.04%
Missing			1	0.04%	1	0.04%
Sum	688		1949		2637	

Primary Support Reason

Table 7 - Primary Support Reason of Domiciliary Care and Direct Payment Service Users

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Primary Support Reason	Female				Male				Total Clients	
	Adults		Older People		Adults		Older People			
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	57	2.16%	2	0.08%	57	2.16%	7	0.27%	123	4.66%
Mental Health Support	61	2.31%	37	1.40%	80	3.03%	30	1.14%	208	7.89%
Missing data			1	0.04%	1	0.04%			2	0.08%
Physical Support - Access and Mobility Only	21	0.80%	47	1.78%	15	0.57%	32	1.21%	115	4.36%
Physical Support - Personal Care Support	211	8.00%	1092	41.41%	161	6.11%	538	20.40%	2002	75.92%
Sensory Support - Support for Dual Impairment	1	0.04%	1	0.04%					2	0.08%
Sensory Support - Support for Hearing Impairment			2	0.08%					2	0.08%
Sensory Support - Support for Visual Impairment	3	0.11%	6	0.23%	2	0.08%	7	0.27%	18	0.68%
Social Support - Substance Misuse Support	2	0.08%			1	0.04%	1	0.04%	4	0.15%
Social Support - Support for Social Isolation / Other	2	0.08%	3	0.11%	3	0.11%	2	0.08%	10	0.38%
Support with Memory and Cognition	5	0.19%	103	3.91%	5	0.19%	38	1.44%	151	5.73%
Sum:	363		1294		325		655		2637	

Ramifications of Proposal:

The proposals relate to the fees paid to contracted Domiciliary Care Providers, with the proposals also linking to Direct Payment rates.

The specific proposals relating to contracted Domiciliary Care Providers are that for the 2023/2024 period it will introduce the following fees;

Table 8 - Proposed 2023/2024 Domiciliary Care Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£21.56	£17.89

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Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
45 Minutes	£16.17	£13.42
30 Minutes	£10.78	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£172.48	£143.12

In addition, Direct Payment rates Direct Payment Agency rates are aligned (in terms of how they are calculated) to the contracted Domiciliary Care rates. In order to maintain this, it is therefore proposed that the Direct Payment Agency rates are increased to the following;

Table 9 - Proposed 2023/2024 Direct Payment (Agency) rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£21.56	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£215.60	£178.90

With respect to the Direct Payment Personal Assistant rate, it is proposed that the current rates are increased to the following;

Table 10 - Proposed 2023/2024 Direct Payment (Personal Assistant) Rate

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

The proposals do not include any changes to how sleep-in rates are calculated, as outlined in the consultation.

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership

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- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

There are no proposals that change services on the basis of Protected Characteristics or identified to make an indirect negative effect. Furthermore, the proposals are planned to ensure that the rate paid for care is a sustainable rate. The fees proposed is aimed to support all residents to receive high quality Domiciliary Care regardless of their Protected Characteristics.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Age** - as the majority of current service users are aged over 65
- **Gender** - as the majority of current service users are female

Consultation:

The consultation encompassed the original proposals outlined in the following tables:

Table 11 – Originally Proposed 2023/2024 Domiciliary Care Rates

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£19.66	£17.89
45 Minutes	£14.75	£13.42
30 Minutes	£9.83	£8.95
Sleep-in (8 Hour Night)	£95.86	£87.40
Waking Night (8 Hour Night)	£157.28	£143.12

In addition, Direct Payment rates Direct Payment Agency rates are aligned (in terms of how they are calculated) to the contracted Domiciliary Care rates. In order to maintain this, it is therefore proposed that the Direct Payment Agency rates are increased to the following;

Table 12 – Originally Proposed 2023/2024 Direct Payment (Agency) rates

Duration / Service Element	2023/2024	2022/2023
1 Hour (Domiciliary Care & Community Support)	£19.66	£17.89
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£196.60	£178.90

With respect to the Direct Payment Personal Assistant rate, it is proposed that the current rates are increased to the following;

Table 13 - Proposed 2023/2024 Direct Payment (Personal Assistant) Rate

Duration / Service Element	2023/2024	2022/2023
1 Hour	£14.55	£13.00
Sleep-in (10 Hour Night)	£119.83	£109.25
Waking Night (10 Hour Night)	£145.50	£130.00

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions from Domiciliary Care Providers;

1. Whether the level of proposed fees set out in the proposals would cover the cost of delivering Domiciliary Care for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of delivering services, to provide budgeted costings, together with evidence of actual expenditure and a breakdown of hourly rate, in support of comments.

With respect to the proposed Direct Payments (Personal Assistant) rates, Recipients, as part of the consultation process the Council wished to particularly receive and consider feedback in relation to the following questions from them:

1. Do the proposed rates set out cover the cost of employing a Personal Assistant and meeting assessed care needs for the period from 1st April 2023 to 31st March 2024?
2. If you do not think that the proposed rates will cover the cost of employing a Personal Assistant and meeting the Care Act 2014, assessed care needs, please outline why and provide any supporting information that you feel may be pertinent.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the Domiciliary Care and Direct Payment (Agency) fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

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Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Domiciliary Care, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services or how payments for sleep-in services are formulated.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Domiciliary Care services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers, and families / advocates give feedback as to the treatment of Service Users. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Domiciliary Care packages are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Domiciliary Care services support people to continue to live within the community regardless of their Protected Characteristics, including age and disability. Thus making sure that residents receiving Domiciliary Care service are active in their community and are accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity, and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Domiciliary Care staff.

In addition;

- The Council will continue to work with Providers to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind Providers, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are, and will continue to be, assessed in a qualitative manner in accordance with national guidance and Care Act 2014.
- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- The current service specification contains specific requirements relating to equalities.
- Domiciliary Care is a program designed, costed, and targeted to support disabled people.

What actions will follow if proposal accepted by Cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Domiciliary Care Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- There is also ongoing work taking place relating to the national Department of Health and Social Care Market Sustainability and Fair Cost of Care programme, and the revised fee proposals have been formulated based on this programme and additional funding allocated to the Council for the "move towards" a fair cost of care for the Domiciliary Care (18+) sector.
- Future commissioning arrangements include associated Equality Impact Assessment.
- The demand for services will also be monitored, such as changes to the demographic profile of the borough and the demand for more specialist services.
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to 'absorb' individual Providers withdrawing from the Sefton market. This analysis will also be informed by performance information on numbers of Domiciliary Care package commissioned and ability to meet demand and individual needs.

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- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the financial viability of individual Providers will be monitored. The impacts of any potential financial difficulties identified would be assessed, especially with respect to the impact on the wider Sefton Domiciliary Care market, meeting demand for services and capacity in the market. To this end the capacity of current services will be monitored regularly to assess capacity levels.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC if and when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.
- Ongoing monitoring of Direct Payment accounts will continue to take place to both ensure that Recipients continue to have sufficient funding to commission services and to also monitor the level of surplus recoveries being made from Direct Payment accounts. As part of this work engagement with Sefton Carers Centre will continue to take place.
- Ongoing work will take place to assess sleep-in services, including rates paid for them.

Equality Analysis Report – Extra Care Fees

Contents

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the fees payable to Extra Care Providers during the 2023/24 financial year.

The specific detail of the proposal is a 11.99% increase to the Extra Care hourly rate.

The proposal encompasses the implementation of the following fee rates for contracted Extra Care services:

Table 1 - Proposed Extra Care 2023-24 Fees

Extra Care

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.77	£16.76

Extra Care Providers provide services for the following client groups:

- Older People
- Mental Health
- Learning Disabilities
- Physical Disabilities

The demographics of Service Users accessing these services are outlined in Tables 2 – 4. All percentages (%) shown are of the total service user group.

Age Group

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Table 2 - Age Groups of Extra Care Service Users

	Total Clients	%
Adults	9	26.5%
Age 65-74	4	11.8%
Age 75-84	12	35.3%
Age 85-94	7	20.6%
Age 95+	2	5.9%
Sum:	34	

Gender

Table 3 - Gender of Extra Care Service Users

	Female		Male	
	Total Clients	%	Total Clients	%
Adults	2	5.9%	7	20.6%
Older People	17	50.0%	8	23.5%
Sum:	19	55.9%	15	44.1%

Ethnicity

Table 4 - Ethnicity of Extra Care Service Users

	Adults		Older People		Total	
	Total Clients	%	Total Clients	%	Total Clients	%
Information not yet obtained	1	2.9%	3	8.8%	4	13.3%
White - British/English/Welsh/Scottish/Northern Irish	8	23.5%	22	64.7%	30	88.2%
Sum:	9	26.5%	25	73.5%	34	

Primary Support Reason

Table 5 - Primary Support Reason of Extra Care Service Users

	Female				Male				Total	
	Adults		Older People		Adults		Older People		Total Clients	%
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%		
Learning Disability Support	1	2.9%	0	0.0%	3	8.8%	0	0.0%	4	11.8%
Mental Health Support	1	2.9%	2	5.9%	0	0.0%	0	0.0%	3	8.8%
Physical Support - Personal Care Support	0	0.0%	13	38.2%	4	11.8%	8	23.5%	25	73.5%
Support with Memory and	0	0.0%	2	5.9%	0	0.0%	0	0.0%	2	5.9%

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Cognition									
Sum:	2		17		7		8		34

Ramifications of Proposal:

The proposals relate to the fees to be paid to Extra Care Providers as from 1st April 2023.

The specific proposals relating to Extra Care Providers are that for the 2023/24 period it will introduce the following fees:

Table 6 - Proposed 2023/24 Extra Care Rates

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.77	£16.76

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Age** – all service users are aged 55 and over.
- **Disability** – high proportion of service users with a disability.

Consultation:

The consultation encompassed the original proposals outlined in the following table:

Table 7 – Originally Proposed 2023/2024 Extra Care Rate

Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
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Duration / Service Element	2023/2024 Proposed Rate	2022/2023 Originally Set Rates
1 Hour	£18.41	£16.76

As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out in the proposals would cover the cost of delivering Extra Care for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of delivering services, to provide budgeted costings, together with evidence of actual expenditure and a breakdown of hourly rate, in support of comments.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general Views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages, and this resulted in the fee increases being increased from those originally proposed at the commencement of the consultation.

The consultation period was then extended to 26th April 2023 after the revised proposed rates were communicated to Providers. A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Table 7 - Amended Proposed 2023/24 Extra Care Rates following consultation.

Type of Cost	2023/24 Revised Proposed Rate	Rationale / Changes	2023/24 Originally Proposed Rate	Rationale	2022/23 Rate
Carer Basic Rate	£10.90	Same as Domiciliary Care Staff rate	£10.56	9.7% NLW Increase	£9.63
Management	£0.74		£0.74	9.7% NLW Increase	£0.67
Administration	£0.54		£0.54	9.7% NLW Increase	£0.49
Annual Leave	£1.46		£1.46	9.7% NLW Increase	£1.33
Training	£0.34		£0.34	9.7% NLW Increase	£0.31
Sickness	£0.26		£0.26	9.7% NLW Increase	£0.24
NI	£0.77		£0.77	9.7% NLW Increase	£0.70

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Pension	£0.41		£0.41	9.7% NLW Increase	£0.37
Other costs	£2.80		£2.80	10.7% CPI	£2.53
Profit	£0.55	3% on £18.22	£0.54	3% on £17.88	£0.49
Hourly Fee	£18.77	11.99%	£18.41	9.84% Increase	£16.76

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Extra Care, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Extra Care services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers, families/advocates provide feedback as to the treatment of Service Users via the review

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process. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Extra Care services are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Extra Care services support people with disabilities to continue to live within the community thus making sure that disability is accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Extra Care staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014.
- Extra Care services are designed, costed and targeted to support people aged 55+ to remain living on their own in a safe and secure environment within the community.

What actions will follow if proposal accepted by cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Extra Care Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the quality and financial viability of individual Providers will be monitored.

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- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC when they share concerns about care providers operating in Sefton.
- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.

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Supported Living Fee Rates - Interim Equality Impact Assessment Final - Copy

Appendix F - Supported Living Equality Impact Assessment 2023-2024 Rates

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Details of proposal: (Clearly identify the proposal give details of relevant service provision and the demographics covered by the policy or service)

The proposal relates to the fees payable to Supported Living Providers during the 2023/24 financial year.

The specific detail of the proposal is a 9.84% increase to the Supported Living hourly rate and increases to the sleep-in rates / waking night rates.

The proposal encompasses the implementation of the following fee rates for contracted Supported Living services:

Table 1 - Proposed Supported Living 2023-24 Fees

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.41	£16.76
Sleep-in (9 Hours)	£107.85	£98.33
Sleep-in (10 Hours)	£119.83	£109.25
Waking Night (9 Hours)	£165.69	£150.84
Waking Night (10 Hours)	£184.10	£167.60

Supported Living Providers provide services for the following client groups:

- Learning Disabilities
- Mental Health
- Physical Disabilities
- Older People
- Alcohol / Drugs

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The demographics of Service Users accessing these services are;

Age Group

Table 2 - Age Groups of Supported Living Service Users

	Total Clients	Percentage
Adults	448	88.02%
Age 65-74	49	9.63%
Age 75-84	12	2.36%
Sum:	509	

Gender

Table 3 - Gender of Supported Living Service Users

	Female		Male	
	Total Clients	Percentage	Total Clients	Percentage
Adults	130	25.54%	318	62.48%
Older People	22	4.32%	39	7.66%
Sum:	152		357	

Ethnicity

Table 4 - Ethnicity of Supported Living Service Users

	Adults		Older People	
	Total Clients	Percentage	Total Clients	Percentage
Asian/Asian British - Any other Asian background	1	0.20%		
Asian/Asian British - Chinese	2	0.39%		
Black/Black British - Any other Black background	1	0.20%		
Information not yet obtained	14	2.75%	3	0.59%
Mixed - Any other mixed background	4	0.79%	1	0.20%
Mixed - White and Asian	2	0.39%		
White - Any other White background	5	0.98%		
White - British/English/Welsh/Scottish/Northern Irish	417	81.93%	57	11.20%
White - Irish	1	0.20%		
	1	0.20%		
Sum:	448		61	

Primary Support Reason

Table 5 - Primary Support Reason of Supported Living Service Users

	Female				Male			
	Adult		Older People		Adult		Older People	
	Total Clients	%	Total Clients	%	Total Clients	%	Total Clients	%
Learning Disability Support	81	15.91%	13	2.55%	177	34.77%	26	5.11%
Mental Health Support	42	8.25%	8	1.57%	113	22.20%	9	1.77%
Physical Support - Access and Mobility Only					1	0.20%		
Physical Support - Personal Care Support	5	0.98%	1	0.20%	21	4.13%	2	0.39%
Sensory Support - Support for Visual Impairment							1	0.20%
Social Support - Substance Misuse Support					1	0.20%		
Social Support - Support for Social Isolation / Other	1	0.20%			2	0.39%		
Support with Memory and Cognition	1	0.20%			3	0.59%	1	0.20%
Sum:	130		22		318		39	

Ramifications of Proposal:

The proposals relate to the fees to be paid to Supported Living Providers as from 1st April 2023.

The specific proposals relating to Supported Living Providers are that for the 2023/24 period it will introduce the following fees:

Table 6 - Proposed 2023/24 Supported Living Rates

Duration / Service Element	2023/24	2022/23
Hourly Rate	£18.41	£16.76
Sleep-in (9 Hours)	£107.85	£98.33
Sleep-in (10 Hours)	£119.83	£109.25
Waking Night (9 Hours)	£165.69	£150.84
Waking Night (10 Hours)	£184.10	£167.60

There is the possibility that some Provider's may face difficulties adapting their services and could then become unviable which would lead to them withdrawing from the market. This could therefore reduce the availability of services that meet specific Service User needs.

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Are there any protected characteristics that will be disproportionately affected in comparison to others?

The protected characteristics under the Equality Act 2010 are:

- *Age*
- *Disability*
- *Gender Reassignment*
- *Marriage and Civil Partnership*
- *Race*
- *Religion or Belief*
- *Sex*
- *Sexual Orientation*
- *Pregnancy and Maternity*

Care Leavers was also adopted as a Protected Characteristic by Sefton Council in January 2023.

If the fee proposals were to be implemented and the above ramifications were to materialise then the following protected characteristics may be affected;

- **Disability** - as the majority of current service users have a learning disability
- **Gender** – high proportion of services delivered to males

Consultation:

The consultation period commenced on 20th March 2023 and lasted until up to 16th April 2023. As part of this consultation process the Council wished to particularly receive and consider feedback in relation to the following questions;

1. Whether the level of proposed fees set out in the proposals would cover the cost of delivering Domiciliary Care for the period from 1st April 2023 to 31st March 2024.
2. If Providers did not agree with the rates, in particular if they considered that they would not cover the cost of delivering services, to provide budgeted costings, together with evidence of actual expenditure and a breakdown of hourly rate, in support of comments.

The consultation commenced on 20th March 2023 and had an initial end date of 16th April 2023. As part of this consultation process an initial Microsoft Teams consultation meeting was held with Providers on 30th March 2023 to enable them to raise questions to Senior Officers within the Council and also provided a further opportunity to state their general views about the market and the challenges faced.

Following the end of the initial consultation period on 16th April 2023, the consultation responses were analysed, together a range of factors such risks raised in relation to additional costs and regional averages. The consultation period was then extended to 26th April 2023.

A further Microsoft Teams event was then held with Providers on 25th April 2023 to discuss the revised proposals.

Is there evidence that the Public Sector Equality Duties will be met?

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The options proposed do not involve any change to the criteria for Supported Living, as assessed via the Council's eligibility criteria nor do they involve any changes to the capacity of services.

Each Service User will continue to have an individual care plan which is reviewed each year in accordance with the Care Act 2014. In assessing the care needs of Service Users Sefton Council is required to have regard to its public sector equality duty.

With respect to the above;

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Supported Living services will continue to be provided on the basis of assessed need.

Performance monitoring of contracts regularly takes place and Social Workers, families/advocates provide feedback as to the treatment of Service Users via the review process. In addition, the Council monitors data on contracts to ensure that there is fair access to all that meet the eligibility criteria.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Supported Living services are based on a person's individual need and offers opportunities for people to live as independently a life as possible and under an enabling approach.

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Under current eligibility assessments, Service User's religious and cultural needs are taken into account and where specific needs are identified these are met, thus enabling them to participate in public life.

Foster good relations between people who share a protected characteristic and those who do not.

Supported Living services support people with disabilities to continue to live within the community thus making sure that disability is accepted and understood by the wider community.

All Provider's must evidence of how they will treat Service Users with respect and dignity and deliver services in a way which is free from discrimination, bullying and harassment for Service Users and Supported Living staff.

In addition;

- The Council will continue to work with Provider's to ensure that they provide appropriate services to disabled people on a contract and service specification basis and monitoring of service delivery.
- The Council as commissioning agent will remind service Provider's, when undergoing changes to their services to treat their staff in accordance with Equality and Employment law.
- Service Users are and will continue to be assessed in a qualitative manner in accordance with national guidance and Care Act 2014.
- Under Section 47 of the National Health Service and Community Care Act 1990, individual services provided will be privy to regular review to assess if those services are meeting assessed needs.
- The current service specification contains specific requirements relating to equalities.
- Supported Living services are designed, costed and targeted to support disabled people to remain living within the community.

What actions will follow if proposal accepted by cabinet & Council?

Include details of any mitigating action and ongoing monitoring to address any of the equality impacts highlighted above

- Ongoing consultation with Supported Living Providers will include obtaining provider views on the economic impact of the implementation of any decision and this information will in turn be used to ascertain any possible economic impacts on clients or regulatory impacts on individual Providers.
- Risk management work will be conducted which will include analysis of the capacity within the market and the ability of the market to support more complex individuals. This analysis will also be informed by performance information on numbers of Supported Living placements commissioned and the ability to meet current and future demand and complex individual needs
- Regular liaison with the Care Quality Commission will also continue and as part of this any issues identified with respect to the quality and financial viability of individual Providers will be monitored.
- The Care Act 2014 gives responsibilities to CQC for assessing the financial sustainability of certain care providers, it also gives them new powers to request information from those providers and to request a provider who they judge to be in

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financial difficulty to develop a sustainability plan and arrange an independent business review, to help the care provider remain financially sustainable. The Council will continue to work with CQC when they share concerns about care providers operating in Sefton.

- With respect to any potential impacts of the decision on the quality of service provided, regular monitoring will continue to take place. This will include monitoring of factors such as meeting Service User needs, the quality and retention of staff, staff training and overall management of services. Monitoring of Safeguarding referrals and regulatory notifications will also continue.

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Appendix B

Provider Responses to the Consultation

Residential & Nursing Care Homes

Responses from North & South Sefton Care Home Group

INTENT TO COMMENCE LEGAL PROCEEDINGS

I write on behalf of the North and South Sefton Care Home Group to express our collective disappointment with the recent announcement of the intended fees increase. The passion, upset and sheer bewilderment will not have missed you on the recent Teams consultation call with Providers. I do hope the feelings and views were adequately recorded for the minutes. The in face of unprecedented financial pressures placed on the social care sector, Sefton has chosen to consider it acceptable to present the lowest fee increase in comparison to other neighbouring local authorities. You are aware of the true cost of care. Sefton fees are quite simply; inadequate to maintain safe, quality care for those it is commissioned to care for.

We have taken legal advice and formally notify of our intent to commence legal proceedings, Judicial Review (JR). We have put on notice [REDACTED] who is willing to represent us. You may recall it was [REDACTED] who successfully handled the previous JR in 2012 on behalf of the Sefton Care Association.

However, before we procedure further may I suggest:

- We hold a NSSCHG/Sefton round table private discussion to discuss the matter before committee decision. [This would be a small select group of representatives not open forum].

It is fully appreciated that we are all in financial challenging times. The pressures on Council funding are immense. We all fully understand that. I personally do not wish to go down this line but I and others feel that there is little option available to us now. I'm just a small little care Provider but I speak for all single care homes desperately attempting to make ends meet. These are frightening times and I suspect some will not survive. As a forum we feel we are not being listened to and that is probably reflected in the few number of responses to your consultation. Providers have given up and that is very sad. However, the suggestion of 9.9% is not acceptable and is not supported by the review of your neighbouring boroughs. We hope there is a final opportunity to avoid a rather unpleasant attritional battle to secure what we consider is only morally correct for the most vulnerable in our society.

Please let me know if you are willing to meet.

Agenda Item 4

I'm yet to get a response regarding a face-to-face meeting that you have agreed to [I have emailed and left a voicemail with ██████]. I would hope that this was considered an important meeting for you too to resolve this impasse.

I need some urgent clarification on the conditions which have now been attached to your new proposed fees, which incidentally remains too low. I am disappointed that the Council have now attached conditions to something that they have a moral obligation to provide anyway. Please don't waste this opportunity to make progress with some last-minute idea to discretely 'coat tail' some conditions to these new fees proposal. In its current form it will not be accepted and will only serve to increase the deeply felt anger already felt by Sefton Providers with your previous 9.9% offering.

Conditions attached:

It is also proposed that the Cabinet report will highlight that fee rates will be linked to some specific conditions of change, including

- Retention of a Good CQC rating.
- Such fee rates including the full the provision of services, and therefore, which does not come with hidden costs such as top-up / additional Staffing and support costs.
- The engagement of monitoring of costs as per normal finance monitoring - to offer the Council assurance in how the provider is delivering the expected standards.
- Revised commissioning and contract arrangements – for example establishing a provider framework base – that the Council will offer to customers, and therefore the Council will not commission beds from Providers who do not meet the expected standards linked to increased fee rates.
- Providers engaging with the Council and Health Partners on initiatives such as reviews of additional 1:1 care in place for people and adherence to associated revised policy and process arrangements.
- Continuation of working with Providers, who want to engage in delivering something different – so that we can with care homes, better support prevention and more enabling styles of care, that support people home.
- To work with the council in collaboration to develop services that best support its aim, ambition underpinned by early help and prevention, so to ensure we are fit for the future, resulting a in revised 2023 specification.

Deborah, please note that members would not be in a position to accept these new conditions especially the suggestion that 3rd Party 'Top Up's would not be able to be charged. I'm sure this is not what is suggested as that could never work and would seldom be deemed acceptable to any market Provider [at all]. We would be accepting a considerable **drop in income across the sector**.

The retention of a good rating - so what happens is a provider slips into RI?

I can not see the agreement that Sefton will now collect the client contribution as per many other LA?

I would appreciate a call or email today to clarify this as I do not think this has been assembled fully aware of the unintended consequences of what this is suggesting. I have lots of members who are now more concerned than before.

This needs to be clarified before the Team calls on Monday as this will not have the outcome we all hope and will only serve to inflame an already volatile situation.

I await your email/call.

RESPONSE TO SECOND PROVIDER TEAMS FEEDBACK SESSION 24TH APRIL 2023 1200-1300 HRS

I write on behalf of the North and South Sefton Care Home Group.

I don't know where to start, words escape me for what I have just witnessed on the Provider consultation call. I emailed last week seeking clarification on the explosive points regarding 3rd Party Top Ups as a condition to your revised fee increase. I could foresee that it was a highly controversial point. Disappointingly, your directorate failed to provide that clarification beforehand, therefore failed to listen and as a result we ended up with the embarrassing pantomime we saw publicly online. I still remain bemused and possibly not sure you know yourselves what you are seeking as part of this consultation process. It appears poorly thought out and it has a feel of immature, bumbling with opportunistic discussions by those who are unfamiliar with the realities of Social Care. This is not the way to do business.

Our points:

- The new revised fee rate at 16% remains too low and does not reflect the True Cost of Care. You have already admitted this. The rate needs to reflect at least **20%+** considering other Councils are above this.
- Confirmation that the new rate (whatever it may be) is **NOT LINKED** in anyway to conditions such as Top Ups, One to One or other wording. You mentioned that there were no conditions attached and this was **our** misinterpretation of your slides. Therefore, we require urgent confirmation in writing within 24 hours to allow Providers to comment still within the limited consultation period.
- Sefton project of collection of personal contributions will be **completed** by the end of July 2023 not commence by this date as your slides suggested.
- NSSCHG will make **verbal presentation** at the committee council meeting to be held on 25th May 2023. Please inform the secretary and allow provision and issue of full relevant committee documentation papers for us to review.

Deborah, we all want an amicable resolution to this. I would hope we all want the same thing which is quality care delivered to our most vulnerable by Providers who are financially viable and sustainable for the long term market. Let us not see the catastrophic social care failures we have observed in Liverpool due to underfunding.

Finally, I hope you understand that I'm here to assist. Please make use of this valuable resource of communication and engage with me and our Group.

Provider Responses

We are writing to register our dissatisfaction with the suggested 9.9% increase in fees for 23/24.

Only today it was announced that inflation has increased to 10.4% (the average since Apr 22) whilst food inflation is 18%+ and energy inflation anywhere between 100% and 200%.

Agenda Item 4

We are encouraged to pay the RLW which we happily support, but an overall fee increase of 9.9% does not allow us to do this, we strongly urge this to be reviewed as we will no longer be able to pay our staff the RLW.

We would request a meeting to discuss this further.

I'm not sure if sefton commissioning group has any idea the financial pressure care homes are under.

Ive just had my quote for commercial waste collection for the year from sefton and it has gone up by 175%.

Plus the council tax will be going up by sefton by the maximum I believe.

Just two examples.

I really don't think you have any idea what we are going through.

How can we run a business when you believe "other costs" have gone up by 10.50%.

Please advise where those figures come from as they don't reflect what is actually going on.

I personally don't feel this is a feasible profitable business anymore Moving forward as a 9.94% does not cut it.

Sefton do not listen to us at all.

Please can we have a meeting all providers are desperate.

When is the next finance meeting?

As a Care Home we are struggling financially and I'm in the process of getting an overdraft.

Its that bad. there's no money.

I think you could sense from the last Financial meeting the real concern and worry providers are in and the anger and frustration on that [call..](#)

Sefton are the lowest fee-paying LA in the surrounding area. You are £8.90 lower than the lowest. Data provided by [REDACTED]

Sefton

Residential **£616.87**

Lancs

Res Std £642.36

Res Higher £706.37

Knowsley Residential Std £625.77

Wigan

Residential Std £666.00

Residential Higher £666.00

Liverpool

Residential Std £635.35

I was shocked and stunned to see the rates for Sefton and that the £8.53 had been deducted - an absolute insult. A 9.94% increase. I'm lost for words how Sefton can justify this with the current economic crisis. It made me angry and felt how just so little Sefton Cares for the residents in Care Homes in Sefton. The government knows and realises just how underfunded Care Homes are and ringfenced money. One severely underfunded increase for the future 12 months, what business runs like that, it's madness.

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Sefton has no comprehension what is going on in care Homes, you have ignored the National Survey, which was done, your own survey which Sefton commissioned ARC to do, you have ignored providers. Where does that leave us? COURT?

For the Financial sustainability of [REDACTED], I have had to increase my fees to £700.00, this is still not nearly enough, I'm running a business, which should be making a profit.

I have families in tears and residents wetting the beds worried about the increase in fees, hence the new shortfall of £83.13 to stay at [REDACTED]. I have Sefton saying they're going to re-assess 98 year olds and perhaps move them from their "home" - again how is this right. Residents have a right to choose where they live and should not be forced out of their homes.

Neil, Sefton need to review and revise this "proposed Fee Increase" and at least give us something more, the £8.53 plus a good increase.

I'm glad CQC will now be assessing local authorities as one big question will be "how do LA's calculate their fee setting for care Homes".

Please advise when the next meeting will be regarding Sefton's proposed fee uplift.

I hope you're well.

Further to the meeting today I would just like to clarify some points and provide feedback regarding the Fee Consolation Process.

Cost of Care - the "revised proposed increase" of 15.79% . As discussed, this is NO WHERE NEAR the cost of Care as provided in the two surveys. One which was facilitated by the Government and one which Sefton commissioned ARC to do.

The revised fee increase using the CPI rate as a method to increase the overall fee rate, does not support "move towards" Fair Cost of care. This Revised Fee increase needs URGENTLY reviewing again.

All conditions related to ANY Fee increase need to be removed, as Sefton clarified today these were "not linked" to the proposed Fee increase, although it clearly stated they were.

Client Contributions - Sefton needs to pay the gross fee, this matter needs to be expedited immediately.

I understand Deborah was going to talk to "her team" after today's meeting therefore I/we look forward to Sefton's response.

Care Homes need the help and support we deserve now, we are running a Business at the end of the day not a charity. Even Charity run Care Homes cannot operate at Sefton's rate (Council rates). Care Homes have been underfunded for years and this realisation is clearly showing now.

We need to work together; Providers have been honest and open every step of the way.

I hope that a solution is remedied soon and we can continue to run our care homes and look after our lovely residents.

[REDACTED] is the chair & spokesperson for North & South Sefton Care Group and representing the Care Homes in Sefton and therefore is liaising with Sefton and the Providers, hence I've cc'd him on this email.

[REDACTED]

I think it needs pointing out that you are not giving us a 9.94% increase as you are not taking in to consideration the actual fee is £ 569.63 not £ 561.10, so the actual rise you propose is 8.3%, so once again your fee uplift calculations are flawed, as inflation and other cost are running at 13.4% (CPI all goods index) its clearly not enough, Regards

[REDACTED]

As the residential fee for 2022/23 was increased during the year by £8.53 per week due to cost pressures please can you provide the justification for not applying the 9.94% to the current rate?

Can you also provide the explanation for not supporting a Real Living Wage for Care Workers?

as requested I would like to give you some feedback on the latest proposals as outlined in the attached presentation.

[REDACTED] can not sign up to the "conditions" suggested as part of this latest consultation.

1. We will continue to apply a top up fee as the latest fee proposal is still below our | weekly fee level.

Do I understand that unless we agree to this, we will be paid at a differential rate to other providers ?

If so, can you tell me how you can justify this contractually ?

2. Additional staffing and one to one costs

To apply for this level of support we have to provide information which is reviewed and the additional resource approved, subject to ongoing review.

We have not asked for this without justification.

Our experience is that we have admitted service users where care has failed or they have been discharged under the Mental Health Act.

Agenda Item 4

If we do not receive this we may not be able to provide safe care for an individual and they will not be admitted to our services.

Happy to discuss further.

I am writing to express our strong opposition to the terms and conditions attached to the new fee proposal recently put forward by the council. We request clarification that the conditions attached to the original proposal will be removed wholesale. We also do not accept that the increase of just under 16% is a fair proposal as it falls far short of meeting our basic room fee and will ultimately represent a significant setback for care providers across Sefton. This proposal will eventually result in a lowering of care standards if the concerns of providers are not seriously addressed.

Our fee structure is based on ever increasing outgoing costs and a fair profit margin and, as we have already highlighted in our email to you on the 5th of December 2022, the fees set by Sefton Council do not even cover our basic costs let alone allow for any profit on a 90% occupancy rate. This has left us with no choice but to rely on private paying service users and top-up fees, which are almost never met by families, to meet the needs of our business.

This situation is completely unsustainable and could potentially result in the closure of some care homes across the borough if the required financial support is not provided. We cannot continue to operate at a loss on every Sefton placement that arrives and still provide the high-quality care that our residents deserve.

We strongly urge the council to reconsider the proposed fee increase and conditions, and to work with us to find a solution that is fair and sustainable for all parties involved. We understand that the council faces financial challenges, but we cannot bear the burden of these challenges alone.

We hope that you will take our concerns seriously and act promptly to address them. We look forward to hearing from you soon and to working together to find a solution that works for everyone.

2023/24 Sefton Fees Proposal - Provider Consultation Feedback

I have attempted on several occasions to engage in conversation with your directorate. Therefore, it appears that Sefton has failed to listen and as a result we ended up with the embarrassing pantomime we of negation we have witnessed so far. I still remain bemused and possibly not sure you know yourselves what you are seeking as part of this consultation process. It appears poorly thought out and it has a feel of immature, bumbling with opportunistic discussions by those who are unfamiliar with the realities of Social Care. This is not the way to do business.

Points of Feedback

- The new revised fee rate at 16% remains too low and does not reflect the True Cost of Care. You have already admitted this. The rate needs to reflect at least **20%+** considering other Councils are above this.
- Confirmation that the new rate (whatever it may be) is **NOT LINKED** in anyway to conditions such as Top Ups, One to One or other wording. You mentioned that there were no conditions attached and this was **our** misinterpretation of your slides. Therefore, we require urgent confirmation in writing within 24 hours to allow Providers to comment still within the limited consultation period.
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- NSSCHG will make **verbal presentation** at the committee council meeting to be held on 25th May 2023. Please inform the secretary and allow provision and issue of full relevant committee documentation papers for us to review.

Thank you for this opportunity and please ensure that this letter is included in the Councillors papers prior to the Committee Meeting to be held on 25th May 2023.

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Agenda Item 4

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Thank you for this opportunity and please ensure that this letter is included in the Councillors papers prior to the Committee Meeting to be held on 25th May 2023.

I write as you requested feedback on the fee proposals suggested by Sefton Council.

As I am sure you are already aware [REDACTED] is a “not for profit” charity run organisation which provides residential care for the elderly. The Trustees review and set the fee for the year, using a zero-based budget approach, as we run a very tight ship with regards to cost controls. However, we, like many homes like us, must consider what our residents need in order to ensure all standards are met, and also factor in the staffing costs to ensure the right calibre of staff are retained and recruited. We remain unable to operate without charging a third party top up, as it would not be safe for anyone involved at Peacehaven to live, work and visit in an establishment which was severely underfunded. The Trustees are not prepared to take this risk so, as in previous years, a third party top up will need to be charged for Sefton funded residents, as we will not discriminate between self-funded and local authority residents.

Comments on Sefton Proposals:

- The new revised fee offer is still not enough and will equate to [REDACTED] still having to charge a £175 per week third party top up.
- We need Sefton to collect the gross fee that **we charge and set** from the resident including any third party top up.
- Any revised fee rates will not have linked conditions other than what we already have signed for.

We appreciate the time and effort people put into the process but it really does feel like groundhog day with these consultations, as Sefton say they really want to listen and start to make a difference and work with the sector but then nothing ever changes.

We hope this does commence a better working relationship with all concerned and we do have a slight understanding of the constraints that Sefton are under, too. However, our business survival is paramount to ourselves and the residents in our care.


Kind regards

Please take this email as formal feedback and to voice our dissatisfaction with your proposed fee rate increases.

Specifically, we would like to raise the following points:

- Fundamentally, the new revised fee rate at c.16% does not reflect the 'True Cost of Care', something which you yourselves have admitted in the slide deck and further on the call. The rate needs to be set at least 20%, to go some way to cover the increases that we as providers are facing and would also bring you more in line with other local authorities.
- In the slide deck that you sent to us prior to the meeting, it was inferred that the rate increase would be linked to a number of conditions. We would like confirmation that the new rate is NOT LINKED in any way to conditions such as Top Ups, One to One or other wording. You mentioned in the call that there are no conditions attached and this was our misinterpretation of your slides. Therefore, we require urgent confirmation in writing within 24 hours to allow Providers to comment within the consultation period.
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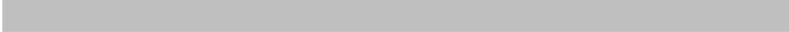
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We look forward to your response.



Thank you for your time earlier, my individual homes in Sefton who feel equally as strongly about the proposal will write separately but on behalf of myself and the [REDACTED], I would like to provide some formal feedback and voice our dissatisfaction with the proposed fee rate increases.

Specifically, we would like to raise the following points:

- The new revised fee rate at c. 16% does not reflect the True Cost of Care. As you know we have a full detailed breakdown of cost of care but just highlighting a few parts of that:
 - Colleagues are typically being paid real living wage as the bigger corporate providers/ non care jobs are paying more than this; so, we are having to pay real living wage. Therefore, a minimum increase of 15% rather than the 9.7% is what we are facing on our employee costs. We feel strongly that this is also the right thing to do to improve quality of care and reduce reliance on agencies.
 - As mentioned in the chat on the call, whilst I understand that CPI may be a mechanism that is used widely in the public sector, most commercial contracts including Utilities, Insurance, Food, Consumables are increasing by RPI which is 3% higher than CPI, and in fact we are seeing above RPI increases in certain lines, our insurance this year has actually gone up by over 20%; as you know Electricity and Gas will increase by at least 4 times and even if the wholesale price comes down, the changes that Ofgem have implemented to the standing charge, means that all commercial businesses will see a stark increase. I could go on, but the above information underpins why the proposed fee rate is insufficient.
- This leads us to a view that the rate needs to increase by at least 20% and even then, we are sure that gross margins will be compressed and after tax further compressed due to the increase in corporation tax this year.
- We also feel that it is important that your fees are more in line with your neighbouring authorities. The creation of the Integrated Care Board and System was 'to tackle health inequalities', how can that be the case when one authority is paying their providers much less than their neighbouring authorities?
- It was discussed at length on the call, but we strongly believe that the new rate is unconditional and should not be linked to such things as Top Ups, One to Ones or Good ratings. Albeit I am sure an innocent mistake, as a relative newcomer to this group of stakeholders, I was startled by the last minute and material change to the slides that you presented; it would have taken some of the strength of feeling out of the call had this have been spoken about at the start. Nevertheless, we do require confirmation in writing within 24 hours of the unconditional nature of the fee rate increase to allow us to provide further feedback within the consultation period window.
- And whilst we welcome the project regarding collection of personal contributions, this needs to be completed by the end of July 2023 not commenced by this date as your slides suggested. This is an administrative and financial burden on providers and again feeds the inequality that I refer to above.
- I also want to state for the record that this delay in agreeing fees also puts providers in a precarious position as most of our cost base has increased on 1st April if not before, so for all of us who have a large presence in Sefton, we will have the extra costs without the fees having been agreed and this just seems unacceptable given the climate we are all in.

I look forward to your response and a speedy and positive resolution to this so that we as a group of stakeholders, with ultimately the same goal, can start to collaborate on how we Improve the overall strategic outcomes for the Sefton area.

Agenda Item 4

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- Whilst we welcome Sefton's project to collect personal contributions, we would ask that this be completed by the end of July 2023 rather than simply commenced by this date as your slides suggested.

We look forward to your response.

Further to the second fee consultation meeting yesterday I feel that it is important to provide you with some feedback.

As a company we cannot possibly sustain our business on the paltry amount offered and to attach conditions to this is audacious, disrespectful to our hard-working staff, and shows a complete lack of understanding of the current conditions in social care.

I fail to understand how after the previous three years of online meetings with yourselves where suggestions are made, feedback is requested and given and apparently 'relations' with Sefton MBC improved, you can arrive at a figure of 9.94% then miraculously within two weeks increase this to 15.8%. There is a lack of transparency, and it would seem a huge amount of box-ticking occurring in your organisation with little empathy to the true facts as they have been made available to you.

At your request, we engaged with all the many different forms of auditing in order to gain grants through the Covid period. We then engaged with ARCC and the FCOC, diligently responding and meeting extensively and this was the best that you could come up with?

We then had the meeting yesterday which was an embarrassment to yourselves with the extra 6% added but the most insulting conditions attached. We are then told that you have made a mistake and need to reword the slides – all this despite the letter that went out to you last week from the Sefton Care Home Group requesting clarification on the conditions.

Clearly 15.8% is still not enough compared to the FCOC and the offerings of surrounding local authorities. I understand that you are 'moving towards the FCOC' and I urge you to reconsider.

I also urge you to remove the ridiculous conditions imposed which a whole group of intelligent people apparently misunderstood.

Further to this the collection of gross payments has been a request from Sefton providers' for years and to say that you will begin to consider in July is simply not good enough. This needs to be actioned now.

As a provider I have always been willing to work with Sefton for the greater good of our marvellous staff and residents', but I have to admit I am becoming increasingly despondent and mistrustful. I urge you to restore confidence by moving quickly to rectify the current proposals.



Agenda Item 4

I would like to voice my concern with regards to the proposed fee increase from Sefton Council & the manner of the meeting.

I feel as though the initial proposed increase was insulting to all care providers within the borough of 9.94% which is well below all other councils in the surrounding area.

To follow up approximately 10 days later with a revised uplift of 15.79% (which is still far short of the ongoing costs we are incurring) feels as though you have not listened to ourselves.

Then to put in conditions which you have no control of i.e. Third Party Fees, I find totally unacceptable. As mentioned in the meeting, all other boroughs do not have conditions in their fee uplift, which are all higher than Sefton's revised uplift.

As you state on your proposal, of wanting to support us in 'Moving Towards' fair cost of Care, I really can't see were this helps that. If anything this comment is an admission that you are not paying a fair cost to providers.

██████████ sent an email prior to the meeting to clarify your additional conditions with the revised offer, which was not replied to, so the meeting focused on this, the entire time. If you had responded, this might of alleviated the additional frustration we all received.

I feel as though the whole process has been a tick box exercise for the council.

It's a shame that after all the hard work over the past gruelling years, and the bridges that have been built with Sefton Council, to have it demolished with yesterday's meeting.

One Very Frustrated provider,

Response to second provider teams feedback session on 24th April 2023

Having taken part in the above consultation process, I write to present some of my thoughts on the process.

- Sefton fee rates have lagged behind the true cost of care for many years and this continues to be the case. Your revised fee rates, whilst certainly helpful and heading in the right direction, are still too low and need to be set at a rate of 20% or more to reflect realworld costs.
- The proposal of trying to prevent care homes from charging top-up fees etc. is a non-starter if you wish care homes to remain open for business in Sefton. If this was not your intention, please would you clarify as a matter of urgency and I apologise if I have mis-interpreted your intentions.
- We welcome the proposal that Sefton collects personal contributions as this would remove a tremendous burden on us as a care home, both in terms of administration and also in terms of bad debt. It would allow us to concentrate on our core business which is looking

after the elderly and vulnerable. Could I have your confirmation that this project will be completed by the end of July 2023, and not that the project will commence at that date.

I look forward to your response to the above comments.

Following our meeting yesterday, I would like to voice my total dissatisfaction, once again, with the way that Sefton has dealt with fee increases and your total disregard of the true cost of care, and I will deal with each item as follows:-

FEES

- 1 The proposed revised rate of fees - circa 16% fall a long way short of the true cost of care as shown by your own investigations carried out by ARCC last year, and based on return figures from the previous year, eg they are two years out of date now.
- 2 Therefore the increase should be for 22-23 and backdated and the new figures calculated for 23-24 on this revised figure.
- 3 You will also be aware that if ARCC did the same exercise now there would be a significant increase in the fee due to Energy costs alone (and insurance still increasing)
- 4 Food is also now showing a big increase, the full effects of which are now becoming apparent.

CONDITIONS

- 1 Sefton's revised fee offer had conditions attached to it which are totally unacceptable. All fee increases should NOT be contingent on any conditions.
- 2 There are no other local authorities attaching conditions to their fee payments, and because the fees are so low compared to the true cost of care, many homes would fail if they could not, and did not, charge a top up.
- 3 It is because of the lack of council funding at the correct level over many years (Red Quadrant was a point in fact) that homes have had to increase their full fee which means extra top up to the client.

Client Contribution and Third Party Collection

- 1 The council has a legal responsibility to collect these and should have been for many years. We have been promised that this would happen, but never has.
- 2 At the meeting it was stated that the council would start to look at this in July 2023, and that the council were trying to get the resources to do this. This is an insult to us, because we cannot use the same excuse for caring for our residents.
- 3 Homes now agree that it should be paid gross to all starting in July not just trialing the collection.

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Other Submissions

1 In your fee letter you state that Sefton will move towards the "True Cost of Care". Therefore the admission is that the council know that you are under funding care.

2 I believe a lot of my resident relatives will be unhappy when they know that they are part funding their loved ones care! Not the council.

3 I believe there are some who may wish to challenge the council legally on this point.

Wages - I have chosen to highlight this separately, but should be read in conjunction with Fees section.

1 Year on year the council have ignored the true wage increase, only calculating against the NMW increase. To get to an accurate figure, NI, pension contributions, holidays, and sickness etc should all be added to the real costs.

2 Many managers and senior staff have seen their income depleted and are leaving the industry because the wage increases have decreased the pay differentials, as there is insufficient money to pay them the increase they need and deserve.

3 Many of us are now paying increased rates, and are paying the real living wage. This is still not sufficient to keep people working in care as many organisations are paying well in excess of this.

This email and its submissions is just examples of the full issues we all are facing, and is not exhaustive.

Please take this email as formal feedback and to voice our dissatisfaction with your proposed fee rate increases.

Specifically, we would like to raise the following points:

- Fundamentally, the new revised fee rate at c.16% does not reflect the 'True Cost of Care', something which you yourselves have admitted in the slide deck and further on the call. The rate needs to be set at least 20%, to go some way to cover the increases that we as providers are facing and would also bring you more in line with other local authorities.
- In the slide deck that you sent to us prior to the meeting, it was inferred that the rate increase would be linked to a number of conditions. We would like confirmation that the new rate is NOT LINKED in any way to conditions such as Top Ups, One to One or other wording. You mentioned in the call that there are no conditions attached and this was our misinterpretation of your slides. Therefore, we require urgent confirmation in writing within 24 hours to allow Providers to comment within the consultation period.

- Whilst we welcome Sefton's project to collect personal contributions, we would ask that this be completed by the end of July 2023 rather than simply commenced by this date as your slides suggested.

We look forward to your response.

[REDACTED]

I've had a read through of the proposed fees for 2023/4.

In the document you say that the fair cost of care hasn't been taken into account. Even though it has been decided that it isn't to be taken into account I'd like to offer up the fair cost of care for our home in Sefton – [REDACTED]

Based on our budgeted costs, therefore taking into account the increases in the national living wage, agency reliance, increased utilities and high food costs the fair cost of care is £1,153.60 per week. As you can see there is a gap between this and your proposed payments.

As a charitable organisation we endeavour to provide high standards of care to our residents and any surplus is then pushed out into community projects that help people to live later life well, including clubs and befriending service which have a positive benefit on the mental health of our wider, older generation.

I hope that you will take this into account and look to review the proposed fees and increase them.

[REDACTED]

We are emailing you regarding the new proposed fee increase is unacceptable and far too low especially with the high increases in everything else.

Sefton's proposed fee increase just doesn't cover the ever increasing cost. And we ask as a small 25 bedded home that these increases are looked at again.

There is not many homes that can continue with high increases and no help.

[REDACTED]

Point to raise

A 16% increase in residential care fees may seem like a reasonable adjustment, but it falls short of providing the necessary resources for adequate care. The cost of staffing, healthcare supplies, and facility maintenance continue to rise year after year. Therefore, a

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20% or higher increase is necessary to ensure that the facility can provide quality care to its residents. Neglecting to invest in adequate resources for residential care may result in substandard living conditions for vulnerable individuals, leading to negative health outcomes and decreased quality of life. Thus, the importance of a substantial increase cannot be undervalued.

Without proper funding, staff may be overworked and underpaid, leading to burnout and high turnover rates. This, in turn, can result in a lack of consistency in care and disruption of necessary medical treatments. Additionally, inadequate resources can limit the availability of programs and services such as therapy, social activities, and medication management.

Poor living conditions can also lead to increased rates of isolation and depression among residents, which can harm overall physical and mental health. Furthermore, inadequate funding may limit the ability to provide adequate infection control measures or to offer preventive screenings, which can increase the risk of outbreaks and exposure to illnesses.

In conclusion, investing in the residential care industry is essential to ensure quality care for individuals who rely on these facilities for their well-being. Adequate funding can contribute to an increase in staffing levels, provision of necessary medical treatments, and the availability of social activities and programs. Ultimately, investing in residential care is investing in the health and quality of life of vulnerable individuals, which should be a top priority for society.

The new rate will be unilateral and not linked to any other considerations, such as top ups.

I strongly believe that in order to ensure care providers can remain sustainable in the current climate, we must work together towards an amicable and fair resolution. As a society, we rely on care providers to take care of some of our most vulnerable citizens, and it is imperative that these providers receive the support they need to continue providing quality care. By collaborating with each other, we can create solutions that work for everyone involved, including the providers, the clients, and the government. It is my hope that we can all come to the table with open minds and a commitment to finding a resolution that is fair and equitable for all.

As a provider we are owed circa £40,000 from Sefton due to incorrect fees being paid over the last few years, we would appreciate this is dealt with as a matter of urgency as well as our points above. Being owed such a large amount and then to not receive a fair increase is massively disappointing.

As an organization dedicated to providing top-notch care to our clients, we take immense pride in our work and consider ourselves fortunate to have found a profession we are passionate about. Our clients are more than just a number, they are our inspiration, and we strive to give them the best possible care each day. We hold ourselves to the highest standards and are constantly seeking opportunities for growth and improvement to better serve our clients. However, we cannot do this alone. We rely on support from our stakeholders, such as Sefton, to ensure that our goals align with our core values and

that we can continue providing exceptional care to those who need it most. We humbly ask for fairness of fees and for Sefton's support in helping us achieve our vision.

[REDACTED]

Just to let you know as the Proprietor of the [REDACTED] I have some genuine concerns over Sefton's fee proposals for 2023-2024.

I feel that the revised rate at 16% remains too low and does not reflect the true cost of care, the rate needs to reflect at least 20% considering that other councils are above this.

The new rate should not be linked to any conditions.

The Council should collect personal contributions as per other councils.

I also feel that Sefton Council has lacked genuine consultation with Sefton Home Proprietors.

The increase in National Minimum Wage and rising costs in general have put a huge burden on a small home like the Abbendon Nursing Home.

[REDACTED]

The fee proposal reviewed rate with conditions is not accepted by [REDACTED]

Firstly, the rate proposed is below rates provided by neighbouring Local Authorities, our care home group works with Liverpool, Lancashire, Salford, [Manchester](#) and Trafford. You have not considered information provided to you via the Fair Cost of Care Exercise, you informed us this would be factored into your fee proposals going forward but this is not evident.

There is a care crisis and Sefton does not seem to appreciate this and are heading towards Care Provider Market being unsustainable resulting in home closures. The FCOC information clearly highlights the shortfall in funds that are needed to maintain safe care levels, your fee proposal simply does not meet the true cost of care. We are requested financial information repeatedly by yourselves with EMPTY promises of support.

Providers are repeating to Sefton the increased costs we face with Utilities, Insurance cover, Food, Waste Services, Furniture, [Repairs](#) and staff costs. Recruitment has been an ongoing issue that Sefton has not supported providers [with](#), many other LA are supporting Employers to be Real Living Wage Employers yet Sefton is happy to advertise they are but not willing to support providers to do the same. I recently raised the international recruit support government had introduced to you which you replied there was no such scheme, an indication of how up to date Sefton is with what is happening.

How can Nursing rate be only £18.39 higher than residential, CPI rates have been included but Sefton is not factoring in the true costs as provided in the FCOC exercise.

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Sefton does not support Providers and this is clearly evident with the initially fee proposal rate, the fact that you would simply propose a rate that providers could not sustain only to magically propose a new rate, you said your initial proposal was the best you could do? Many of the providers in Sefton are small to medium business many of which are family run built on decades of commitment to the Healthcare Sector. Covid crippled many providers financially and many care workers left the sector what Sefton is doing now is giving the final blow to close homes in Sefton.

I hope Sefton appreciates the passion Providers have for the Care Sector and that your support is needed to work with us to care for Sefton residents for years to come.

Many thanks for extending the consultation period.

I'm here at the eleventh hour as usual due to workload and time constraints. I realise I am past the close of play, think I will get it done before midnight and hopefully still ok to include.

I would like to point out that I genuinely do recognise, appreciate and value the energy and commitment that everyone from the council puts into these meetings, I believe there is a genuine willingness here to listen. However I must be candid and air my thoughts as this is about more than just listening, what is the point if it does not affect outcomes.

This would go against the guidance and resources the government has provided to councils to focus on reforming the adult social care market to promote a collaborative journey with care providers towards paying a fair cost of care.

We are very much aware of the opportunity here and really want to all work well together.

I have set out my thoughts and feelings and hope that issues get resolved.

Deborah had asked us to send in our feedback, guess I have just downloaded some of what I say at meeting because of the consultation in question issue

I fully embrace a collaborative approach in working together to continue to provide a great caring service that is re-invested in.

I am very proud of our home, it's a happy home, the 45 Residents are supported and cared for to live full and enriched lives and I am proud of our team of the 50 staff we employ who make it all work.

I know we provide a good service to the community, we see improved lives of those that come into our care. We are a valuable and cost-effective resource but not one to be abused.

Many businesses are currently working for no return, trying to stave off losses, we are not charities, some with shareholders, working ridiculous hrs, we are fortunate to have no borrowing, some do.

Now is the time to put more funds in.

Care home owners are dealing with a lot of residual stress after their worst three stressful years and I feel I have been so very insensitive around the consultation which could be questioned as genuine.

A quote from Lancashire councillor Graham Gooch on their proposed fee review

“There are a number of costs which these businesses face which rise every year in line with inflation , which include paying staff wages, pension and other bills” .

“The proposed uplift could also help them cope with challenges such as energy bills, post covid-19 recovery , staff retention and recruitment and other additional pressures on the care sector as it experiences the cost of living crisis and recovers from its effects of the covid -19 pandemic”

They seem to be acknowledging the issues and costs in engagement ,

You state you are “committed to moving towards the fair cost of care over 3 years “, well now is the time to stage the funding more proportionately higher

I don't know what more I can do to show you it does not up ,

I have fully embraced and promoted further engagement on finances at a very difficult and busy time in the care home business, and though uncomfortable about speaking on these event and being the opposite of eloquent.

I have fully informed you throughout on the financial difficulties a typical care home like us are facing as many others have .

This has been supported by my detailed financial information and my cost of care exercise and any other information you have asked for and I have been able to complete.

I have not bothered this time in detailing figures as you simply know it all , you have all the information at your fingertips now .

You know a home managing on a purely funded rate alone could not be surviving unless it had its own wind farm .

As you are well aware the disbelief , to put it mildly that was shown at the meeting on the 5th April with your original fee proposal increase 9.94%

The ill feeling and damage that it caused , gave a feeling that we had only been part of a tick box exercise ,being duped , played, a feeling of being used by people we thought were genuinely engaging with us. I could go on but most of it was covered well by Johnathon.

I felt yet a gain a low figure is somehow plucked out of thin air and justified with some percentage attachments to appease yourselves and get a sign off .

HOWEVER WITHOUT EVER ACCEPTING THERE IS A FUNDAMENTAL FLAW , THE BASE FIGURE YOU ARE CURRENTLY USING IS WRONG IN THE FIRST INSTANCE , it doesn't really matter what you do with it after that, because we are going to be funded wrongly until you address it .

I feel many home owners had drifted away from consultation over the years as engagement just felt like a tick box exercise

I had believed this new set up with Deborah and her team and the teams set up would grow into something ,better communication, good understanding of our pressures, build up momentum with more home owners , work well with all the upcoming changes that are planned 23-26.

To come back with a refreshed figure is very much appreciated, although it is what I call the bare minimum figure, to possibly keep care homes with their heads above water .

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Not much wiggle room boiler room 35k laundry 20k roofing 6k coming out of May , June , July figures last two found out this wk .

I mention these things because, honestly its where I feel the council don't get it , they are real and part of our day to day lives and have been ignored , it's the stuff we pray don't come up because it's all such a financial stretch and no way to run a business because werenot being paid the true cost of care .

The energy cost have wiped businesses like ours to the bone , we have to find an additional 95 k on top of our usual costs , covid catch up on repairs and renewals etc etc .

It's a shame I feel I have to highlighting a few areas here, as it has all been raised in actual calculations in the care exercise , costed submitted and ignored and raised verbally at meeting but just thought I'd get something down one last time.

If the council are" working toward a true cost" , which you say you are as part of your market sustainability plan why are you ignoring the elephant in the room , I notice in the new increase under an additional list , acknowledges utilities , its simply not covered, this is significant and for some vastly significant.

I urge you to make this part of your plan as some homes like ourselves have been effected 400% and 200% by gas and electricity increases.

However the council just seems ignore this devastating impact this is having .This for us equates to £45 per res per head on top of the usual cost energy costs up until the end of the year when hopefully it will half .

This is just crippling and takes up the majority of the funding. It sums a lot of the understanding up around costs in just one figure ! If nothing else I would have like to have seen some separate fee allocation here for those more severely affected .

When you pay care homes to keep their head above water ,it's not a business model . I worked on Cost of Care Exercise its a good planned model in all areas . They factor it all in. Actual staff what you should have in to make your business work.

If we can't invest in our businesses because of inadequate funding it just makes me feel YOU could end up creating the poor underinvested services YOU commission its not a great accolade in what should be a very exciting , forward thinking time in working with you to adapt to changing market needs and your future plans .

.

I realise you only have a certain amount of resources but it's nowhere near the fair cost or even working towards a fair cost

.

I read the market sustainability plan and the market position statement , it's your plan , you talk about promoting a market of services that are diverse sustainable and high quality .

Providing inadequate funding is only going to damage what you seek to achieve , given this is just a three year plan to 2025 ,where the council works towards paying the fair cost of care -- given all the hundreds millions that is being spent in social care reform ,all the work the integration in health and social care that's going on , the digital transformation ,integrated care systems, your own forward

planning strategies , your quality frameworks etc etc etc ,all the good pieces of forward , proactive work all the training , webinars seminars everyone's attending around all of this and then its DEEMED OK TO SKIMP ON CARE HOMES ,TO JUST BARELY PROP THEM UP , WITH OUT CARE HOMES AND MAINTAINING GOOD CARE STANDARDS IT ALL COLAPSES. It just doesn't make sense to me it would seem more forward thinking to address the true cost of care more favourably than has been preposed a 16% increase is just insufficient .

Administration overtime costs just keep escalating ,I am working ridiculous hrs out of necessity , I will be looking to employ another full time administrator to keep up with the ever increasing demands from us .

*For several years we have been asking for the council as other councils do to take over collecting client contribution/take over full payment THIS SHOULD BE PRIORATISED , MANY FEEL WE HAVE BEEN FOBBED OFF FOR YEARS . its simply not fair to ease your administrative burden on to us for so long .This has to be addressed ASAP.

I do realise that within your plans for social care reform a collaborative approach is needed , some of the government directives are not quite clear and probably early days and more clarity will appear on . gov . I look forward to engagement on your plans for clarification , I know within these top up payments are areas of concern . I understand the private fee payer and top up payers by 2025 will be able to seek the councils same funded fair cost rate and the difficult addressing this , open and frank conversations need to be had here I think , it just seems unmanageable . watch this space.

What I found very upsetting re the latest increase letter is the caveats attached and I am not sure if this was an attempt to address the above issue . irrespective of my random thoughts .

I found it wholly unacceptable and again as did many others, a total insult to have such conditions attached to any fee review , never mind an adjusted fee review . The letter caused so much damage amongst owners to basically give in one hand and then set conditions that would be so severely financially detrimental ,just appeared underhanded .

It didn't help that it was simply explained away as a future /working towards and apology over it be confusing – to me it reads as a condition and I spent several hrs of my time preparing for engagement around this .Our time is so precious , please can such important things not lead to make so many people so upset and waste so many peoples time .

*I can't find it acceptable for fees to be linked in this way to conditions

Thank you for your time to read , sorry its so long and a little disjointed not had chance to tidy up but I think Neil I have got all my points and concerns across .

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Day Care

In response to your recent email re Sefton Council Annual Consultation on Day Care Fees. I have consulted my fellow Directors and we are pleased with the proposed increase of 9.84%. I would however like to draw your attention to the following service users who we firmly believe are not currently receiving the right level of funding or whose needs and therefore the level of support we offer are far greater than the level of funding we receive.

I have received correspondence on proposed fee increases for day care placements from April 2023 the figure being 9.84% on our existing fee this would give ourselves an increase from £54.07 per day to £59.39.

I'm writing to express our own feelings on proposed increase and try to explain why we feel this is way short of what we believe is the true cost of delivering quality day care.

We have been providing this service to Sefton now for over 13 years when we initially set up our day care centre we received £45 per day on a spot contract basis and at the time we were aware that Sefton were paying £55 per day at that time on a block contract basis with another provider.

We have received over the past 13 years just 3 increases in fees to our current level of £54.07 that's approx. 20% over 13 years were as inflation over the same period is 59% and minimum wages has increased by over 78%. If we take in the new proposed fee increase planned for April this would still increase the fee levels for ourselves over those 13 years to 32% way short of the 78% min wage increase and also falls well short of the 59% inflation cost over the same period.

If we take the same exercise over the shorter period of the last 5 years 2018 -2023 Including the new proposed increase the figures still make very depressing reading as this would be 17% increase on fees however 25% would be inflation over the same period and 33% increase on min working wage.

We feel the actual fee we should be receiving to maintain the standards we have provided over 13 years should be realistically £70 per day. If you applied normal inflation over this period it gives you a day care cost of £71.55 but if you applied wage increase costs it would be £80.10. So you can see the true disparity between these figures.

Even given a new rate of £70 per day this still could potentially save Sefton a huge amount on support service cost as when you look at the alternative to Day Care it becomes very apparent how cost effective this service is if the alternative to a breakdown of a family support network should be a full time care placement would cost over £1000 per week or home care at a cost of £20 per hour as opposed to several hours including meals and all activities in the centre at a cost to Sefton as little as £4.50 per hour.

From our experience over the years the majority of families require 3 days day care to allow them to continue providing support at home so for a cost of £210 per week you can see the potential saving to Sefton on support services. I am happy to meet up with yourself or any one in contracts and commissioning to discuss further any of my figures.

Feedback on uplift for Day Services

Further to the communication attached, applying the uplift advised of 9.84% does not meet the rates we need to charge and therefore does not meet the cost of delivering the service (Care Act 2014).

For new referrals and for when any current package changes I am proposing that we charge these new 23/24 rates with immediate effect as we cannot take referrals on the current rate and exacerbate the financial issue.

	22/23 Rate	23/24 Rate with 9.84% Uplift
Rate per Hour	£15.24	£16.74
Access Rate	£49.92	£54.83

As per my original e-mail if you would like to meet to discuss this please let me have your availability.

I look forward to hearing from you, please let me have your availability if you would like to have a Teams meeting.

Direct Payments – Personal Assistants

I write re the letter in relation to the proposed increase in Direct Payments rates from 1st April 2023, from Executive Director for Adult Social Care Deborah Butcher. I support the increase for PA's and ask if any consideration has been given to increasing the day rate funding for day centres? As far as I am aware this has remained the same for the last 10 years. These provisions are subject to the same increases in living costs as individuals and in many instances their running costs will be significantly higher. I am aware that there has been a recent consultation process into adult services across the borough and as a contributor I am awaiting the report which I now understand is being dealt with by Rebecca Bond.

I have read the information regarding the proposed increases to pay for PA's. If this goes ahead, please can you advise what needs to be done. Will the hourly rate automatically be adjusted, or do I need to fill out a form first? The current hourly rate for our PA is £9.50.

Thank you for the information you have sent today. I agree with the increase to £10-42 per hour for the interim time. After 1st April I will increase to your suggestion of £11 per hour. If any difference, please advise.

Last time there was an increase in Direct Payment rates xxx did not receive it initially - the excuse being that she is joint funded with Health.

To get the increase I had to reach out and trigger a review. This seemed to be a complete waste of resource but following it xxx did eventually receive the increase.

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I am writing to ask if this time she will automatically receive the proposed increase or do I need to trigger yet another wasteful review.

[REDACTED]

so according to this can I pay my p.a £11 an hr as she's currently on £9.50?

[REDACTED]

I am wanting to know that from the new financial year that I can increase my PA's hourly rate to the new recommended rate of £11.

[REDACTED]

Thanks for your email. I am writing to say that I agree with the proposed increase in rates outlined in your letter re employing a Personal Assistant and assessed care needs from April 1st.

[REDACTED]

RE: Sefton Council Consultation on 2023/24 Direct Payment (Personal Assistant Rate)

It is encouraging that you are proposing a small increase in the PA rate. Having had no increase in the hourly rate for several years it would have been impossible to pay the 2023 increase in National Living Wage.

As CQC registered agencies are paid so much more than the PA rates they are already able to pay significantly more than I am able to pay. They can also pay incentives - joining bonus etc which I am prohibited from doing. I enclose a number of attachments to evidence this.

I understand how important agencies are in preventing bed blocking in the NHS but paying an extra £5.11 per hour to agencies is skewing the market unfairly. Can it really cost over £5 extra for agencies to organise an hours support?

The general jobs market has moved, and many employers are paying significantly above your proposed £11. NHS are recruiting Healthcare Assistants from the care workforce which places further strains on retention/recruitment.

I am currently struggling to recruit to fill two vacancies, and this is placing pressure on remaining staff. A PA rate far higher than the proposed £11 maximum is needed.

[REDACTED]

Does this mean we pay 11 per hour next payday?

Domiciliary Care

The projected amounts you are proposing are a long way off the costs that were suggested in the recent exercise completed by the local authority to help the sector recover and start to pay a reasonable wage to the care staff for the work that they undertake. Naturally to be under £20 an hour is extremely disappointing. To attract people to the industry the pay at carer rate needs to be £11 minimum in my view.

This does go some way to improve the situation but I think it is still falling short of where it needs to be.

Liverpool are introducing a model which increases the cost of the 45 minute and 30 minute calls to in effect cover the affect cover the costs of travel and mileage/overheads, will this be something you will be considering in the Sefton area?

Drivers need to be paid the maximum 45p a mile to cover the rising costs for those in the job role and having to make ends meet in the current environment.

Regards

Deborah, I look forward to the consultation commencing, I'm sure other providers will be too. Every year the consultation starts after the costs increase for providers, every year Sefton are late with this, I am curious as to why? This year especially, providers and commissioners have been talking for months in other areas. Not least with reference to the FCoC rates (I note Sefton median = £22.68 p/hr or £23.13 on basis of predominantly 30 minute calls) I am so disappointed that despite all the warning signs, waiting lists, delayed discharges, not implementing block hours, no discharge funding, no released sustainability grants (unlike everywhere else), we get a tiny increase, which would appear to be a done deal with no reference to market, FCoC or reality.

This year, rates were increased in October by way of quick top to the current rate of £18.98 (since 03/10/23) we assumed to acknowledge the inadequacy of the area low £17.89 rate both across the North West and nationally given the CoL and inflation, recruitment, retention and local waiting lists (linked without question to funding levels and sustainability). So, it is with some amazement that I see Sefton claim a 9.89% rise. It isn't - it's a 68p increase per hour, or a 3.58% uplift, the balance is at best a part correction for Sefton being a regionally very low fee level. I'm sure you know this already when you review against the rest of the North West (we work across many of the areas and wider).

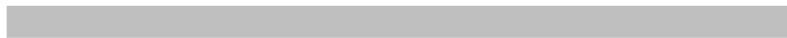
So, in April our costs are increasing a minimum of 9.7% for NMW, plus related on costs, plus fuel and travel costs, plus inflationary increases on overheads. Pay rates are already way ahead of NMW as you saw from the FCoC returns, meaning the calcs are wrong from the top line (carer basic rate isn't £10.70). We are also being asked to deliver far more within the incoming tender and I am very worried how you expect your care market to do this for £19.66 (genuinely the lowest rate we are

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seeing anywhere!) to fund fairly the care teams in the community, administrate a service safely and sustainably and then add in more structure and requirements under a new contract.

We are Sefton's longest standing and only boroughwide (GOOD rated) provider. We have two offices across the borough and have an unwavering commitment to delivering care and support from our local, dedicated teams. We have always worked hard to do a great job in Sefton, so many providers have come and gone, we want to continue to do this. I don't think you (Sefton) have got this right at all, I think you are fundamentally undervaluing care and the cost of care and I am at a loss as to where we go from here.

Please let us know when the consultation sessions are being scheduled as we need to discuss this in far more detail.



Further to today's Consultation Follow-up Event and the point I made about the effect of the Revised Proposals upon the volume of Domiciliary Care contracted by Sefton:

1. It follows that if the total budget for domiciliary care is fixed and the fee per unit of care is increased then the number of care hours that can be afforded will decrease. Can it be assumed that this will impact upon means-tested selection of those in need with fewer people being accommodated?
2. Under the original proposals for setting of fees for the current year Sefton was planning to commission about 6000 hours per week per area, 80% of which (4800 hpw) would be accommodated by two Tier 1 Providers. This would leave just 1200 hpw for all Tier 2 Providers in the area, which in practice is sufficient to support only 1 Provider, assuming they are totally committed to Sefton with no other sources of commissions. With less total of care hours and assuming that all the additional increase is passed on to Carers in their wages the viability of Tier 2 Providers will be jeopardised further.

The overall effect is likely to be counter to Sefton's declared aim of increasing diversity of Providers and to encourage a tendency towards a monopoly situation which will be in nobody's interests other than that of the big Providers. Service-users collectively have the most to lose.

I am writing again to add to the points I made yesterday.

The proposed additional increase the rate of fees, when passed on to our Carers in their wages, will help with staff recruitment and retention in the year ahead and we anticipate being able to make a better contribution to Domiciliary Care Services in Sefton than would have been the the case otherwise. It is a good decision which is extremely welcome.

The concern I was trying to express at the meeting, and in my email, relates to the proposed operational policy for the distribution of funding between Tier 1 and Tier 2 Providers. We believe that concentrating the majority of packages within a very small number of 'big' Providers is not in the best interests of the service as a whole. It will endow these Providers with disproportionate power and influence while impacting adversely upon the sustainability of Tier 2 Providers with | negative impact upon diversity and choice.

██████████ did not bid for a Tier 1 contract in the present round for the principal reason is that we are unwilling to accept pressure to take on additional care packages without being certain of having sufficient staff, training and experience to do so without risk of compromise to our own high standards of service. This is a judgement that we insist must be made internally by our Registered Care Manager, without the threat of penalties being imposed if we fail to meet contracted arbitrary targets. Despite the proposed revision of fees recruitment and retention is likely to remain problematical and the extra pressure of this sort placed upon already hard-pressed staff can be expected only to make matters worse.

A single category of registered Providers with the equal status and privileges would, we believe, offer a more secure and equitable domiciliary care service in Sefton. However, we appreciate that Sefton is committed to the two Tier system and will work with it to the best of our abilities but we request that further consideration is given to the distribution of packages and associated fees between Providers in light of the points we have made.

Extra Care

Hi , I would like to raise the following issues as feedback on the fee proposals for 2023-24.

Carer pay rates - £ 10.56 is used in the fee calculations as the current National Living wage rate.

The ability to attract people to work in adult social care is more than offering this hourly pay rate but this doesn't help.█

██████████ a Real Living Wage employer and has reduced turnover and improved retention by offering the RLW rate of pay, flexible contracts, training and development and the opportunity to increase pay. The RLW rate for 2023-24 is £10.90 ,only 34 pence more than the NLW.

It would be good to see this as a standard expected of providers.

Workforce development – It is disappointing to hear the latest news about the reduced investment in adult social care. However , there are steps that Sefton can take to ensure that the workforce is valued and I would be interested to hear plans

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about how the Market Sustainability and Improvement Fund will be used , particularly in relation to workforce capacity and retention.

Section 4 of your Market Sustainability Plan includes principles and standards expected of providers . There is no detail on how this will be supported by commissioners , nor how providers can contribute to this discussion.

Day services – I am unable to comment on the proposed fee level for day services as I do not know what the service specification is.

The time scale for comments on fee proposals closes before the specification is released.

It would be helpful to review this to enable meaningful comments to be made.

Supported Living

27th March 2023

Dear Sir/Madam

Thank you for your letter sent to us via email on the 20th March 2023, with regard to the FY23/24 fee uplift with effect from 1st April 2023, for adult supported living placements with [REDACTED]

Whilst we acknowledge your 9.84% inflationary fee uplift offer, and will update our billing accordingly from the effective date, we would like to continue to work with you to review the 1:1 hourly rate. (Please note this does not constitute acceptance of the hourly rate at this stage).

When comparing the hourly rate with Local Authorities within the Region, the hourly fee that has been proposed is low in comparison and we would appreciate the opportunity to work with you to review the fee to align packages to a viable and sustainable level.

Over the last few years, the Care Sector industry has had to endure unprecedented challenges in the employment market, with inflation increases and other cost pressures. This has resulted in fees falling behind.

Whilst we have been able to absorb some of these additional costs, the scale of increases means that fee levels need to be addressed. By far the largest cost is staffing costs, most notably linked to increases to the Real Living Wage and National Living Wage, which directly and indirectly affect all levels of staff in our services.

We are committed to paying our staff a wage that ensures we can compete with other industries and provide development opportunities, to retain the highest calibre of staff, for the benefit of our services and placements.

Quality comes first and foremost at [REDACTED], and as such it is essential, we receive appropriate fees to ensure we can address staffing, and ensure the environment is of the highest standard of care and safety to all placements

Please can you therefore, re-consider your position on the proposed hourly rate.

Kindest Regards

[REDACTED]

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Hi , I would like to raise the following issues as feedback on the fee proposals for 2023-24.

Carer pay rates - £ 10.56 is used in the fee calculations as the current National Living wage rate.

The ability to attract people to work in adult social care is more than offering this hourly pay rate but this doesn't help.

[Provider Name] a Real Living Wage employer and has reduced turnover and improved retention by offering the RLW rate of pay, flexible contracts, training and development and the opportunity to increase pay. The RLW rate for 2023-24 is £10.90 ,only 34 pence more than the NLW.

It would be good to see this as a standard expected of providers.

Workforce development – It is disappointing to hear the latest news about the reduced investment in adult social care. However , there are steps that Sefton can take to ensure that the workforce is valued and I would be interested to hear plans about how the Market Sustainability and Improvement Fund will be used , particularly in relation to workforce capacity and retention.

Section 4 of your Market Sustainability Plan includes principles and standards expected of providers . There is no detail on how this will be supported by commissioners , nor how providers can contribute to this discussion.

Day services – I am unable to comment on the proposed fee level for day services as I do not know what the service specification is.

The time scale for comments on fee proposals closes before the specification is released.

It would be helpful to review this to enable meaningful comments to be made.

Firstly, it is extremely disappointing that (due to Sefton MBC mistake) [REDACTED] were not given the opportunity to attend the provider consultation meeting held in March, and that a requested follow-up meeting has been declined. We therefore provide a written response to your single written communication received by us and dated 20th March 2023. This is not our preferred method of engagement with the Council on such important matters, and in the spirit of improving communications moving forward, I would welcome a discussion on how engagement can be improved between Sefton MBC and [REDACTED]

[REDACTED] Response to 2023/24 Provider Rate Notification

In 2021 and 2022, [REDACTED] wrote to urge Sefton MBC to increase its provider fees to afford Real Living Wage (RLW) pay for Sefton Support Workers. As a large, not for profit, charitable provider we have maintained an ambition to be a Real Living Wage (RLW) provider for some time, recognising the critical work our front line support staff undertake, along with those more widely in the Social Care Sector.

In April 2022, our Board brought forward our RLW ambition and made an investment of £179K in Sefton services to pay Sefton Support Workers the RLW. This was despite Sefton only paying provider fees at National Living Wage (NLW) level, which were insufficient to retain our workforce during a period of significant staffing shortages and a cost of living crisis. Our Board had to make the unenviable decision to subsidise Sefton services in order to protect the quality and continuity of services for the people we support in Sefton.

Sadly, we have been left disappointed and deflated with your proposed uplift of 9.84% to £18.41 and the continued provision of a NLW rate. We strongly believe that Sefton Council's proposed fee and payment at NLW level risks the stability of the provider market due to the inability of providers to attract and retain a quality workforce. This goes against the statutory duties under Section 5 of the Care Act 2014 regarding appropriate shaping and sustainability of a viable provider market.

The social care labour market has changed significantly over the last 18 months and the market is now operating and paying at a RLW level. We firmly believe that the appropriate fee required to sustain the market by paying RLW is £19.88 [REDACTED] *cost model, validated by CIPFA C. Co*). Further, we are encouraged (and take evidence from) the fact that many other Local Authorities in the Liverpool City Region (as well as Cheshire, GM and Lancs) ALL pay a RLW rate well in excess of £19 per hour. We have also validated our understanding with CQC Market Oversight.

Sefton MBC's rate of £18.41 is the lowest (by far) of all Liverpool City Region (LCR) provider rates. Sefton is also the only Council paying a NLW rate in 2023/24 with all other LCR Councils now offering providers a RLW rate. RLW. Payment of NLW rates to providers is not only a risk and an outlier in LCR, but it is also against the principles of the Liverpool City Region Fair Employment Charter scheme which Sefton are a part of.

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Finally, and most importantly to our organisation, Sefton MBC's proposed rate of £18.41 will again mean that [redacted] is required to subsidise Sefton services by a further investment of £258K (£79k more than what we have invested in 22/23) in Sefton Support Worker pay. Such investments are not sustainable in the medium to long term and charities should not be subsidising the viability and quality of Local Authority services.

Our Request

We kindly, but firmly, ask that Sefton MBC reconsider your proposed NLW fee and increase your rate in order to pay providers a RLW rate. An RLW rate would mean Sefton MBC would be in line with all other LCR Authorities. It would also mean Sefton would meet its duties of sustaining a viable provider market, and importantly allow providers to pass on RLW to its dedicated and hard-working front-line staff who are currently the lowest paid in the sector.

I look forward to hearing from you.

Yours sincerely

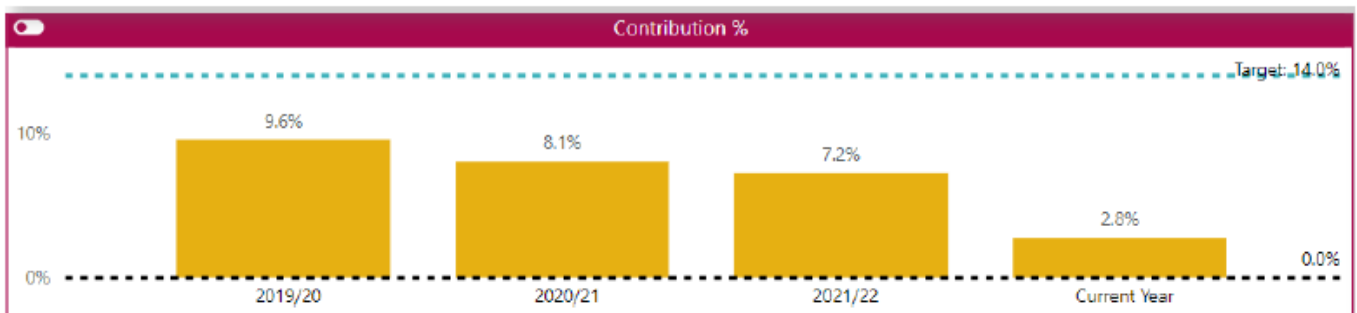
[Redacted signature line]

Dear Sefton Adult Commissioning Team,

RE: Sefton Council Annual Consultation on Supported Living Fees

Thank you for the offered uplift of 9.84%. As requested, I am writing to you in response to the consultation on fee uplift proposals for the new financial year 2023/24.

Historically, [redacted]'s Sefton services have performed poorly from a financial perspective, largely due to the low hourly rate. As the table below demonstrates, for the past 4 years these services have performed below the 14% target we work towards to maintain good financial health as an organisation, and the financial position of these services has worsened each year.



It is worth noting that there are currently no housemate vacancies (voids) with a financial impact in Sefton.

While the sleep-in fees are acceptable, the proposed day and wake night hourly rates are below what is needed to secure the financial stability of these services as shown below.

To attract, retain and demonstrate how much we value high quality support workers, we aspire to pay people as close as possible to the Real Living Wage (RLW). For the 2023/24 year we are not able to achieve this but have set support worker pay at a minimum of £10.63, 2% above the National Living Wage.

Where a local authority wants, and funds its providers to be RLW employers, [REDACTED] is happy to be able to pass that on. The table below shows the shortfall between Sefton's offer, the required rate to pay £10.63 and the funding gap to RLW.

	[REDACTED] rate	Proposed rate	Shortfall	RLW price	Shortfall to RLW
Carer basic rate	£10.63	£10.56	-£0.07	£10.90	-£0.34
Management	£1.65	£0.74	-£0.91	£1.65	-£0.91
Administration	£0.44	£0.54	£0.10	£0.44	£0.10
Annual leave	£1.64	£1.46	-£0.18	£1.69	-£0.23
Training	£0.45	£0.34	-£0.11	£0.46	-£0.12
Sickness	£0.37	£0.26	-£0.11	£0.38	-£0.12
NI	£0.89	£0.77	-£0.12	£0.93	-£0.16
Pension	£0.32	£0.41	£0.09	£0.33	£0.08
Other costs	£2.20	£2.80	£0.60	£2.25	£0.55
Profit	£0.58	£0.54	-£0.04	£0.59	-£0.05
	£19.18	£18.42	-£0.76	£19.62	-£1.20
Total annual hours			63,270		63,270
Total annual funding shortfall			-£47,976		-£75,998

We periodically review management spans and believe the current levels are as efficient as possible while maintaining the support and oversight necessary to ensure we deliver high quality, people centred services which are a great place both for the people we support to live and the people we employ to work.

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As an organisation, we are reviewing financially unsustainable services and may need to hand back services where sufficient uplifts are not provided and after all options have been exhausted to save on costs. I am concerned that our Sefton services may require this level of scrutiny and attention should we receive anything less than £19.18 p/h. Any support you can offer in supporting us to overcome these challenges would be greatly appreciated and welcome.

Yours Sincerely,

[REDACTED]

[REDACTED] feedback to Sefton's Proposed Uplift for Supported Living

It is really disappointing that the proposed new rate from Sefton is considerably lower than that of the other local authorities with whom we work and that the essential work carried out by a support worker is only being valued at £10.56 per hour, 34p below the current Real Living Wage, especially given Sefton's vision for Adult Social Care.

Like many other adult social care providers [REDACTED] has found it increasingly difficult to recruit support staff, largely due to the fact that supermarkets and fast food chains offer significantly higher starting hourly rates, with which we are not able to compete. Until December 2021 we had never used agency staff; since that date, because of constant staff shortages, we have had to spend a huge amount of money on agency staff to ensure that services are not understaffed and are safe. We have also sponsored workers from overseas; this is costly for organisations, both financially and resource wise. If the proposed uplift of only 9.84% goes ahead then the struggle to recruit support staff will only get harder; in addition to that will be the issue of care agencies charging hourly rates that could be in excess of the hourly rate that we receive. This is not sustainable for [REDACTED] and the likelihood is that smaller providers, of which [REDACTED] is one, will, in time, no longer be able to operate in the market, which would result in fewer providers and therefore less choice for those individuals in need of support. It is hard to understand how this fits in with the duty placed on LA's by the Care Act to provide a wider range of high quality, appropriate services that will give people more control and help them to make more personalised, effective choices about the care that they receive. Red Quadrant were commissioned by Sefton in March 2017 to carry out an independent review of the price they paid for care in local supported living in order to improve their understanding of local costs and inform future decisions regarding fees. I fully appreciate and sympathise with the financial constraints that LA's are under; however, it is extremely disappointing that some 6 years after Red Quadrant's review Sefton's hourly rate continues to be significantly below that of their comparators. [REDACTED] works with a number of other LA's,

including Liverpool, Wirral, Bolton, Knowsley, Conwy and Denbighshire and the rate proposed by Sefton is at best 60p per hour less than its comparators.

On behalf of [REDACTED] trustees and myself I urge Sefton to reconsider its proposed fees for supported living so that it is more in line with that of the other providers within the LCR framework. This will help to ensure a sustainable and diverse market in the borough and allow providers to work towards paying the RLW as opposed to a rate significantly below that.

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Appendix C

Notes from the consultation events held with Providers

Residential & Nursing Care Homes – 5th April 2023

1. Fee Consultation 2023/24

Sefton thanks our Providers who have to date responded to the Consultation.

The context for this year's Fee Consultation is that of the National Driver of "People at the Heart of Care" and the local context of the increased demand and complexity of need in the Care Home Market. Locally Sefton is also preparing for a CQC Assurance exercise.

Off the back of the work done on the Market Sustainability Plan and Fair Cost of Care work, the Department for Health and Social Care (DHSC) have confirmed that Sefton have met their requirements for the national funding related to these workstreams.

On 13th June there will be a workshop to roll out Market Sustainability. Sefton is also progressing work to implement gross payments, which Sefton would like to engage some Providers to pilot.

In the Consultation, Sefton are proposing a 9.94% increase of rates. This figure has been calculated based on CPI, the funding available to the Council and in light of the increase to the National Living Wage. Funded Nursing Care will continue to be separate. The proposed fee increase of 9.94% will be applied from 1st April 2023 on a without prejudice basis; if the rates are amended as a result of the Consultation process and approved by Sefton's Cabinet members, the amended rate will be issued to Providers. The rates will be going to Cabinet for decision on 25th May 2023.

Provider Feedback

1. Market Sustainability Plan references building an efficient and effective market. This is an ambitious plan but a significant number are paying less than it costs Providers to care for residents, impacting the sustainability of the market. Sefton is falling behind neighbouring authorities with the proposed rate.
2. A number of Providers expressed their frustration with the Consultation process and stated that they would not be responding to the consultation.

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3. Providers expressed they feel Sefton have not considered the findings of the ARCC Consultant report, or the Government survey. Some Providers of the opinion that the minimum increase should be £80.

Sefton encourages our Providers to engage with the Market Sustainability Plan, national and local exercises. We are looking at and reviewing the information available to inform our work on fee rates.

Example given of differences between Sefton's proposed rate and the rate Liverpool City Council. Sefton notes that Liverpool's base rate prior to their Consultation proposed rate was lower.

4. Providers expressed frustration and feeling that what impact their feedback could have if the ARCC report was not adhered to.
5. A number of Providers on the call made a formal declaration of a contemporaneous note A Provider requested details of all care homes in Sefton and was signposted to the CQC Care Directory. Providers also noted the challenges associated with collection of Net Payments and when they might be able to expect the implementation of Gross Payments by Sefton.
6. Providers asked why fees are already published on the portal but no dates?
The information has been updated in light of the without prejudice payments process Sefton are taking forward; this will be checked but should not affect payments being issued.
7. Providers have noted that cost of Sefton refuse collections has increased 234%. Previous £6 has increased to £20. Providers were given 1 weeks' notice of changes to costs and then notified they could have collection for one further month at old rate with a 5% increase.
Details around this will be checked.
8. Providers noted that they had already emailed contracts and commissioning their feedback. Providers feel that Sefton don't understand the costs to deliver care to residents. The shortfall in the cost of care is being passed to residents which Sefton shouldn't be relying on.
Providers note that they are unable to pay their Residential Care staff what they would like to. Additionally, some Providers are unable to continue applying for grants as they impact the personal tax rates of the managers and owners who apply to the schemes.
9. A Provider made reference to a Judicial Review due to frustration of engaging in Consultation exercises that for Providers feel unproductive. The interim uplift is 8.3% whereas the National Minimum Wage is rising by 10%. Other local authorities have

proposed additional increase for the Real Living Wage, which Providers are having to pay to attract and recruit staff.

Residential & Nursing Care Homes – 24th April 2023

2. Fee Consultation 2023/24

Sefton thanks our Providers who have responded to the Consultation. Sefton have to be mindful of the findings of the Fair Cost of Care now and in the longer-term Strategic planning.

Reviewed Financial Position and are looking at Financial Mitigation to meet the revised Fee proposals. We have amended our fee rate per the CPI rate, there are following slides that set out the rationale and reasons for these changes. Sefton are progressing with the iterative stage. The Cabinet report will include our Providers responses to the Consultation.

Provider Feedback

10. Providers reference the extension of the Consultation period and thanks for the follow up feedback session today. However, Providers feel that the new conditions and proposal rate are opportunist, not a genuine fee proposal, do not include the fee increase needed per the Fair Cost of Care. Providers note that Sefton have referenced a “move towards the Fair Cost of Care” and the reality that Sefton are a far way off the Fair Cost of Care. The Providers cannot agree to the stipulations relating to Top Ups and 1:1. Providers cannot operate without Top Ups and so cannot endorse the proposed rates. The fees, particularly the second rate does not seem to Providers, to have been considered.

Sefton discussed maintaining good ratings, particularly on well-led and caring criteria. We have included consideration of framework agreements as the next part of this work and work to continue to support maintaining standards.

In terms of Gross Payments, we are looking to commence a working group with input from Providers is planned to start no later than July, we had planned to bring this forward, but have been unable to progress as hoped due to workstreams required of us by DHSC. Sefton are looking to develop and co-design a Dementia Quality Mark with Providers. With regards to 1:1 we are keen to work with colleagues in Health to determine how we monitor, anything we can use as a template to support Providers with the 1:1 arrangements.

We have further work to do per the DHSC programme on the Fair Cost of Care.

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11. Work progressing in respect of personal contributions. Elephant in the room are Top Ups, which is the most hurtful and damaging. Financially, Providers cannot accept the conditions. Most Providers have to charge a Top Up as a Business Decision and Requirement. This is causing ill-feeling, it feels disingenuous, engineered .

12. Providers feel Sefton have offered a pittance, and then an offer on par with neighbouring authorities with caveats. Are other authorities doing this? Providers feel Sefton are conducting a tick-box exercise, which doesn't sit well with Providers.

Sefton would have to confirm with other Commissioning colleagues in neighbouring authorities. It may be that other areas already have these conditions in their contracts and markets, but also these areas will have different market needs.

13. Providers feel that Sefton cannot dictate what fees should be. Feeling that Sefton do not understand the costs to Providers and their businesses. Providers cannot accept these conditions as it would be setting themselves up to fail to continue to maintain their quality and care standards- Sefton need to recognise the needs of the market. Providers feel that Sefton have ignored the National and Local surveys.

14. None of the other authorities in the North West have added conditions for fee rates, a few have mandated the Payment of Living Wage rather than Minimum Wage.

15. Providers note that Sefton have had other constraints, however Providers feel that this is a poor comment, Providers do not accept Gross Payments workstream starting by July. Providers reference CPI increase for "move to Fair Cost of Care" - Providers feel it is wrong to reference this and then add caveats to the proposed fee rates on Providers. Providers reference the legal requirement for Sefton to pay the fee increase regardless of Council budgets. Wording "move to Fair Cost of Care" could be utilised by customers to take Sefton to Court. With the Proposed rates and the estimated occupancy rates will have Providers in a loss-making position. It will be impossible for Providers to maintain or improve their CQC ratings and standards of care with the rates Sefton propose, it is derisory and smacks of opportunism. Once again, it is Sefton who are unwilling to work with the Providers. Providers have said they will be charging their rates as are, not per the fee rates proposed.

Sefton will be progressing workstream to implement Gross Payments. Sefton have noted that Providers are unhappy with the revised rate and its implementation. With regards to Top Ups, we will revert on this, the implementation of this was meant as a future work programme, rather than a caveat of the revised fee rates.

Sefton were attempting to present that we do know we need to bring about the Fair Cost of Care. It was never our intention

The Top Up Profile has to be linked to our longer term ambitions around the Fair Cost of Care. Sefton cannot enforce what Providers charge their customers, we have set out what we can afford per the resource envelope available in the Council. We acknowledge the significant rise of Top Ups, not just for individuals, their families but also for operational staff.

16. Providers requested last week about more information on Top Ups, Personal Contributions. When Providers have asked questions, we are now being told we have misunderstood- Providers are disappointed and more confused than before and feel Sefton are not engaging to work with Providers to get through this impasse.

17. The conditions in the proposal, if these were not being implemented imminently, why have they been included, Providers feel Sefton are backtracking. Third party are supporting the Council.

The revised proposal of 15.79%

The future vision on Fair Cost of Care and Top Ups are not included now, we wanted to be transparent about future workstreams. We are not proposing that with the implementation of 15.79% that these conditions or workstreams are coming online.

18. Providers are annoyed, they are busy with a high amount of work. The comment implied that Top Ups are linked to Fair Cost of Care has cost Providers time and capacity making notes and researching the documents and their business position. Providers need more consideration by the Council about meetings being changed or cancelled, Providers want more respect from Sefton.

19. Providers reference line from the Cabinet Report with the linked conditions of change- how else were the Providers meant to take this? It clearly indicates that the conditions are linked to the Fee Increase.

20. Can Sefton understand why Providers needed the clarification about the linked conditions prior to today's meeting. It calls into question Sefton's competency. Sefton could have pre-empted the debate today which has utilised much of today's time.

Sefton's position that the discussions we have had today have been helpful for all participants.

21. Providers feel it is only a small number that speak up at these meetings, however all Providers feel the same way. Homeowners worry about repercussions for speaking out. Providers feel that it has been disingenuous to include those linked conditions in the fee proposal, the letter sent prior to today should have been

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responded to. 15.79% is not enough, doesn't cover Fair Cost of Care, Sefton have included the £8 from October in this rate. Providers need an around the table meeting promptly with Sefton.

Comments from the Chat

"Please can we note the Gross Fee collection by the council and not ourselves?"

"If anything authorities put enhancements on fees for great quality"

"Most commercial contracts are guided by RPI rather than CPI also, so the 3% differential between the two indices needs to be addressed"

"Wholeheartedly agree with all comments made by (Provider colleagues) as do all other providers that I have spoken to."

"Peacehaven House is a charity run home and is a "not for profit" organisation and we cannot operate without charging a top up so we will be continuing with our fee structure that has been agreed with the Trustees."

"All comments thus far made by our colleagues are spot on. Working towards a fair cost of care is unacceptable. This clarifies that the current payment proposal is unfair."

"In the past two years only one single service users family have been able to afford any top up according to the social workers involved in the placement. It seems virtually every family is unable to help meet our required fees. Sefton need to agree to meet that top up for families unable to pay. i.e a fair cost of care!"

Sefton officers to reconvene and consider the comments made today.

Thank you to our Providers for attending today and the work our Providers have conducted offline for today's meeting and all our other meetings.

Community Providers – 30th March 2023

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1.	<p>Domiciliary Care & Community Support</p> <p>Strategic Context of increasing demand and national policy drivers. Sefton have submitted its Market Sustainability Plan and is in the process of preparing for its CQC Assurance. At the same time, Sefton is embarking in greater integration of commissioning with the introduction of Integrated Care Boards and the establishment of the Sefton Partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #4a7ebb; color: white;"> <th style="width: 50%;">Duration / Service Element</th> <th style="width: 30%;">2023/24 Proposed Rate</th> <th style="width: 20%;">2022/23 Originally Set Rates</th> </tr> </thead> <tbody> <tr> <td>1 Hour</td> <td style="text-align: right;">£19.66</td> <td style="text-align: right;">£17.89</td> </tr> <tr> <td>45 Minutes</td> <td style="text-align: right;">£14.75</td> <td style="text-align: right;">£13.42</td> </tr> <tr> <td>30 Minutes</td> <td style="text-align: right;">£9.83</td> <td style="text-align: right;">£8.95</td> </tr> <tr> <td>15 Minutes</td> <td style="text-align: right;">£4.92</td> <td style="text-align: right;">£4.47</td> </tr> <tr> <td>Sleep-in (8 Hour Night)</td> <td style="text-align: right;">£95.86</td> <td style="text-align: right;">£87.40</td> </tr> <tr> <td>Waking Night (8 Hour Night)</td> <td style="text-align: right;">£157.28</td> <td style="text-align: right;">£143.12</td> </tr> </tbody> </table> <p><u>Q&A Session</u></p> <ol style="list-style-type: none"> 1. <i>Feeling that rates do not reflect fair cost of care, don't match neighbouring authorities and doesn't reflect what the care market pays their staff.</i> We need greater analysis of Provider responses and will use this information and compare it with our models [based on information from last year]. Information and rates from Providers are much higher than contracted rates. 2. <i>Figures of most interest are median half-hour- majority of business in Sefton commissioned for half hour.</i> Median rate has been calculated by Provider's average visit time of 37.7 minutes. Further information is available in the cost of care report. Sefton will re-group on this point and arrange follow up sessions with Domiciliary Care Providers. 3. <i>Methodology for the amount allocated for National Insurance [5.6%] and pension contributions [2%] do not reflect what Providers see in sector.</i> Providers are able to submit any such information / calculations as part of their response to the consultation. The Council has not 'reverse-engineered' the National Insurance increase that was applied last year based on the national increase that did not materialise 	Duration / Service Element	2023/24 Proposed Rate	2022/23 Originally Set Rates	1 Hour	£19.66	£17.89	45 Minutes	£14.75	£13.42	30 Minutes	£9.83	£8.95	15 Minutes	£4.92	£4.47	Sleep-in (8 Hour Night)	£95.86	£87.40	Waking Night (8 Hour Night)	£157.28	£143.12
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2.	<p>Supported Living & Extra Care</p> <p>Extra Care Housing a key strategic priority for sefton. The rates proposed align closely with Supported Living's and we are working with Supported Living in respect of Transformation, Technology and</p>																					

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	<p>Housing Strategy. Increase of 9.84% for ECH aligned with Supported Living rate, which has included benchmarking rates with rest of the Sector.</p>	
	<p>2023/24 Proposed Rate</p>	<p>2022/23 Rates</p>
<p>Hourly Rate</p>	<p>£18.41</p>	<p>£16.76</p>
<p>Sleep-in (9 Hours)</p>	<p>£107.85</p>	<p>£98.33</p>
<p>Sleep-in (10 Hours)</p>	<p>£119.83</p>	<p>£109.25</p>
<p>Waking Night (9 Hours)</p>	<p>£165.69</p>	<p>£150.84</p>
<p>Waking Night (10 Hours)</p>	<p>£184.10</p>	<p>£167.60</p>
<p>1. <i>Rates are out of step for staffing and neighbouring authorities, consequently Providers are struggling to recruit and retain good staff and are having to utilise agency staff, increasing costs to the Sector and Local Authority. If better staff wages could be achieved, we would better retain and recruit staff and be less reliant on agency staff. Additionally, what is the Council's stance of the Real Living Wage?</i></p> <p>Sefton's Cabinet want to be able to commit to the Real Living Wage, but we need to ensure we have the resources available to implement this. Additionally, implementation of the Real Living Wage would have to be wholesale across Sefton not just Adult Social Care. We will be looking to develop a workstream in respect of the Real Living Wage.</p> <p>2. <i>Supported Living is not included in Fair Cost of Care. To try and secure best outcomes, some Providers would welcome the opportunity to work with the Council to develop a paper for example.</i></p> <p>Sefton too would welcome a co-design approach to obtain the best possible outcomes for clients and reducing cost, something that the sector is very good at doing when we receive our Transitions cases. Points raised today should be expanded upon at a future Supported Living Provider meeting.</p> <p>3. <i>Why is Domiciliary Care Worker rate £10.70 and ECH workers rate £10.56. A small difference in staff wages will make a huge difference to staff retention.</i></p> <p>Models are aligned to Supported Living as both services are accommodation based, however we will look at our modelling. Additionally, ECH costs differ from Domiciliary Care Workers costs, such as travel and other metrics.</p> <p>4. <i>Sector faces challenge of care sector staff moving between Supported Living, Domiciliary Care or Extra Care Housing seeking better wages. Consistency of staff support for clients is critical.</i></p> <p>Potential to explore a hub and spoke model, though this would not be final position but something for Sefton to build upon.</p>		

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	<p>5. <i>Rates are not sustainable to recruit and retain good quality staff. Under New Realities the Care Market were to have 3 months' consultation time and the National Living Wage is being implemented from April- Providers would benefit from more time for consultation process to aid their business continuity planning. Presently, Providers are trying to assess what changes to business practices are needed to accommodate rates at short notice.</i></p> <p>Sefton are implementing the proposed fee rates on its finance and payments system as an interim measure. These without prejudice payments are to be issued as soon as possible to try to mitigate against the financial pressures and impacts that Providers are facing.</p>
3.	<p>Day Care</p> <p>Sefton are developing the specification for our Day Care services and will be hosting an online Provider event on Monday 3rd April. Consultation proposes 9.84% uplift. We ask that Providers supply as much information as possible to engage in the consultation process.</p> <hr/> <h2 style="color: #4F81BD; text-align: center;">Day Care</h2> <hr/> <ul style="list-style-type: none"> • Council currently implementing future commissioning / procurement arrangements • Consultation letter outlined proposed 9.84% increase to rates • As part of this consultation process the Council wishes to particularly receive and consider your feedback in relation to the following questions; <ol style="list-style-type: none"> 1. Whether the level of proposed fees set out will cover the cost of delivering Day Care services for the period from 1st April 2023 to 31st March 2024; and 2. If you do not agree with the above rates and in particular, if you consider that they will not cover the Care Act 2014, the cost of delivering Day Care services, please outline why and provide any supporting information that you feel may be pertinent. <p>1. <i>Providers cannot comment until they have seen the specification. Providers need to know impacts of changes to acuity to be able to comment.</i></p> <p>Sefton would ask for Providers' comments on the proposed rates as they stand today.</p> <p>2. <i>Day Care has had 3 increases in 13 years first of 4%, then 3% and then 4%, yet is still behind other areas. With staff wages increasing next month, Providers feel that they are playing catch up and will continue to struggle.</i></p> <p>Sefton have not reviewed Day Care for some years but is cognisant of changes to acuity in the</p>

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	service and intends to develop a Target Operated Model.												
4.	<p>Individual Service Funds</p> <p>Sefton proposes an increase of 9.84%, per rates proposed for fellow elements of Sefton’s Care Sector, rates proposed for ISFs are linked to SLS workstream. Sefton recognises there is a need for a back-office review for providers.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4F81BD; color: white;">Duration / Service Element</th> <th style="background-color: #4F81BD; color: white;">2023/24 Pilot Project Rates</th> <th style="background-color: #4F81BD; color: white;">2022/23 Pilot Project Rates</th> </tr> </thead> <tbody> <tr> <td style="background-color: #4F81BD; color: white;">1 Hour</td> <td style="text-align: center;">£19.31</td> <td style="text-align: center;">£17.58</td> </tr> <tr> <td style="background-color: #4F81BD; color: white;">Sleep-in (9 Hour Night)</td> <td style="text-align: center;">£107.85</td> <td style="text-align: center;">£98.33</td> </tr> <tr> <td style="background-color: #4F81BD; color: white;">Waking Night (9 Hour Night)</td> <td style="text-align: center;">£173.79</td> <td style="text-align: center;">£158.22</td> </tr> </tbody> </table>	Duration / Service Element	2023/24 Pilot Project Rates	2022/23 Pilot Project Rates	1 Hour	£19.31	£17.58	Sleep-in (9 Hour Night)	£107.85	£98.33	Waking Night (9 Hour Night)	£173.79	£158.22
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5.	<p>Closing Comments</p> <p>Sefton will be seeking a Cabinet decision on proposed rates 25th May; between now and then we will be conducting analysis which may require our timelines to be adjusted. Rates proposed today will be applied from 1st April, with the expectation that should the rates be revised following the consultation, then they would be and then backdated to 1st April. We apologise for the delay to the start of the fee consultation process this year, which has been impacted by other service pressures and work required on our Market Sustainability Plans to DHSC. We ask that our Providers engage with the Fee Consultation Process and note that the rates proposed today do not pre-empt the outcomes of the Consultation process.</p> <p>On 13th June we will host another workshop with the Market, which will be linked to our CQC Assurance workstream. The invite for these workshops will follow. Additionally, per the feedback received today we will look to arrange follow up sessions with our Providers.</p>												

Community Providers – 25th April 2023

3. Fee Consultation 2023/24

Purpose of today’s meeting to outline the feedback from Providers. Sefton have extended the Consultation to finish tomorrow and today we will outline the revised proposals and highlight the governance and approval process for the Fee Consultation.

Previously a 9.8% rate was proposed per National Living Wage and CPI. High level summary of Dom Care feedback. Per the feedback, the increases do not meet existing cost pressures or align with proposals from neighbouring authorities.

The revised proposal is to increase to £21.56 applicable to current and new PDPS. We have formulated the rate using CPI, National Living Wage and Median figure per the detailed Cost of Care (or Annex B) report. As part of £21.56, £10.90 accounts for National Living Wage, which is linked to wider Cost of Care. Rest of figure links to Direct

Payments, agency, and community support. The revised proposal for Extra Care amended to 11.99% or £18.77. There are other funds such as Supported Living, however at this time these rates are not being raised as the increase for Dom Care and Extra Care has been possible due to ringfenced national funding.

The revised proposals are subject to internal approval and then on to Cabinet for approval and then the call in period; however we have implemented an interim increase on our finance systems to avoid delays in an increase of fees to Providers. Any further comments arising from today's session can be sent directly to Neil Watson- ask that any responses to Neil detail which sector of the Care Market you operate within.

Provider Feedback

1. *Question about differential rates, why are Community Providers receiving different rates for staff wages and National Living Wage which are not offered to Care Homes? Cynically it seems that Sefton have a preference for Home-based Care and what impact this might have on the wider sector.*

This is a point of value, there is the National Living Wage we have to comply with, but it is a point of focus for Sefton to aspire to implementing the Real Living Wage in our markets.

There is real merit in how residential and nursing care diversifies the offer in social care.

2. *Providers have staff who provide support in the Community as well as residential and nursing based. Having different rates offered for National Living Wage put Providers in a difficult position. Additionally, Sefton's proposed rates are not aligned to rates proposed in areas like Liverpool and Knowsley. Communications not clear about stipulations for sleep-in support, or is there no guidance?*

We should all be adopting the Real Living Wage. With regards to sleep-in support this will be referenced in the Cabinet Report, subject to internal approval. In last year's report, the calculated sleep in will be National Living Wage plus 15% with Providers paying that hourly rate.

Report clause from last year will be included in the latest Cabinet Report.

3. *Thank you to Sefton for commitment to developing services together with Providers. However, there are concerns about viability of Tier 2 Providers; has Sefton calculated the impact of the revised fee schedule against the volume of Domiciliary Care that Sefton can accommodate. If the fee increases, does the volume Sefton can afford go down, Sefton seem to calculate 6000 hours per week per area, with 20% for all Tier 2 Providers, suggestion this would sustain 1 Tier 2 Providers and there are many more than that in each area, are there concerns about the operational viability of the Tier 2 Providers in Sefton?*

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Sefton's total ASC is £115m, of that Domiciliary Care accounts for £18m, Supported Living is £25m- our calculations are based on these budgets and a percentage increase.

Neil to revert on the question.

4. *Sefton have omitted the feedback from Supported Living Providers, will it be featured in the Cabinet report?*

Cabinet paper will feature a high-level summary of the Provider feedback and then there will also be published an appendix anonymising but including all of the feedback from our Providers.

5. *There is no response to say about the feedback from Supported Living about the fee not being revised. It shows a response to other markets but not for Supported Living, is there a reason why it cannot be published to Supported Living? What is the rationale and reason why the rates are not being revised. On slide 7 it has a proposal of fee rates being monitored against an associated procurement exercise - will existing business rates not be increased but will be for new business on a procurement basis?*

Offer made during the meeting to bring up the feedback on screen. The question about rates and a procurement exercise, the paragraph will be revised and some clarity on what the paragraph means in clear terms.

6. *Concern about minimum living wage, we are behind in Day Care. Overall increase in 13 years is 20%. Feeling that Day Care are being left behind, hope that this will be discussed further at Cabinet level and news that there will be regular 12 monthly increases. In agreement with the rate proposed but want to raise the point of the importance of Day Care or other parts of the system not being left behind.*

Sefton are working with their Providers to examine how we can work in a collaborative way and do things differently to achieve the best outcomes for the people using these services. Day Care is a key area of good community support, we will take your comments back, we need to understand where the service is going.

Closing Comments

Thank you to Providers for their comments and feedback today. This is a collaborative and ongoing process and would welcome Consultation responses to Neil Watson.

Comments from the Chat

"I agree with (Anonymised) - it simply does not work for a whole number of reasons to pay staff in one LA RLW, but not in neighbouring areas!! That's not even between different service provision for us - it's all supported living"

"(A)ny news on the release of the day services tender?"

“(T)he tender is on hold while internal conversations take place at the moment. We will come back to you as soon as we can.”

“My concern is that we are being offered a fee level without a clear understanding about what we are being asked to provide.”

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Report to:	Cabinet	Date of Meeting:	Thursday 25 May 2023
Subject:	Hesketh Park Legacy Project		
Report of:	Assistant Director of People (Operational In-House Services)	Wards Affected:	Cambridge;
Portfolio:	Cabinet Member - Health and Wellbeing		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This paper updates on the bequest of £850k to Hesketh Park from the will and estate of Louis and Anita Marks, a local couple that passed away recently. The report recommends Cabinet to accept this sum, authorising officers to enter into legal agreement with the trustees to then enact the specified works, overseen by the Cabinet Member for Health and Well Being.

Recommendation(s):

That Cabinet:

1. Authorise the Assistant Director of People (Operational In House Services), in consultation with the Cabinet Member for Health and Well Being, to enter into contract with the trustees (and negotiate further as necessary) to accept a £850,000 bequest from the Marks family.
2. Approve a supplementary capital estimate of £722,650 to fund the capital elements of the project outlined in this report.
3. Approve a supplementary revenue estimate of £127,350 for the fixed term gardening staff and an apprenticeship post at Hesketh Park, including on costs and required machinery and consumables.
4. Authorise the Assistant Director of People (Operational In House Services) to undertake procurement for contractors as required within Contract Procedure Rules for the various works, and to engage Project Management support as specified
5. Delegate for both the works and future maintenance to be monitored and managed by the Assistant Director of People (Operational In House Services), in consultation with the Cabinet Member for Health and Well Being, including agreement of any amendments that may be required within the budgeted envelope.

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Reasons for the Recommendation(s):

To enable the bequest to be formally accepted and for the projects to proceed.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not to accept the bequest, and not see the investment into the park.

What will it cost and how will it be financed?

Two fixed term gardening staff and one apprenticeship post, including on costs and required machinery and consumables will be funded from the bequest for a period of two years at a cost of £127,350.

The draft contract also includes an outline specification for maintenance of the features to be invested in, with current estimated costings included (totalling £30,750 per year). The majority of the works are for the refurbishment of existing parks features, the maintenance of which is already budgeted for, and/ or costs are to be borne by others as indicated, and so no additional revenue resources are anticipated to be required.

However, the Changing Places unit is to be a new item and consideration of the future costs of this is for discussion – currently estimated at £2,000 per year, it may be that this can be located adjacent to, and used by the customers of the new Conservatory operation and therefore costs could be met by the new operator. If this does not happen, then an increase in revenue funding would be required.

(B) Capital Costs

The total estimated capital cost of the project based on the draft schedule of works at Appendix B is £718,811 (based on estimates received in 2021/22), but the project is now estimated to cost £826,632 after allowing for inflation since that time.

The overall project is to be fully funded by the £850,000 bequest, with no match funding required from the Council. After allowing for the above revenue costs however, this will leave £722,650 of funding available for capital works.

The works listed at Appendix B will therefore be altered, (some may be removed altogether, (or added to) post tender and once actual costs are known, depending on the financial makeup of the scheme to be delivered within the total resource available.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

The project will see investment into Hesketh Park of £850,000. Whilst a considerable sum, which will improve the designated areas and projects significantly, it will not see a complete park transformation.

Legal Implications:

The draft contract has been prepared by the Councils Legal team and negotiated with the trustees accordingly. It confirms expectations on both parties relating to the scheme – including that the trustees pay the agreed sum, and the Council will exclusively use these funds for the agreed works. It further sets out the outline specification of maintenance of the features invested in moving forwards.

Equality Implications:

The equality Implications have been identified and mitigated.

Impact on Children and Young People:

No

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

The project works include refurbishment and investment of Hesketh Park and will take account of climate change and biodiversity crisis issues in specification and delivery of the works. For example, the project includes the improvement of the sensory garden, tree and shrub, herbaceous and other planting around the park, the specification of species to be planted will take account of relevant issues.

Contribution to the Council’s Core Purpose:

Protect the most vulnerable:

The consultation that led to the proposed works included open dialogue with the whole community, with works identified including the improvement of the sensory garden working closely with the Deaf Blind Society and the introduction of a Changing Places toilet.

Facilitate confident and resilient communities:

The Hesketh Park Heritage Group, and other volunteer groups on the site and the local area have been closely involved in the development of the project, and the ongoing management and maintenance of the park.

Commission, broker and provide core services:

The scheme includes a range of park infrastructure improvements, and the employment of project management to deliver these, together with additional fixed term gardening staff to undertake maintenance and ‘core services. The future operating model of the

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Conservatory as a food and drink outlet is to be agreed once the contract is signed for the works, and delegated to the Executive Director of Place.

Place – leadership and influencer:

Hesketh Park is a key landscape feature in the Borough, identified as one the ‘main parks’ in the Parks and Greenspaces Asset management strategy. Investment in the site will see improved quality of facilities and features in the park for the community to enjoy, both now and for future generations

Drivers of change and reform:

Much of the project is a refurbishment of existing park features, but the investment and reimagining of the purpose of the Conservatory demonstrates change and reform – breathing life into an underused feature and hopefully making it cost neutral moving forwards.

Facilitate sustainable economic prosperity:

Much of the project is a refurbishment of existing park features, but the investment and reimagining of the purpose of the Conservatory will breathe life into an underused feature and hopefully making it cost neutral moving forwards and generating job opportunities for local people.

Greater income for social investment:

Whilst not an immediate outcome, the project could become a catalyst for future social investment.

Cleaner Greener

Hesketh Park is a key landscape feature in the Borough, identified as one the ‘main parks’ in the Parks and Greenspaces Asset management strategy. Investment in the site will see improved quality of facilities and features in the park for the community to enjoy, both now and for future generations

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7219/23.....) and the Chief Legal and Democratic Officer (LD.5419/23....) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

An extensive community consultation process took place in 2021 that has led to the agreement of the suite of projects/ works to be invested in. This has been overseen by a

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Task Group, chaired by Cabinet Member for Health and Well Being and included the Hesketh Park Heritage group, the Deaf Blind Society and other consultees.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer:	Mark Shaw, Service Manager for Green Sefton
Telephone Number:	0151 934 2961
Email Address:	mark.shaw@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

- Appendix A – summary of community consultation exercise undertaken in 2021
- Appendix B - Schedule 1 as taken from the draft contract, which details the works to be undertaken
- Appendix C - Schedule 2 as taken from the draft contract, which details the outline maintenance specification for items to be invested in

Background Papers:

There are no background papers available for inspection.

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1. Introduction/Background

- 1.1 The executors of the will of Louis and Anita Marks contacted the Council in late 2020, wishing to donate in the family name a substantial sum of money to the development and improvement of the park following the passing of a family member.
- 1.2 Although receiving investment via a £2M Heritage Lottery grant in the early 2000's, the park has not seen investment for many years and so much of its infrastructure needs attention. Further, through budget reductions, the onsite gardeners have been removed in recent years also, and so day to day maintenance is seen to be at a very basic level.

2. Task Group

- 2.1 A Task Group has been established to oversee the development, and delivery of the suite of projects to be undertaken. Chaired by the Cabinet Member for Health and Well Being, the group consists of officers, representatives of the Hesketh Park Heritage Group, the Deaf Blind Society and the trustees along with other interested parties. The group have met several times during the projects development, as well as communications and updates via email.

3. Public Consultation

- 3.1 In order to prioritise the investment for the park, a consultation exercise was undertaken early August to late September 2021 which sought views on priorities for investment in the park. This consultation was promoted on site and online working with the Hesketh Park Heritage Group and led by Green Sefton's Community Rangers.
- 3.2 As Appendix A details, the consultation was successful in capturing 451 responses with a mixture of visitors and local residents to provide a detailed view on people's thoughts and needs for Hesketh Park.
- 3.3 Over 89% of responses came from Southport residents with postcodes of PR8 and PR9 with most people visiting weekly for walking, relaxing, and using the children's play equipment. Over 47% of people rated the park as average in quality, highlighting the need for further improvement in the park.
- 3.4 When asked to rate existing features in the park for improvement the highest rated items included the parks heritage features for example the conservatory, waterfall, floral clock, fountain, and observatory. Other highly rated items included improvements to the sensory garden and improved public toilets and disabled access. There was also demand for improved food and drink offering in the park.
- 3.5 People were asked to rate a range of new ideas and the following items came out highly rated:
 - Improvements to Conservatory for events and weddings – 53% people rated this highly.

- Sensory Garden improvements – over 50% of people rated this highly.
- Heritage Improvements including the floral clock, waterfall and fountain – over 54% rated these highly.
- Additional site staff and gardeners to help maintain the park – over 70% rated this highly.
- Support new income ideas to be ring fenced for future improvements in the park – 47% rated as a high priority.

3.6 Additional new ideas included more live events in the park including the idea of an outdoor theatre, improved planting across the park and wildflower meadows and improved entrance and information signs for the park.

3.7 Over 70% of people said they would attend events in the park and people showed an interest in getting involved in volunteering with 12% saying they would volunteer in the future.

3.8 Social media and web sites were highlighted as the main method people wanted to hear about events and activities in the park.

4. **Contract**

4.1 In order to protect the interests of all parties concerned, a contract has been drafted by Sefton's Legal team, and negotiated to set out terms of the gifting of £850,000 for the specified improvements to the park. After considerable discussion, agreement on this was reached in April 2023 and so the project can now proceed.

5. **The Project – works to be undertaken**

5.1 With the above consultation in mind, there is clearly strong support to see improvements to the park. This will enable investment in the park that would not normally be possible and to support a suite of projects that will generate positive local heritage outcomes, health and welfare improvements to local residents and support new income opportunities that will support long term financial security to support maintenance in the park.

5.2 The agreed suite of projects is articulated in Schedule 1 of the contract, and attached as Appendix B of this report, and is to include:

- A full refurbishment of the Conservatory structure (with a view to then re-opening it as a food and drink concession/events space)
- Improvements to the sensory garden including a structural redesign and replanting
- Refurbishment of heritage features including the fountain, waterfall and floral clock
- Planting improvements with new trees, shrubs, herbaceous perennials and bedding planting
- New signage and infrastructure including new noticeboards, entrance signage, heritage boards
- Site future including heritage style bins and benches

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- A new volunteer tool store
- A Changing Places unit, stand alone to be sited adjacent/ nearby to the existing toilet block
- The reintroduction of 2Nr site based gardeners, full time but fixed term for two/ three years, and with the additional kit, machinery and consumables they will need to improve overall maintenance in the park
- The creation of a 2 year apprenticeship (50% funded) to support the above
- A fund for Project Management support (likely via consultancy)
- A fund to create a memorial and acknowledgement of the bequest given by the Marks family

5.3 It should be noted that the trustees have also offered financial support to other organisations in the park – they have directly funded improvements to the observatory via the Southport Astronomical Group, to the Rose Garden via the volunteers, and are in discussion with the new café lessee about including a Visitor Centre within their improved building.

5.4 It should be noted that, while the investment in the park is much needed and most welcomed, it will not see a full refurbishment of the entire site. Through discussion, some of the ideas that consultation saw as high priorities were not acceptable to the trustees and so have not been included in the suite of projects/ works to be undertaken (such as funding an events and activities programme), and other features that could have seen investment did not feature highly in the consultation (such as the children's play area, the amphitheatre, lake, Stansfield rockery, and others). It will see investment in the features cited only, but the reintroduction of site based gardeners, even for a fixed term, will see maintenance standards improve. This is a large park, and there are many other features that are not to be invested in, but the scheme may yet become a catalyst for further bids and investment over time.

6. Financial Implications

6.1 Further details are contained in Appendix B, but the original estimate for the above works lists total a sum of £846,161, just under the £850,000 budget (based on estimated prices sought in 2021/2022). It is noted that cost inflation of 15% can be expected to apply since cost estimates were received previously, but the trustees felt the sum of £850k is the maximum they can invest in the park. The full list of works for the project is now estimated to cost £958,460 after allowing for inflation.

6.2 Therefore, it has been proposed, that the contract be signed at this stage, with the broad scope of works as set out in Appendix B, but that this will be revisited once tenders have been received later in 2023/24. The contract allows for such agreement post tender, with regular reports to the trustees on progress as the projects evolve – at that time, it may be that some works are altered slightly, removed altogether, or indeed added to, depending on the financial make up of the scheme at that point. The ultimate scheme is to be delivered within the £850k budget envelope, and will therefore likely not include all items of work included in the schedules.

- 6.3 Meanwhile, it has been proposed to agree the future operating model of the Conservatory (the main item to be invested in) once the contract with the trustees is signed – this will allow the future operator to be involved in the specification, design etc of the refurbishment to enable this to be fully fit for purpose to their needs – as such, the scale, scope and specification of this main element may yet change.
- 6.4 The final specification of the scheme therefore is to be fully funded from the bequest of £850,000 to the Council, with no requirement for match funding (other than officer time to oversee project management and delivery). The ongoing maintenance of features to be invested in, as discussed in section 7 below, can largely be achieved from within existing revenue resources (with the exception of the Changing Places unit, where discussions need to take place with the new operator, once this is agreed, and as noted).

7. **Future Maintenance**

- 7.1 The trustees are very keen to ensure that the investment made is protected in the longer term, with maintenance of the features they invest in to be specified within the contract also. As such, a second Schedule has been added to the draft contract which sets out an outline Maintenance Plan for each of the items, see Appendix C.
- 7.2 As set out in Appendix C, the current estimated costings for future maintenance totals £30,750 per year. The majority of the works are for the refurbishment of existing parks features, the maintenance of which is already budgeted for, and/ or costs are to be borne by others as indicated, and so no additional revenue resources are anticipated to be required.
- 7.3 However, the Changing Places unit is to be a new item and consideration of the future costs of this is for discussion – currently estimated at £2,000 per year, it may be that this can be located adjacent to, and used by customers of the new Conservatory operation and therefore costs could be met by the new operator. If this does not happen, then an increase in revenue funding would be required.
- 7.2 Two fixed term gardening staff and one apprenticeship post, including on costs and required machinery and consumables will be funded from the bequest for a period of two years at a cost of £127,350. The schedules note the desire (but not an obligation) to seek opportunity to sustain these posts in the longer term – possibly from any surplus created by opening the Conservatory as a food and drink concession, or other new income generating activity in the park.

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Appendix A –

Hesketh Park Community Consultation Summary

Introduction

The Consultation was undertaken from the 5th August 2021 to the 24th September 2021 to seek the views of the local community on Hesketh Park in Southport. This information has been used to help us develop a new vision for the park.

This consultation was promoted on site and online working with the Hesketh Park Heritage Group and Green Sefton Rangers. The length of the consultation was extended by two weeks due to the restrictions linked with the pandemic.

A total of 451 responses were received in this consultation.

1: Are you completing this survey as a:

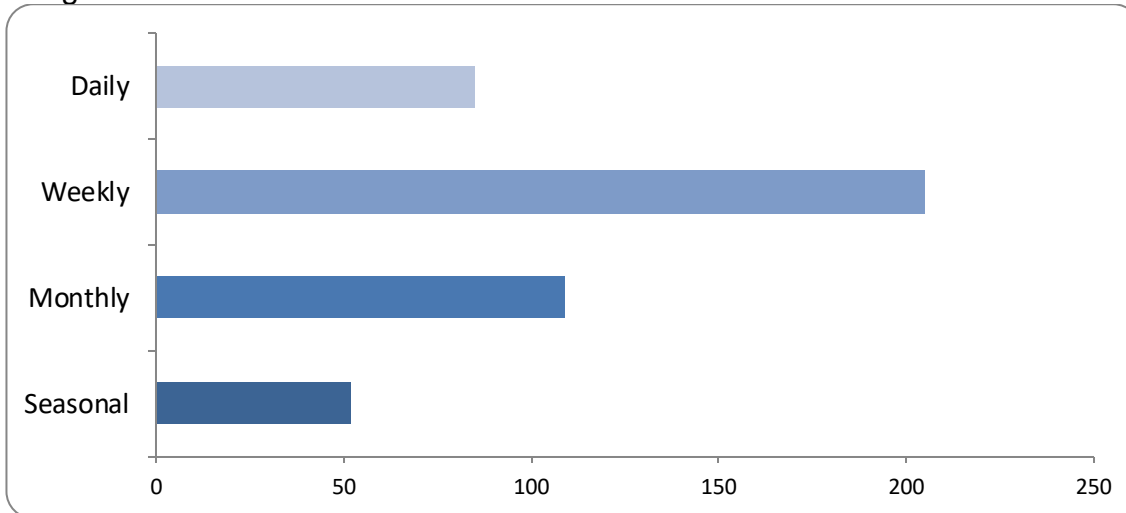
There were 450 responses to this part of the question. With 94% being Sefton residents and 89% being from Southport. With the furthest distance away being Arnside, Altrincham and Newcastle upon Tyne post codes.

Option	Total	Percent
Sefton Resident	425	94.24%
Local Business	6	1.33%
Visitor to the Borough	15	3.33%
Other	8	1.77%
Not Answered	1	0.22%

Postcode	Total	Percentage
PR8	100	27%
PR9	229	62%
L37	13	3%
L30	3	1%
L23	4	1%
L21	2	1%
L40	2	1%
PR4	2	1%
Others	12	3%

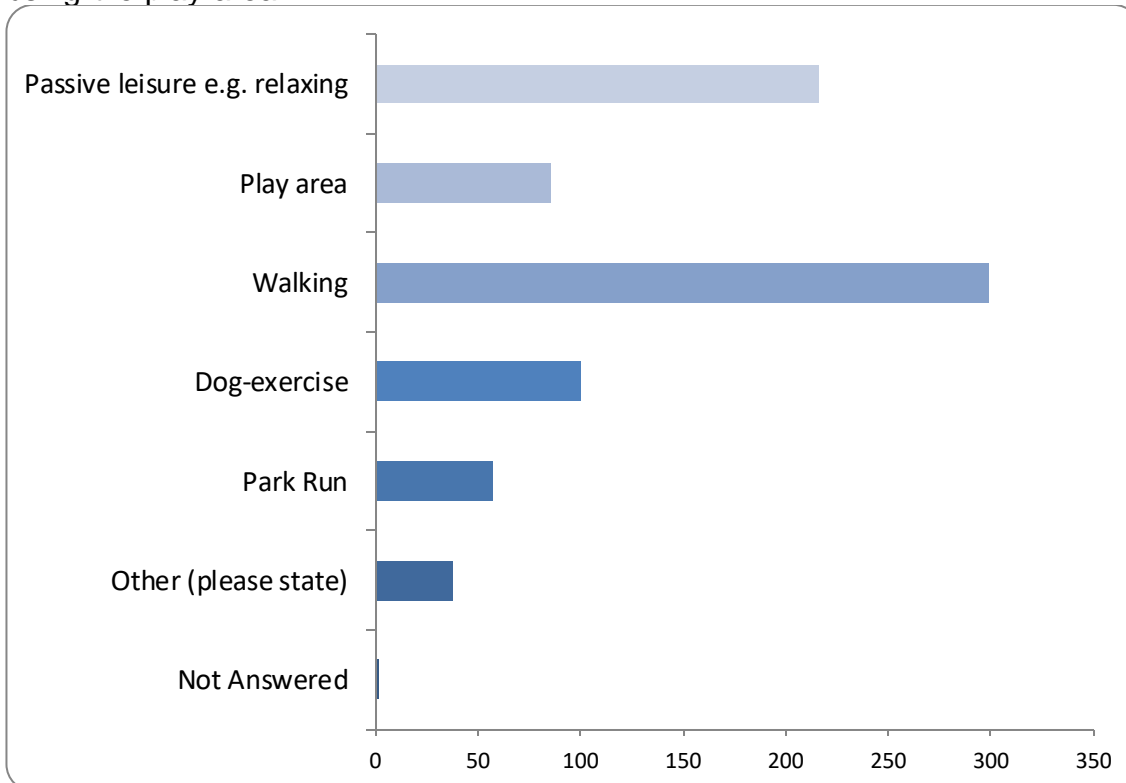
2: How often do you visit the park?

There were 451 responses to this part of the question with weekly being the most common at 45% followed by monthly at 24%. This demonstrates the park is well used on a regular basis.



3: For what reason do you use the park most?

There were 449 responses to this part of the question. The most popular use of the park with 66% was walking followed by passive leisure for example relaxing, dog exercise and using the play area.



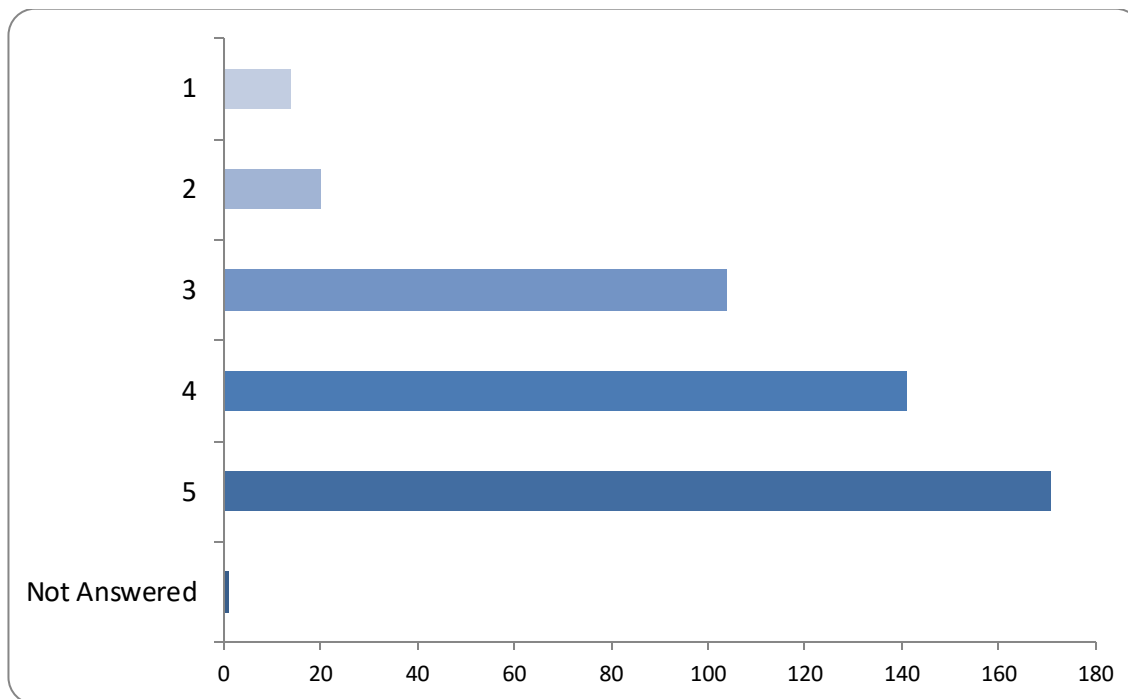
Option	Total	Percent
Passive leisure e.g. relaxing	216	47.89%
Play area	86	19.07%
Walking	299	66.30%
Dog-exercise	100	22.17%

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Park Run	57	12.64%
Other (please state)	38	8.43%
Not Answered	2	0.44%

4: How safe do you feel in the park on a scale of 1 to 5? (1 being not safe 5 being very safe)

There were 450 responses to this part of the question. People rated the park from a safety perspective as very safe (37%) followed by above average at 31%. While at the same time only 3% of people rated the park as poor on safety.



Option	Total	Percent
1	14	3.10%
2	20	4.43%
3	104	23.06%
4	141	31.26%
5	171	37.92%
Not Answered	1	0.22%

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5: How would you rate Hesketh Park on a scale of 1 to 5? (1 being poor 5 being excellent)

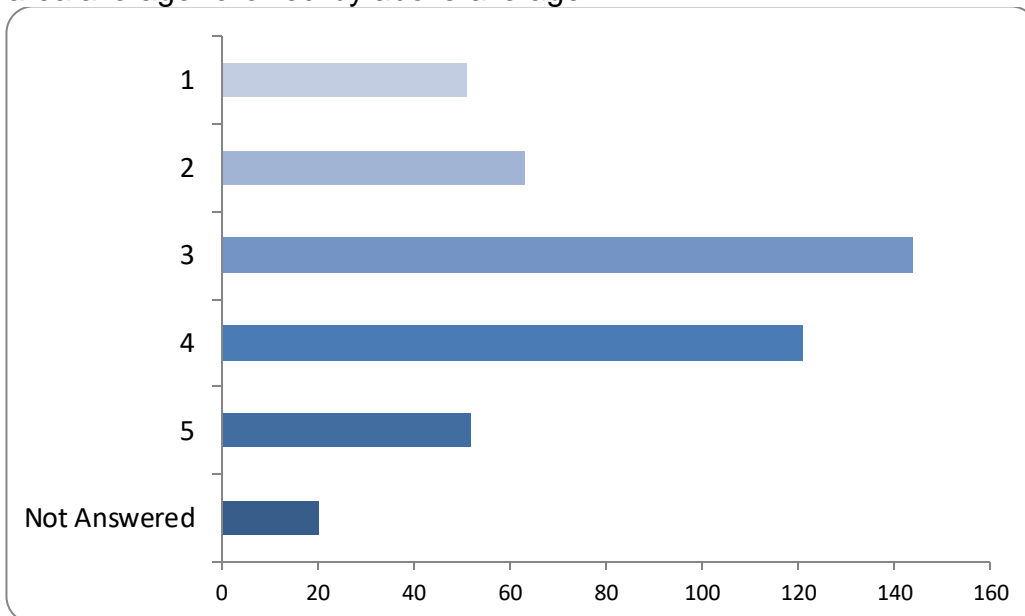
There were 448 responses to this part of the question. Overall people were asked to rate the park as a whole. 47% of people rated it at average followed by above average at 21%. Therefore this supports the plan to develop a new vision for the park and explore new investment and improvements.

Option	Total	Percent
1	35	7.76%
2	89	19.73%
3	212	47.01%
4	96	21.29%
5	16	3.55%
Not Answered	3	0.67%

6: How would you rate the below features in the park for future improvement? (1 being low 5 being high)

Existing features - Play area (swings, slide etc.)

There were 431 responses to this part of the question. 31% of responders rated the play area average followed by above average.



Existing features - Lake

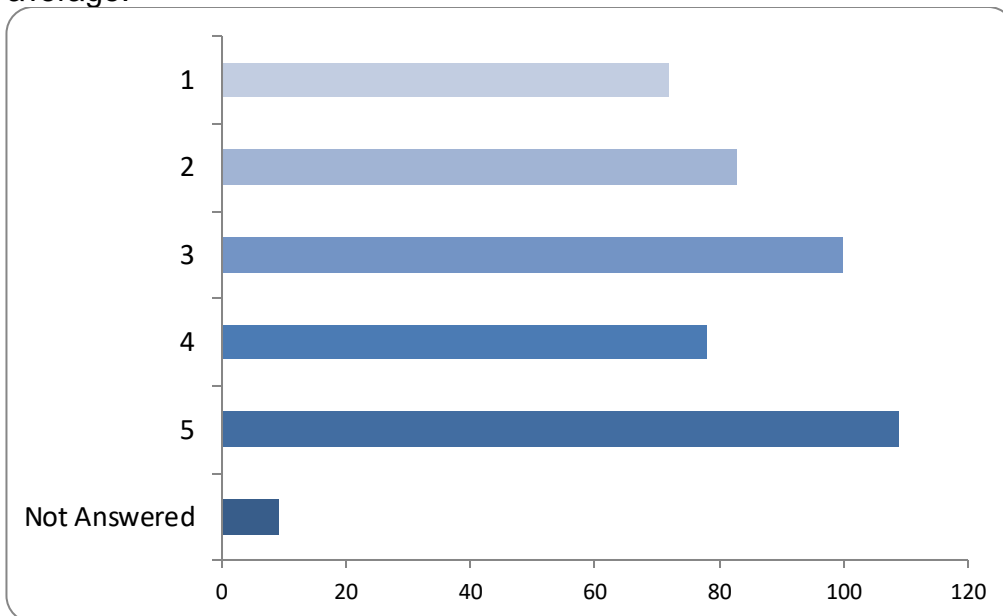
There were 438 responses to this part of the question. 28% of responders rated the lake average and above average.

Option	Total	Percent
1	29	6.43%
2	65	14.41%
3	129	28.60%
4	129	28.60%
5	86	19.07%
Not Answered	13	2.88%

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Existing features - Conservatory

There were 442 responses to this part of the question. 24% of responders rated the conservatory highly however there were also high numbers rating it as average or below average.



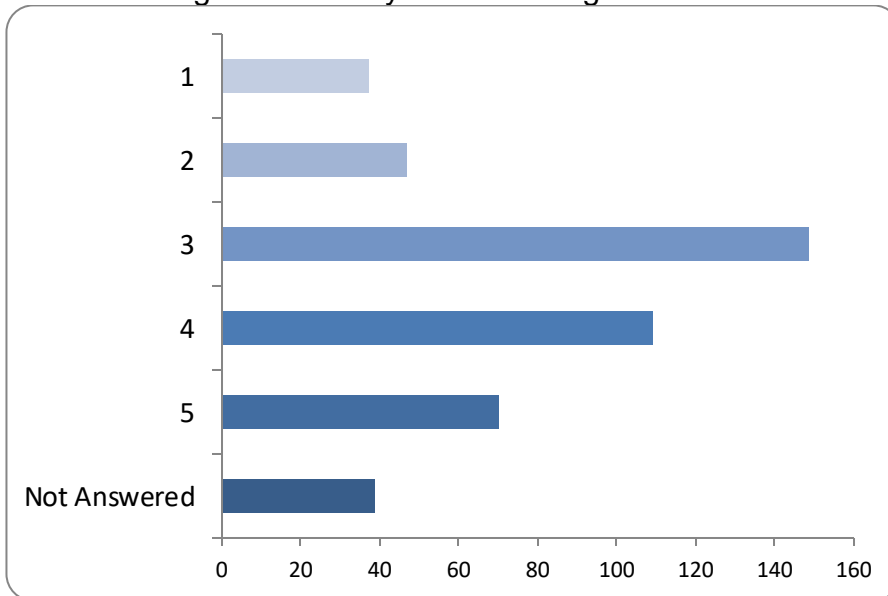
Existing features - Café

There were 438 responses to this part of the question. 23% of responders rated the existing café average followed by below average.

Option	Total	Percent
1	82	18.18%
2	96	21.29%
3	104	23.06%
4	68	15.08%
5	88	19.51%
Not Answered	13	2.88%

Existing features - Access (Disabled)

There were 412 responses to this part of the question. 33% of responders rated disabled access average followed by above average.



Existing features - Transport (Parking/ Active Travel/ Cycling)

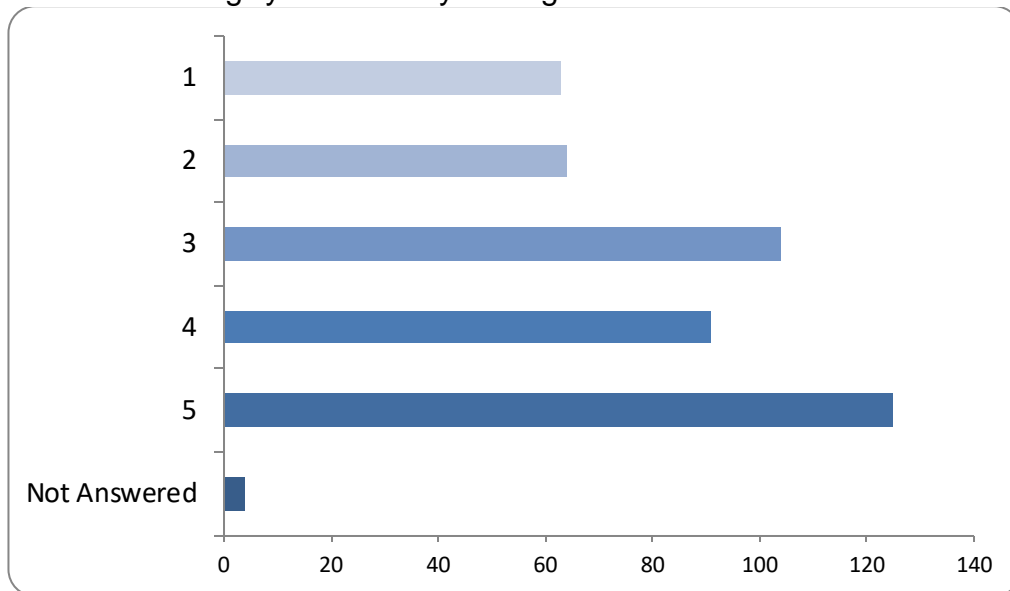
There were 431 responses to this part of the question. 27% of responders rated transport links as average followed by above average.

Option	Total	Percent
1	63	13.97%
2	70	15.52%
3	123	27.27%
4	104	23.06%
5	71	15.74%
Not Answered	20	4.43%

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Existing features - Grounds Maintenance (shrubs, hedges, flower beds, grass cutting, litter collection)

There were 447 responses to this part of the question. 27% of responders rated grounds maintenance highly followed by average.



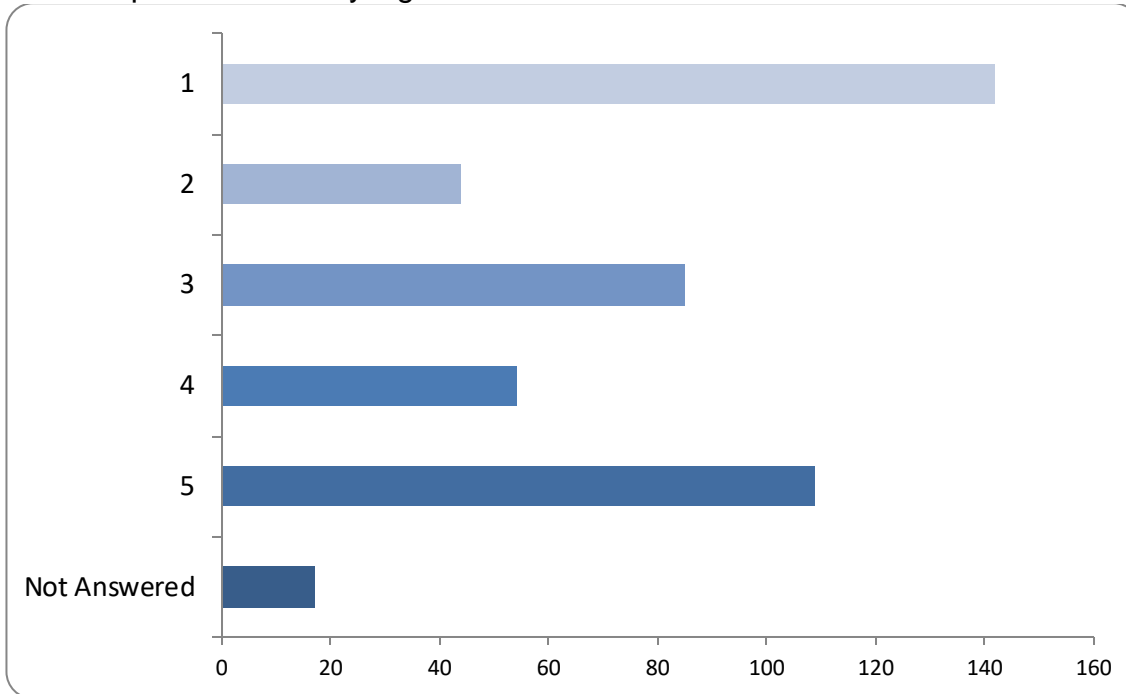
Existing features - Sensory garden

There were 433 responses to this part of the question. 23% of responders rated the existing sensor garden as poor followed by average.

Option	Total	Percent
1	104	23.06%
2	61	13.53%
3	103	22.84%
4	63	13.97%
5	102	22.62%
Not Answered	18	3.99%

Existing features - Floral Clock

There were 434 responses to this part of the question. 31% of responders rated the floral clock as poor followed by high.



Existing features - Boundary/Entrances

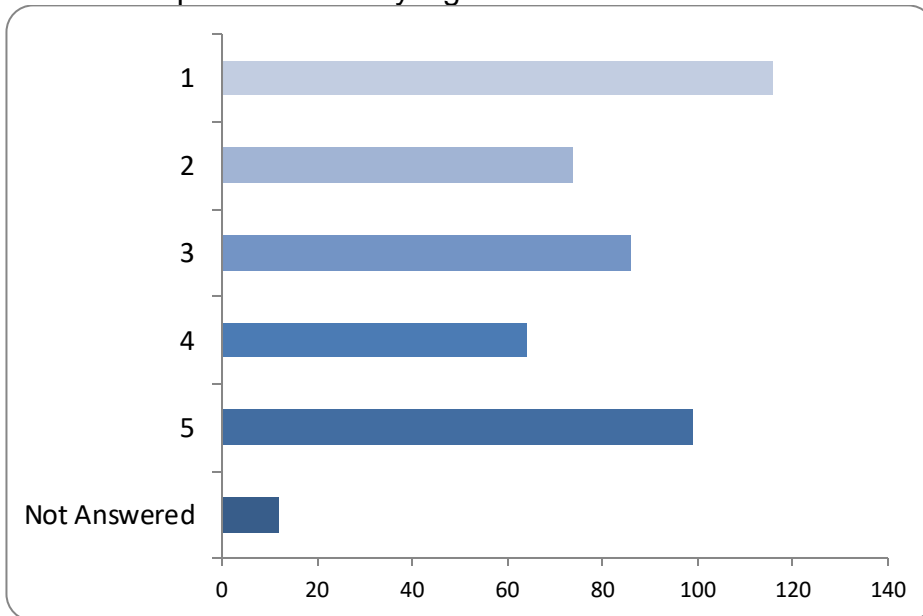
There were 435 responses to this part of the question. 32% of responders rated the boundary and entrances as average followed by above average.

Option	Total	Percent
1	47	10.42%
2	79	17.52%
3	148	32.82%
4	113	25.06%
5	48	10.64%
Not Answered	16	3.55%

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Existing features - Waterfall

There were 439 responses to this part of the question. 25% of responders rated the waterfall as poor followed by high



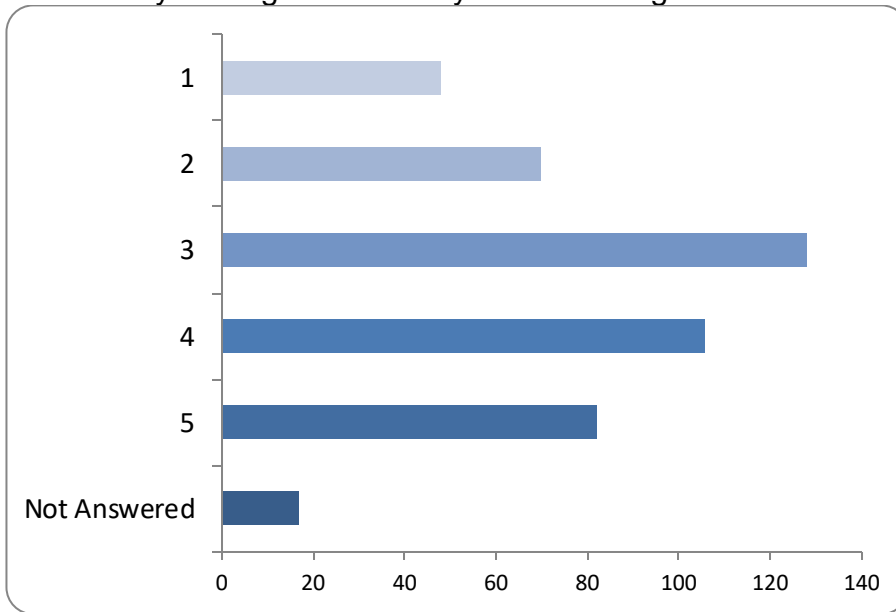
Existing features - Fountain

There were 444 responses to this part of the question. 27% of responders rated the fountain average followed by above average.

Option	Total	Percent
1	55	12.20%
2	70	15.52%
3	124	27.49%
4	99	21.95%
5	96	21.29%
Not Answered	7	1.55%

Existing features - Observatory

There were 434 responses to this part of the question. 28% of responders rated the observatory average followed by above average.



Existing features - Park Furniture (benches, seats, bins, outdoor gym)

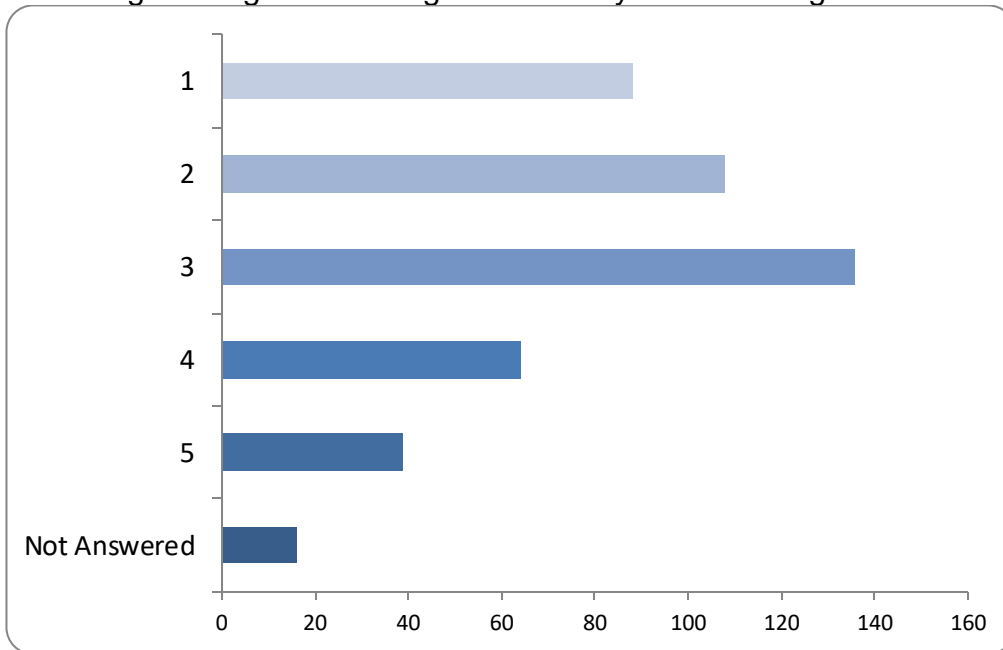
There were 447 responses to this part of the question. 33% of responders rated the park furniture average followed by above average.

Option	Total	Percent
1	27	5.99%
2	70	15.52%
3	151	33.48%
4	117	25.94%
5	82	18.18%
Not Answered	4	0.89%

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Existing features - Marketing (display board and signage)

There were 435 responses to this part of the question. 30% of responders rated the marketing and signs as average followed by below average.



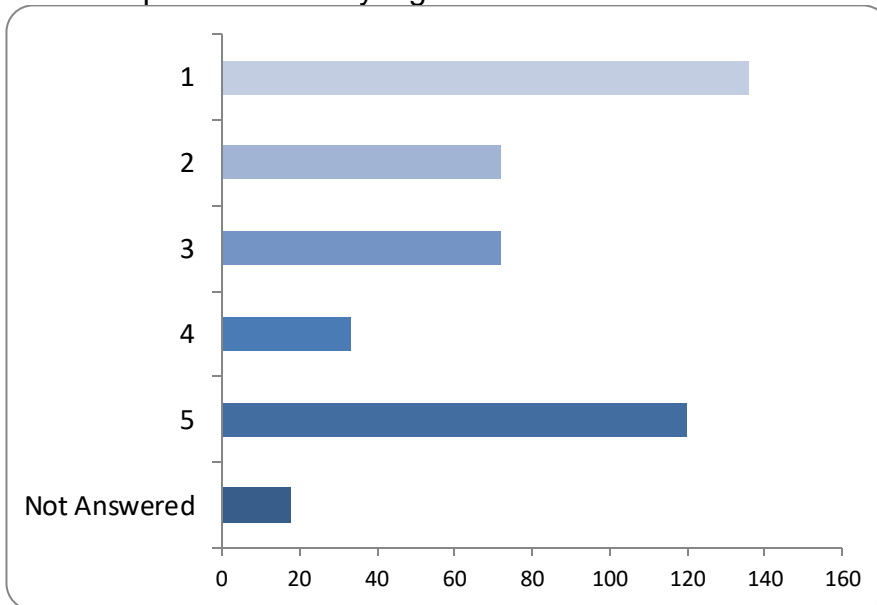
Existing features - Lodges

There were 403 responses to this part of the question. 31% of responders rated the lodges as average followed by poor.

Option	Total	Percent
1	94	20.84%
2	84	18.63%
3	141	31.26%
4	52	11.53%
5	32	7.10%
Not Answered	48	10.64%

Existing features - Toilets

There were 433 responses to this part of the question. 30% of responders rated the toilets as poor followed by high.



Existing features - Rose Garden (plant improvements/ pergola)

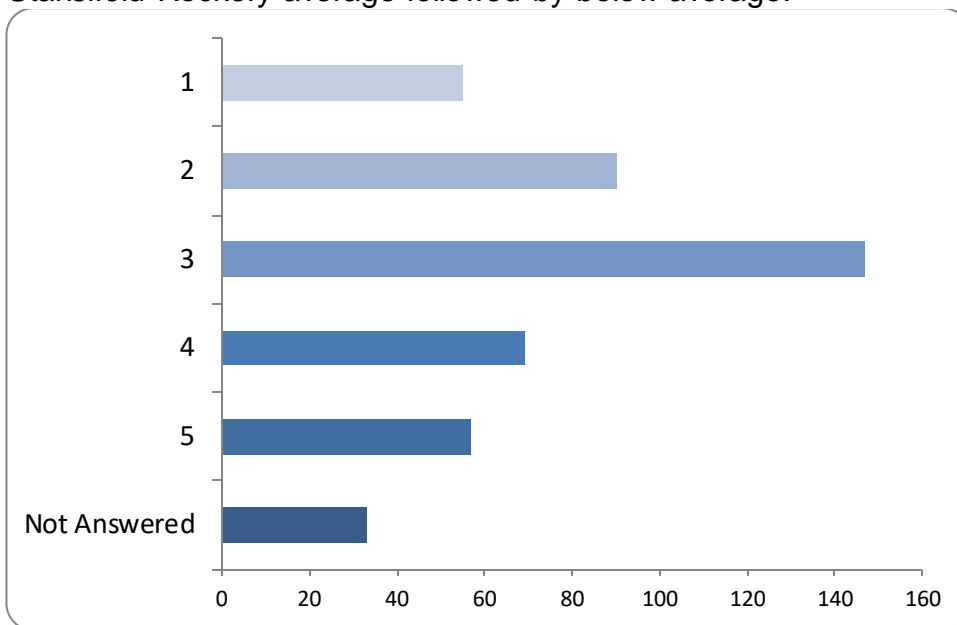
There were 440 responses to this part of the question. 29% of responders rated the rose garden average followed by above average.

Option	Total	Percent
1	36	7.98%
2	61	13.53%
3	135	29.93%
4	118	26.16%
5	90	19.96%
Not Answered	11	2.44%

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Existing features - Stansfield Rockery

There were 418 responses to this part of the question. 32% of responders rated the Stansfield Rockery average followed by below average.



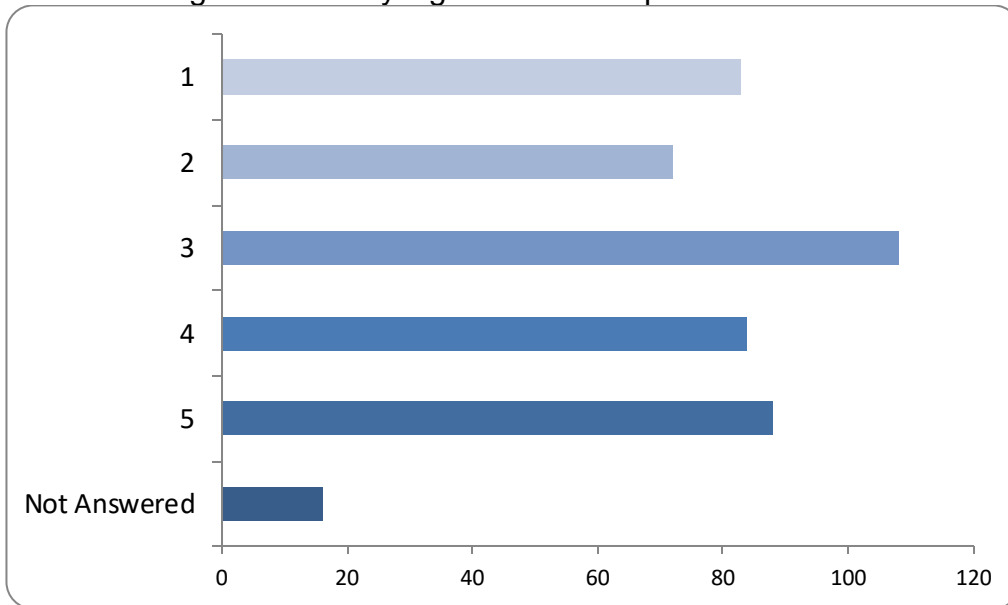
Existing features - Wildlife and nature areas

There were 429 responses to this part of the question. 27% of responders rated wildlife areas average followed by above average.

Option	Total	Percent
1	45	9.98%
2	75	16.63%
3	122	27.05%
4	96	21.29%
5	91	20.18%
Not Answered	22	4.88%

Existing features - Dog control

There were 435 responses to this part of the question. 23% of responders rated dog control average followed by high at 19% and poor at 18%.



Existing features - Miniature Golf

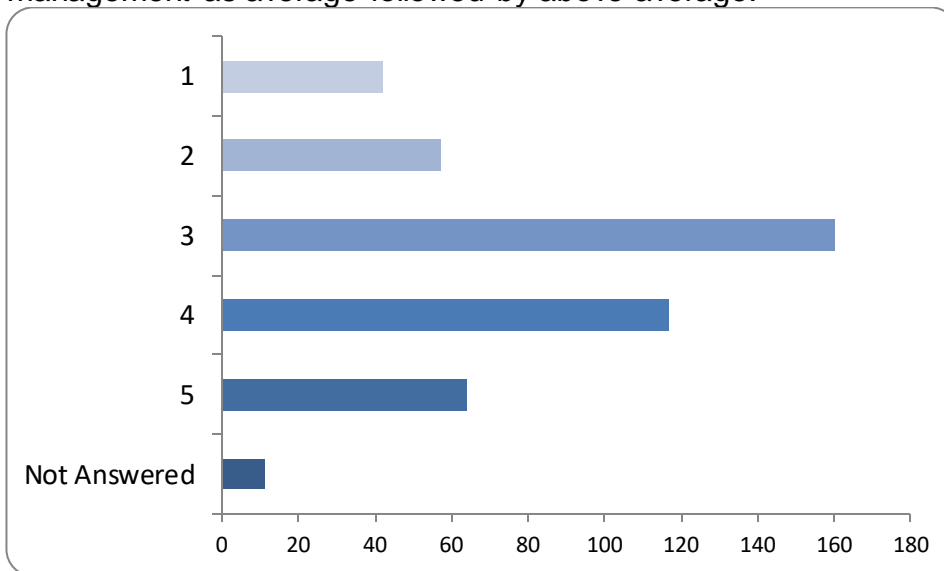
There were 424 responses to this part of the question. 27% rated the mini golf at 27% followed by poor.

Option	Total	Percent
1	96	21.29%
2	92	20.40%
3	122	27.05%
4	63	13.97%
5	51	11.31%
Not Answered	27	5.99%

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Existing features - Tree Management

There were 440 responses to this part of the question. 35% of responders rated tree management as average followed by above average.



Existing features - Pathways

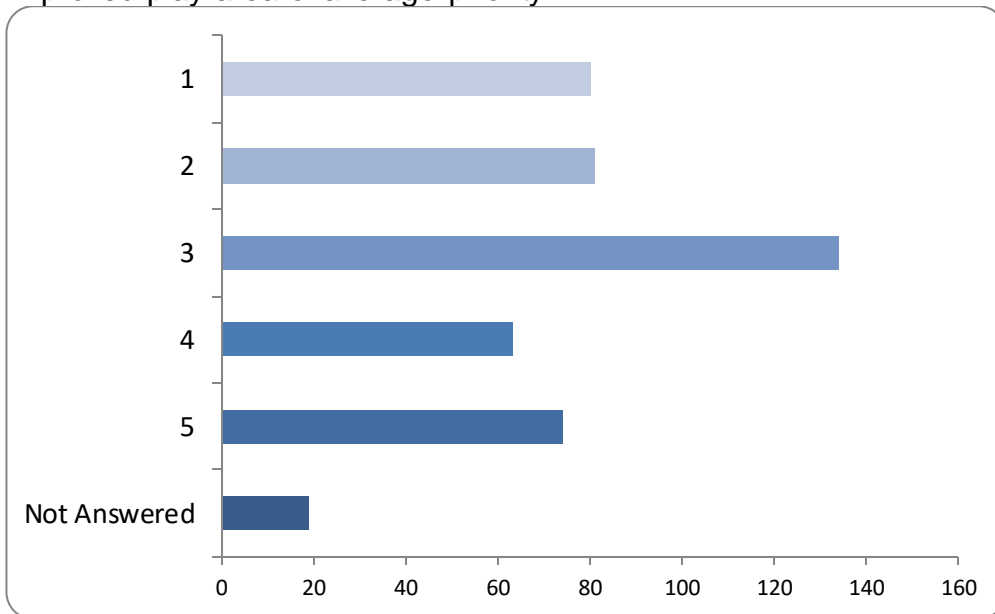
There were 442 responses to this part of the question. 31% of responders rated pathways as average followed by above average.

Option	Total	Percent
1	44	9.76%
2	59	13.08%
3	140	31.04%
4	116	25.72%
5	83	18.40%
Not Answered	9	2.00%

7: Please rank the suggested improvements to the park? (1 being low 5 being high)

Improvements to park - Improved play equipment

There were 432 responses to this part of the question. Over 29% of people rated an improved play area of average priority.



Improvements to park - Fully refurbished conservatory for community events and commercial use (e.g. hire for events and weddings)

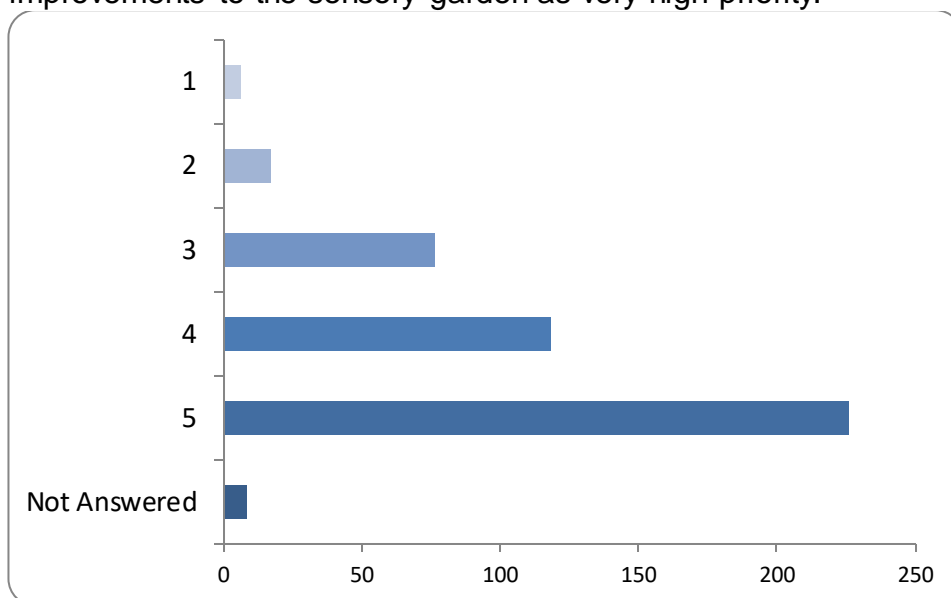
There were 446 responses to this part of the question. Over 53% of people rated an improved conservatory for events as a very high priority.

Option	Total	Percent
1	26	5.76%
2	20	4.43%
3	55	12.20%
4	103	22.84%
5	242	53.66%
Not Answered	5	1.11%

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Improvements to park - Improved planting in the sensory garden and to improve access for all

There were 443 responses to this part of the question. Over 50% of people rated improvements to the sensory garden as very high priority.



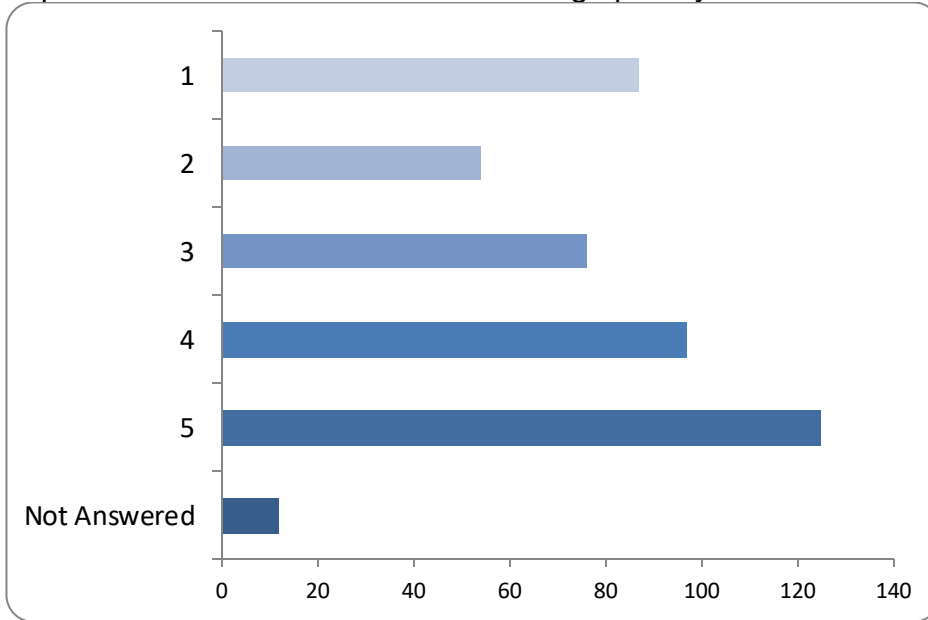
Improvements to park - Develop new heritage and education centre for the park

There were 437 responses to this part of the question. Over 30% of people rated the development of a new heritage and education centre in the park as average in priority.

Option	Total	Percent
1	43	9.53%
2	59	13.08%
3	139	30.82%
4	93	20.62%
5	103	22.84%
Not Answered	14	3.10%

Improvements to park - Improved lake with boats for hire

There were 439 responses to this part of the question. Over 27% of people rated an improved lake with boats for hire as a high priority.



Improvements to park - Improved marketing and signage

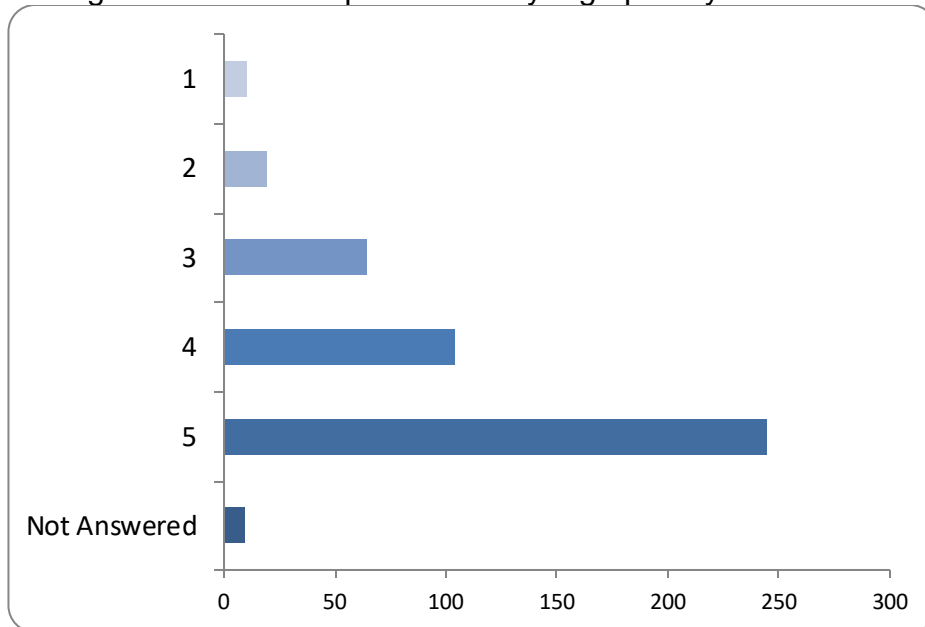
There were 435 responses to this part of the question. 28% of people rated improved marketing and signage as average in priority followed by above average.

Option	Total	Percent
1	71	15.74%
2	80	17.74%
3	127	28.16%
4	90	19.96%
5	67	14.86%
Not Answered	16	3.55%

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Improvements to park - Improved heritage features including floral clock/ waterfall/ fountains

There were 442 responses to this part of the question. 54% of people rated improved heritage features in the park as a very high priority.



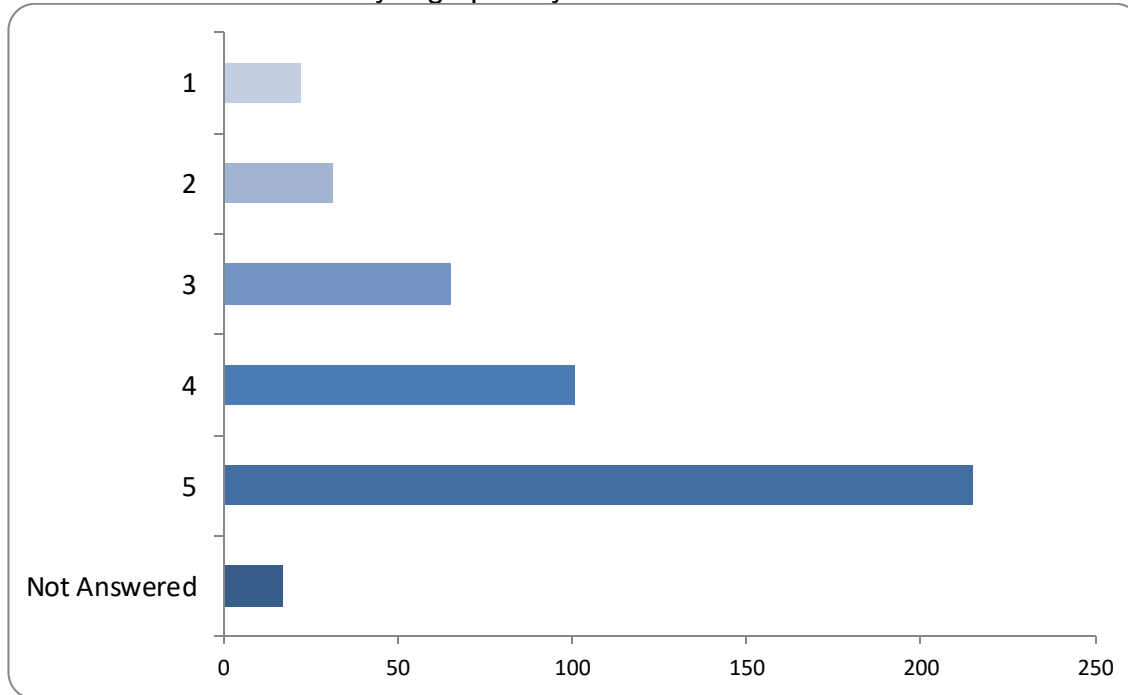
Improvements to park - Return of site-based gardeners/ rangers to improve standards of maintenance

There were 444 responses to this part of the question. Over 72% of people rated the return of site based gardeners and rangers as very high priority.

Option	Total	Percent
1	2	0.44%
2	15	3.33%
3	29	6.43%
4	73	16.19%
5	325	72.06%
Not Answered	7	1.55%

Improvements to park - Develop new income opportunities in the park to generate money to further improve the park to support maintenance, site staff and events and activities

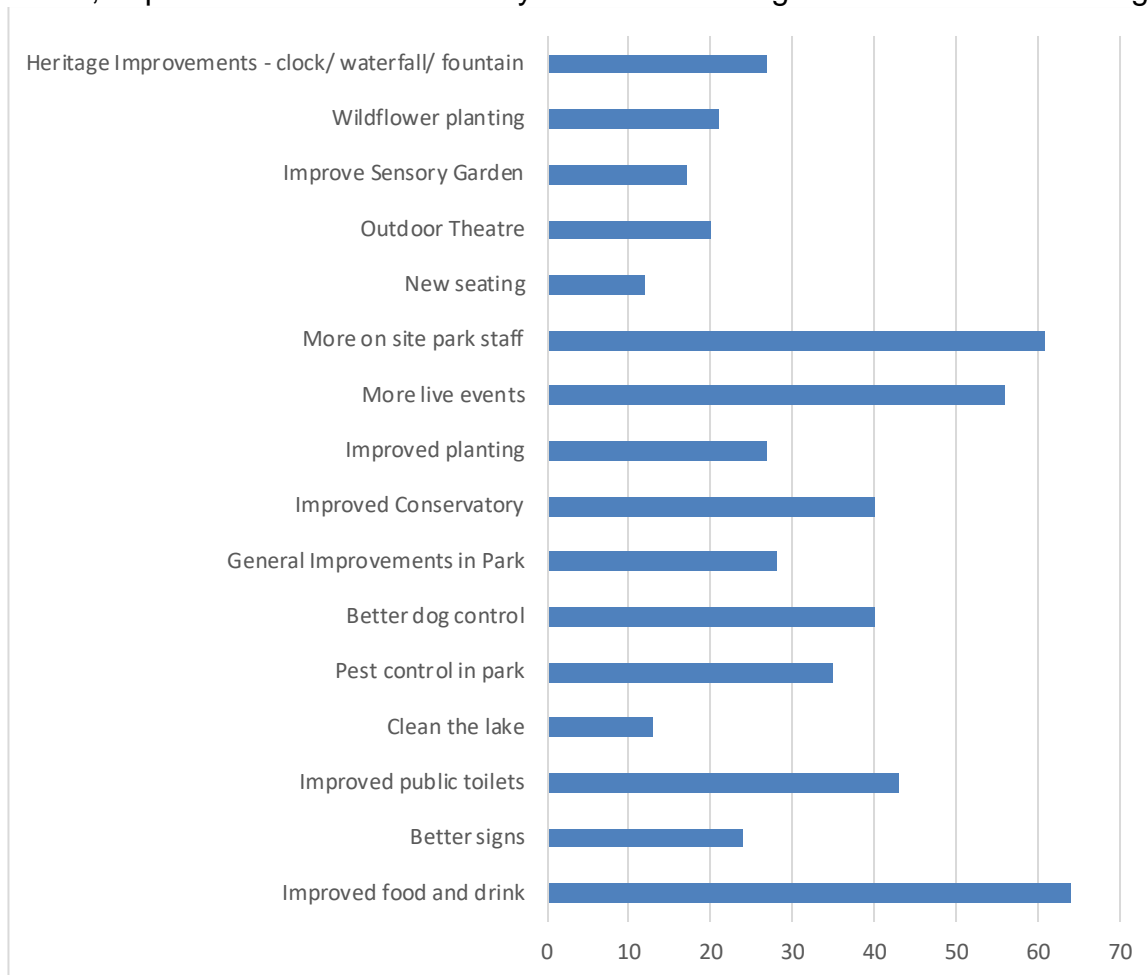
There were 434 responses to this part of the question. Over 47% of people rated the development of new income opportunities in the park to support further improvements and maintenance as a very high priority.



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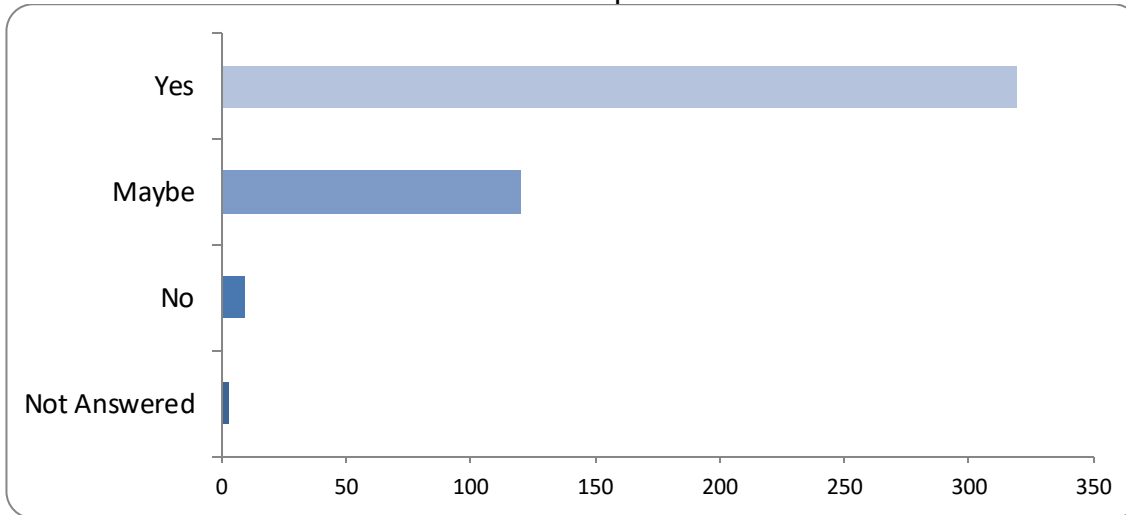
8: Do you have any other ideas that would improve the park?

There were 259 responses to this part of the question. This question gave people the opportunity to provide free text ideas for the park. The most popular included improved food and drink in the park, more site-based park staff, more live events, improved public toilets, improvements to conservatory and other heritage features and better dog control.



9: Would you attend events at the park?

There were 448 responses to this part of the question. Over 70% of people said they would be interested in attend events in the park.



10: Would you be interested in volunteering or helping to arrange activities in the Park?

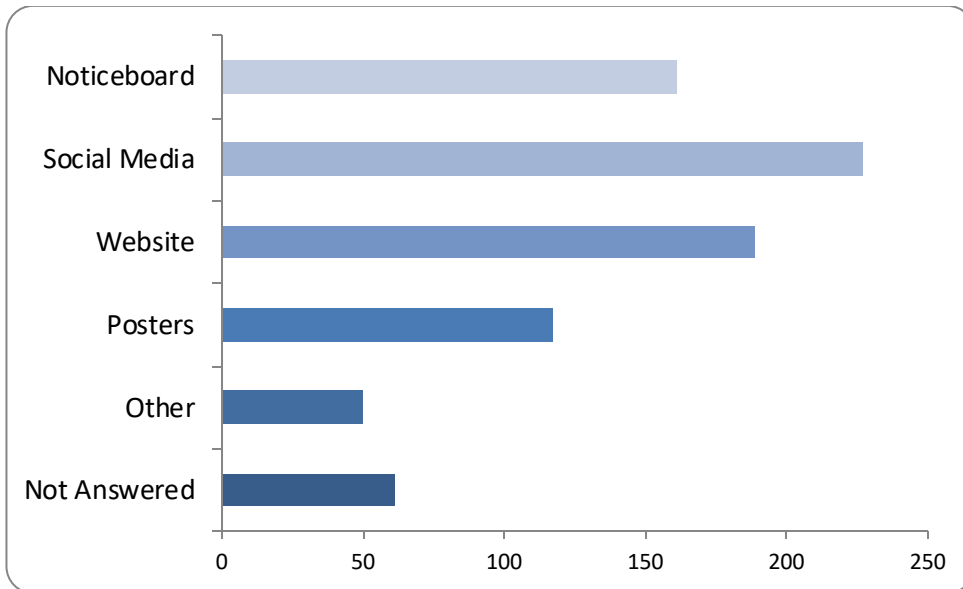
There were 441 responses to this part of the question. Over 12% of people said that they would like to volunteer and 47% said maybe with over 100 people providing contact details about getting involved in the future.

Option	Total	Percent
Yes	55	12.20%
Maybe	216	47.89%
No	170	37.69%
Not Answered	10	2.22%

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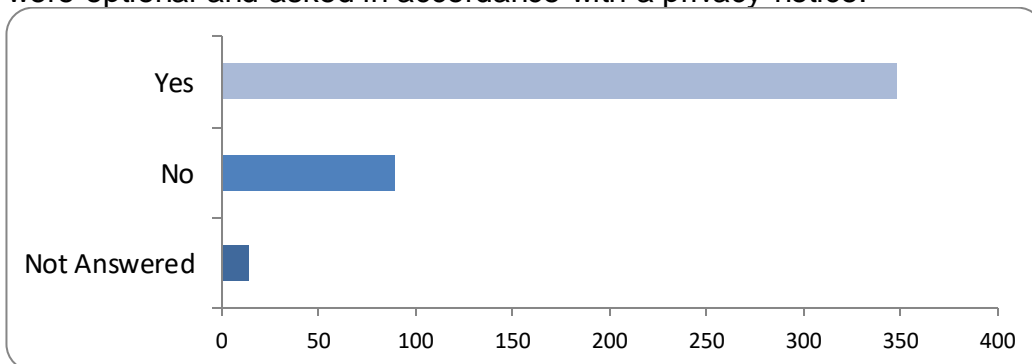
11: How would you like to hear about volunteering, activities and events?

There were 390 responses to this part of the question. The most popular communication methods to hear about volunteering and events in the park included social media, web site and the park notice boards.



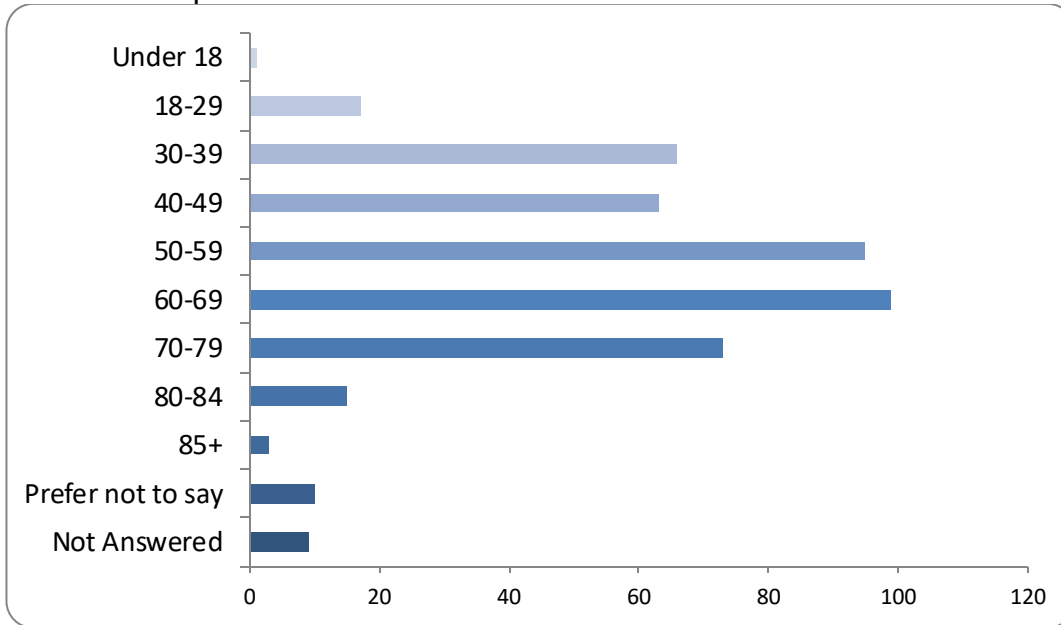
12: Do you agree for us to use your personal data in this way?

There were 437 responses to this part of the question. The equality monitoring questions were optional and asked in accordance with a privacy notice.



13: How old are you?

There were 442 responses to this part of the question. There was only one person under the age of 18 years old that responded to the consultation and younger adult responses was a lower proportion to other age groups. There was also only 18 people over the age of 80 that responded.



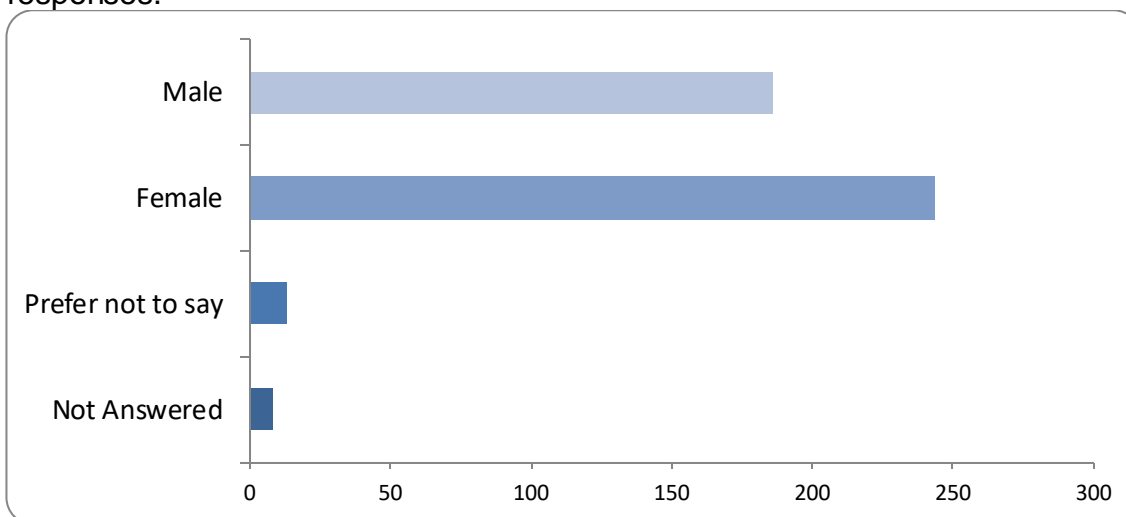
Option	Total	Percent
Under 18	1	0.22%
18-29	17	3.77%
30-39	66	14.63%
40-49	63	13.97%
50-59	95	21.06%
60-69	99	21.95%
70-79	73	16.19%
80-84	15	3.33%
85+	3	0.67%
Prefer not to say	10	2.22%
Not Answered	9	2.00%

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14: Are you:

Gender

There were 443 responses to this part of the question with more female than male responses.



Option	Total	Percent
Male	186	41.24%
Female	244	54.10%
Prefer not to say	13	2.88%
Not Answered	8	1.77%

15: Section 7 (1) of the Equality Act states that: 'A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.'

Are you proposing to undergo, are undergoing or have undergone a process of reassigning your sex?

There were 433 responses to this part of the question.

Option	Total	Percent
Yes	8	1.77%
No	381	84.48%
Prefer not to say	44	9.76%
Not Answered	18	3.99%

16: How would you describe your sexual orientation?

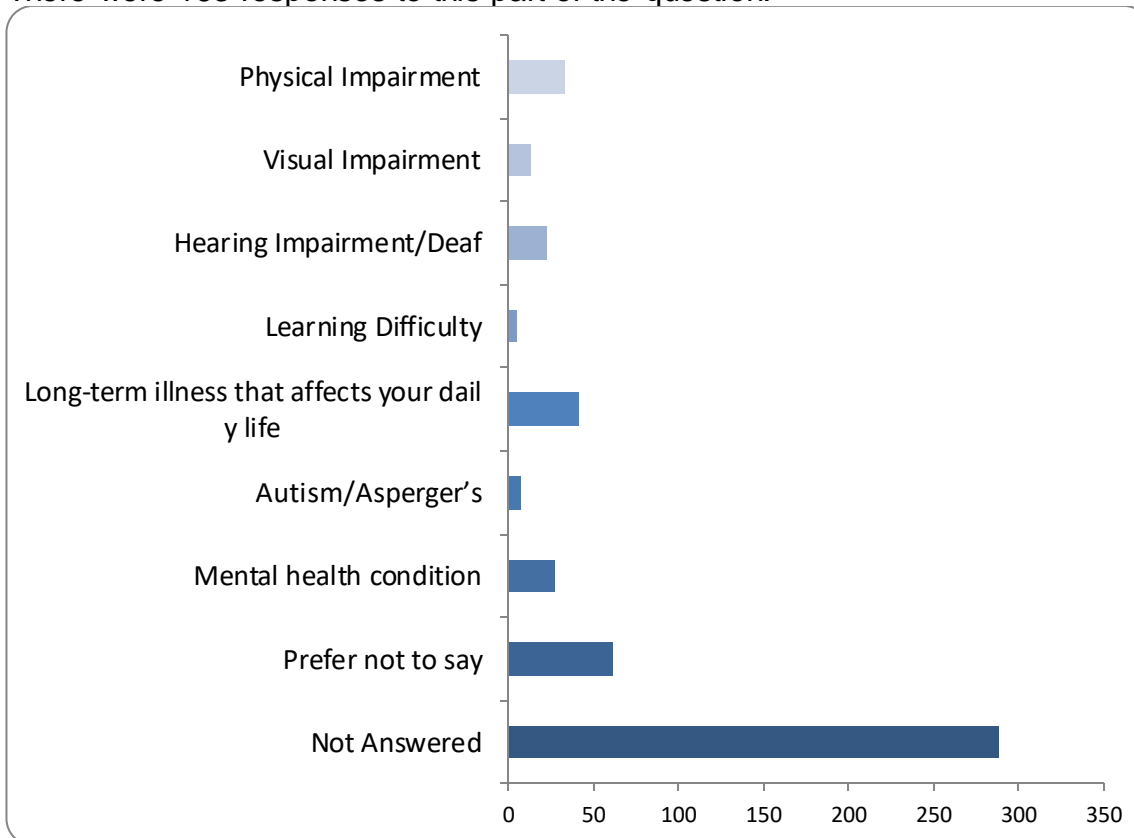
Sexual orientation

There were 436 responses to this part of the question.

Option	Total	Percent
Heterosexual/straight	363	80.49%
Gay	12	2.66%
Lesbian	2	0.44%
Bisexual	3	0.67%
Prefer not to say	54	11.97%
Other	2	0.44%
Not Answered	15	3.33%

17: Disability: Do you have any of the following (please tick all that apply):

There were 163 responses to this part of the question.



Option	Total	Percent
Physical Impairment	33	7.32%
Visual Impairment	13	2.88%
Hearing Impairment/Deaf	23	5.10%
Learning Difficulty	5	1.11%
Long-term illness that affects your daily life	41	9.09%
Autism/Asperger's	7	1.55%
Dementia	0	0.00%
Mental health condition	27	5.99%
Prefer not to say	61	13.53%
Not Answered	288	63.86%

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18: If you have ticked any of the boxes above, or you have cancer, diabetes or HIV this would be classed as 'disability' under the legislation. Do you consider yourself to be 'disabled'?

There were 320 responses to this part of the question.

Option	Total	Percent
Yes	47	10.42%
No	229	50.78%
Prefer not to say	44	9.76%
Not Answered	131	29.05%

19: What is your religion/belief?

There were 433 responses to this part of the question.

Option	Total	Percent
No religion/belief	161	35.70%
Christian	200	44.35%
Hindu	0	0.00%
Muslim	0	0.00%
Jewish	8	1.77%
Sikh	1	0.22%
Prefer not to say	52	11.53%
Other religion/belief	11	2.44%
Not Answered	18	3.99%

20: Race/ethnicity (please note that Sikh and Jewish are collected in the Religion/Belief Section above) – do you identify as:

There were 422 responses to this part of the question.

Option	Total	Percent
Asian - Indian	0	0.00%
Asian - Pakistani	0	0.00%
Asian - Other	0	0.00%
Black - African	1	0.22%
Black - British	0	0.00%
Black - Caribbean	0	0.00%
Black - Other	1	0.22%
Chinese	2	0.44%
Chinese - Other	2	0.44%
Mixed Background - Asian & White	0	0.00%
Mixed Background - Black African & White	0	0.00%

Mixed Background - Black Caribbean & White	2	0.44%
Mixed Background - Other	1	0.22%
White - British	270	59.87%
White - English	122	27.05%
White - Irish	2	0.44%
White - Scottish	7	1.55%
White - Welsh	1	0.22%
White - Polish	1	0.22%
White – Latvian	1	0.22%
White Other	9	2.00%
Gypsy/Irish Traveller	0	0.00%
Not Answered	29	6.43%

Conclusion

The consultation has been successful capturing over 450 responses with a mixture of visitors and local residents to provide a detailed view on people's thoughts and needs for Hesketh Park. This allowed us to target areas of interest and priority for Hesketh Park in the future.

Over 89% of responses came from Southport residents with postcodes of PR8 and PR9 with most people visiting weekly for walking, relaxing and using the children's play equipment. Over 47% of people rated the park as average in quality highlighting the need for further improvement in the park.

When asked to rate existing features in the park for improvement the highest rated items included the parks heritage features for example the conservatory, waterfall, floral clock, fountain and observatory. Other highly rated items included improvements to the sensory garden and improved public toilets and disabled access. There was also demand for improved food and drink offering in the park.

People were asked to rate a range of new ideas and the following items came out highly rated:

- Improvements to Conservatory for events and weddings – 53% people rated highly.
- Sensory Garden improvements – over 50% of people rated highly.
- Heritage Improvements including the floral clock, waterfall and fountain – over 54% rated highly.
- Additional site staff and gardeners to help maintain the park – over 70% rated highly.
- Support new income ideas to be ring fenced for future improvements in the park – 47% rated as high priority.

Additional new ideas included more live events in the park including the idea of an outdoor theatre, improved planting across the park and wildflower meadows and improved entrance and information signs for the park.

Over 70% of people said they would attend events in the park and people showed a strong interest in getting involved in volunteering with over 12% saying they would

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volunteer in the future. Social media and web sites were highlighted as the main method to hear about events and activities in the park.

Further work is needed to engage with young people under the age of 18 and over the age of 80 with any future plans for the park as they were not heavily represented in this consultation.

There is strong support to see improvements to the park and these results guided Green Sefton and the executors of the will to make a once in a generation improvement to the park.

Appendix B – Schedule 1 as taken from the draft contract, which details the works to be undertaken, with cost estimates as at March 2022 based on quotes received at the time, but showing updated costs accounting for anticipated inflation increases

HESKETH PARK LEGACY PROJECT			
<u>SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23</u>			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
			NB all timescales are dependent on approvals/ signing of contracts etc, plus resources being available accordingly - a more detailed Gant chart is to be developed in due course, but the broad years of delivery are noted below (assuming agreement of contract terms April 2023, formal acceptance by Cabinet on 25th May 2023, and contract is signed and sealed in June 2023
			NB all cost estimates were based on quotes discussions in late 2021 to March 22 - cost inflation hovers (for construction tenders) at 15% since Q2 2021 assuming tenders take place in q3 2023 (according to 'costmodelling.com'), so all cost estimates have been increased accordingly as a guide only - the actual scope of works are to be agreed post tender, and to fit the available £850k budget
<u>Conservatory</u> Refurbishment and repurposing			
repaint inside and out / structural repairs to metal frame / electrics / heating / glass	2024	£468,832	This capital work is only phase 1 of the project, as capital works only - phase 2 will include the development of a business case approach to then set the conservatory up as an events space/ venue offering food and drink (operating model yet to be confirmed, but delegated to Executive Director of Place). Additional capital spend allocation will be required as part of that fit out
Event chairs and tables for Conservatory	2024	£3,450	

<u>HESKETH PARK LEGACY PROJECT</u>			
<u>SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23</u>			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
Internal & External window and roof deep clean for Conservatory	2024	£2,300	
New Planting for Conservatory	2024	£4,600	
<u>Sensory Garden</u> Improvements (Southport Blind Aid)	2023/24	£44,383	Project involves close liaison and involvement of Deaf Blind Org who sought the initial quote. NB will also require ongoing volunteer support for maintenance, being essential
<u>Heritage Features</u>			
Refurb - Grade 2 listed Fountain	2023/24	£21,663	Based on outline quote received March 2022
Refurb - Grade 2 listed Waterfall	2023/24	£24,150	restoration will also require some new/ replacement planting - yet to be costed up, broadly estimated at circa £1,500 (on top of the £19,435 quote from Lost Art)
Refurb - Grade 2 listed Floral Clock	2023/24	£23,000	NB this has not been planted up/ operational in recent years due to a lack of capacity - ongoing increase maintenance/ gardening will be required (see site based staffing comments below)
<u>Additional Planting</u>			
Wild Flower Area £500 wildflower plus prep / maintenance 1 year	tbc	£575	tree planting to take place winter 2023/2024 (assuming legal agreement etc in place in time), other planting works may depend on wider projects/ staff availability etc
x20 Cherry Tree Planting - Albert Road Entrance/ other entrances	winter 2023/24	£6,900	

<u>HESKETH PARK LEGACY PROJECT</u>			
<u>SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23</u>			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
New tree stock planting for park - x50	winter 2023/24	£17,250	
Winter to Summer Bulb Planting - Long Grass Mix - 20k	winter 2022/24	£4,600	
Mixed perennial planting across park	winter 2022/24	£11,500	
<u>New Signs/ infrastructure</u>			
x3 new community notice boards	2023/24	£7,245	example can be seen at Seafront Gardens, Waterloo
Tree identification Signs	2023/24	£3,450	
New entrance signs - x3 (two parts per sign)	2023/24	£7,935	original cost estimate for smaller signs strap mounted to gates, revised price for freestanding, double posted, formal welcoming signage at the three main entrances, and smaller ones at the three secondary entrances
	2023/24	£1,380	
New local history Interpretation Boards x4 (inc x1 Fernley Observatory)	2023/24	£7,820	
Heritage Metal Derby Litter Bins including installation x10	2023/24	£4,600	
Replacement Heritage Bench including installation x10	2023/24	£11,500	examples can be seen across the borough (eg Alexandra Park, Crosby), steel structure using 'Streetmaster Victorian' design and can include date of installation on the steel ends (at least one to demark the legacy from the Marks

<u>HESKETH PARK LEGACY PROJECT</u>			
<u>SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23</u>			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
			family)
Volunteer tool store (refurb of existing building, or new structure, TBC)	2023/24	£11,500	Location for this needs exploring - there are some existing built options that could be refurbished (current building at entrance to depot needs investment, but seems good first option for consideration)
<u>Changing Places unit (new item)</u>	2023/24	£69,000	a specialised toilet/ wash facility for people with complex physical disability and other needs – est £60,000 but noting that the Hesketh Park unit may cost more given the heritage status of the park and surroundings requiring a more visually pleasing unit
<u>Hesketh Park site based gardening staff options -</u>			

HESKETH PARK LEGACY PROJECT			
SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
2Nr gardeners for 2 years	2023/24 to 2025/26 (depending on start date/ funding available)	£97,500	the return of site based gardeners would make the single biggest impact to raising the standards back up in the park again - ideally to be a longer term aspiration/ outcome from the business plan approach, but support from the legacy funds for the first two (ideally three) years will help massively - it could be paid as part of the initial agreement as a 'one off' contribution, if that helped the administration of the legacy funding. NB costings were originally for summer seasonal posts only (April-Sept), but it was agreed at the 30.3.23 meeting that full time roles that could undertake hard pruning/ other works over winter would provide better outcomes, would obviously double the costs but this was agreed and is accounted for accordingly (based on 2Nr at grade D = £19.5k each plus 25% on costs)
Plus option of one <u>apprenticeship</u> for 2 years		£25,703	to provide an on site apprentice for a period of 2 years (a horticultural apprenticeship qualification). Costs assuming employment grant is available @50%, if not, this would double the cost

<u>HESKETH PARK LEGACY PROJECT</u>			
<u>SCHEDULE 1: THE WORKS - OUTLINE ESTIMATED COSTINGS, updated following trustee meeting 30.3.23 v4, as at 11.5.23</u>			
<u>Works/ Projects</u>	<u>Expected Start</u>	<u>Costs estimated as at March 2023, based on 2022 prices but incl 15% inflation</u>	<u>Notes and comments</u>
Plus <u>required machinery / materials for above park staff roles</u>		£8,625	Sefton do not have funds for such additional kit and machinery to enable site based staff to function - this should not have been represented as 'optional' previously, as it is intrinsically linked to the staffing options above
12 month <u>Project Management</u> to deliver conservatory (and other) projects	2023/24 to 2024/25 (depending on start date)	£ 57,500	Sefton Council do not have capacity, nor funds to buy in additional resources, to project manage these works. It was also noted in the May 22 meeting of the wider benefits of having an onsite 'park manager' during the previous HLF scheme. NB 3-4 month lead in for appointment of staff once contract is agreed. (NB there have been issues with recruitment processes recently (lack of available/ suitable applicants), and so these funds have been agreed as possibly being allocated to consultancy support instead.
memorial and acknowledgement of Louis and Anita Marks legacy - opening event, and renaming of conservatory with new permanent signage etc		£ 11,500	NB there are also actions that could be taken that would be at no cost too/ anyway - changes to the website, notices in new noticeboards, future leaflets would note the contribution etc
TOTAL SCHEME ESTIMATED COSTINGS		£958,460	

Appendix C – Schedules 2 as taken from the draft contract, which details outline maintenance specification of the features to be invested in

HESKETH PARK LEGACY PROJECT		
SCHEDULE 2: MAINTENANCE SPECIFICATION 4.5.23		
Projects	<u>Outline Maintenance specification as estimated August 2022, actual spec to be agreed with specialists undertaking the capital works upon completion</u>	<u>Estimated future costs, May 2023</u> (black text, council to fund from existing resources, red text, others to fund)
<u>Conservatory</u> Refurbishment and repurposing	> Annual visual inspection, with minor repairs to be undertaken (rust repairs etc)	£500
	> Annual inspection of surrounding trees and shrubs, ensuring kept away from structure	£500
	> Annual routine maintenance to include boiler servicing	£1,000 - operator to fund
	> Window cleaning, including clearing gutters of detritus	£500 (sides only) - operator to fund
	> Whole structure to be repainted every 10 years/ or as required	£15,000 every 10 years
	> other structural works	TBC
	> Annual statutory checks and tests, including legionella monitoring and flushing, electrical testing and required PAT testing. Consider lightning conductors too. Overall, responding to any changes in Building Regulations overall	£1,500 - operator to fund
	> Fire Risk Assessments to be in place, incl evacuation plans, ensuring fire extinguishers	£300 - operator to fund
	> Periodic (not more than every 5 years) building conditions surveys to be undertaken, to advise of any further actions	£1,000

HESKETH PARK LEGACY PROJECT		
SCHEDULE 2: MAINTENANCE SPECIFICATION 4.5.23		
Projects	<u>Outline Maintenance specification as estimated August 2022, actual spec to be agreed with specialists undertaking the capital works upon completion</u>	<u>Estimated future costs, May 2023</u> (black text, council to fund from existing resources, red text, others to fund)
	<ul style="list-style-type: none"> > NB Being designed and capital works undertaken by volunteers/ their contractor, with anticipated ongoing management and maintenance by the group > Good horticultural standards to be maintained - incl shrub/ herbaceous areas to be predominantly weed free, plants kept in healthy condition with regular formative pruning, thinning and replanting. 	<p>nil (works undertaken by volunteers), but notional £500 in case some support is needed - more if volunteer group fails</p>
<u>Sensory Garden</u> Improvements	<ul style="list-style-type: none"> > Hard infrastructure to be maintained in clean and safe condition - incl pathways, steps/ ramps and walling, together with gates and signage 	£1,200
<u>Heritage Features</u>		
	<ul style="list-style-type: none"> > annual inspection for damage, minor repairs to paintwork etc > annual servicing of pumpworks, filters, valves etc. > administer and pay water bills > Annual drain down, and 'winterise', and then recommission each Spring 	£500
Refurb - Grade 2 listed Fountain	<ul style="list-style-type: none"> > Whole structure to be repainted every 10 years as required 	£3,000 every 10 years

HESKETH PARK LEGACY PROJECT		
SCHEDULE 2: MAINTENANCE SPECIFICATION 4.5.23		
Projects	<u>Outline Maintenance specification as estimated August 2022, actual spec to be agreed with specialists undertaking the capital works upon completion</u>	<u>Estimated future costs, May 2023</u> (black text, council to fund from existing resources, red text, others to fund)
Refurb - Grade 2 listed Waterfall	<ul style="list-style-type: none"> > annual inspection for damage > annual servicing of pumpworks, filters and valves etc. > administer and pay water bills > Annual drain down, and 'winterise', and then recommission each Spring 	£500
Refurb - Grade 2 listed Floral Clock	<ul style="list-style-type: none"> > Annual inspection and servicing by specialist consultant > Daily winding of the clock (by site based staff/ volunteers) > Simple design of stones/ planting to be maintained to be visually appealing > Winterise the clock hands each winter, taken indoors and refit each Spring 	£1,000
<u>Additional Planting</u>		
Wild Flower Area £500 wildflower plus prep / maintenance 1 year	<ul style="list-style-type: none"> > Annual cut and remove arisings off site > collection of seeds (with volunteer support), and resow as appropriate 	£150
x20 Cherry Tree Planting - Albert Road Entrance	> Inspection by specialist qualified Arboricultural officers, advising on any proactive/ reactive works, not more than every 5 years	£200
New tree stock planting for park - x50	> Inspection by specialist qualified Arboricultural officers, advising on any proactive/ reactive works, not more than every 5 years	£500

HESKETH PARK LEGACY PROJECT		
SCHEDULE 2: MAINTENANCE SPECIFICATION 4.5.23		
Projects	<u>Outline Maintenance specification as estimated August 2022, actual spec to be agreed with specialists undertaking the capital works upon completion</u>	<u>Estimated future costs, May 2023</u> (black text, council to fund from existing resources, red text, others to fund)
Winter to Summer Bulb Planting - Long Grass Mix - 20k bulbs	> no maintenance - natural regrowth each year (planting plan needs to consider swathes and design, to be led by Community Rangers with support of volunteers)	nil
Mixed perennial planting across park	> Good horticultural standards to be maintained - incl shrub/ herbaceous areas to be predominately weed free, plants kept in healthy condition with regular formative pruning, thinning and replanting	£1,800
<u>New Signs/ infrastructure</u>		
x3 new community notice boards	> Community Rangers (with volunteer support) to keep noticeboards up to date > Regular visual inspections, with minor repairs undertaken (incl oiling of locking mechanisms, repair/ maintenance of the perspex fronts, touching up rust repairs etc) > design life circa 10-15years, and with no budget available for replacement (incl if damaged by vandalism/ anti social behaviour) >Minor reactive repairs throughout for issues such as graffiti, stickers etc	
Tree identification Signs		
New entrance signs - x6 (two parts per sign)		
New local history Interpretation Boards x4 (inc x1 Fernley Observatory)		
Heritage Metal Derby Litter Bins including installation x10		
Replacement Heritage Bench including installation x10		
Volunteer tool store (refurb of existing building, or new structure, TBC)	TBC once location known, but basic statutory testing and checks will be undertaken, advising	£100 (by volunteers)

HESKETH PARK LEGACY PROJECT		
SCHEDULE 2: MAINTENANCE SPECIFICATION 4.5.23		
Projects	<u>Outline Maintenance specification as estimated August 2022, actual spec to be agreed with specialists undertaking the capital works upon completion</u>	<u>Estimated future costs, May 2023</u> (black text, council to fund from existing resources, red text, others to fund)
	of further works, together with proactive and reactive maintenance	
<u>Changing Places unit (new item)</u>	> daily regular cleaning and consumables replenished > other statutory checks undertaken incl building condition surveys, LOLER testing for the hoist, legionella monitoring and electrical testing etc > water consumption charges	£2,000 (new Conservatory operator – TBC, (otherwise revenue growth may be required)
<u>Rose Garden refurbishment (item at request of HPHG 23.5.22)</u>	> to be undertaken by volunteer group (supported/ advised by Green Sefton)	nil (undertaken by volunteers), notional £500 if support is needed
<u>Visitor Centre - as per separate discussions with HPHG and the trustees</u>	TBC once location known, but basic statutory testing and checks will be undertaken, advising of further works, together with proactive and reactive maintenance	£200 (by volunteers/ café lessee)

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Agenda Item 6

Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Sustainable Warmth Funding - Extension		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

As part of a competitive bidding process co-ordinated through the Combined Authority, Sefton Council have been awarded £3,374,297 of grant funding to retrofit 307 poorly insulated homes for low-income Sefton residents. The funding has come from the Department of Business Energy & Industrial Strategy (BEIS) as part of the government's post covid 19 response and supporting the UK Net Zero Carbon by 2050 target.

An additional £1M was awarded to Sefton in November 2022 which will be used to upgrade an additional 100 properties. This additional funding was reported to Council, with a request to accept the funding, via the regular financial management update in November 2022.

The newly formed Dept. For Energy Security and Net Zero (DESNZ) announced on 10 February 2023, that the Sustainable Warmth scheme would be extended by six months, however they are yet to confirm additional funding requested by Sefton. A decision on the request for an additional £2M will be reviewed from mid-March 2023.

Recommendation(s):

That Cabinet authorise the direct award of works (to fulfil the requirements of the Sustainable Warmth fund) to Eco Gee Ltd as per the parameters stated below.

Reasons for the Recommendation(s):

To use a public procurement regulations compliant framework (Fusion 21) for the selection of the Contractor, via a direct award (contract award without the need for a mini competition) which is a compliant mechanism for an award within this Framework.

Based on lessons learnt during previous phases of this funding and current delivery:

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1. Timescales – Funding and delivery are time critical. The programme has only 6 months to run, therefore it would not be possible or practical to go to market for an alternative delivery partner.
2. Continuity – the mobilisation of a contractor to deliver external wall insulation (EWI) for example can take months. Therefore, the option of maintaining the current work stream delivering EWI must be considered.
3. Proven delivery – ECOGEE have demonstrated the ability to deliver quality work locally at competitive rates.
4. Customer service & ECO flex – Excellent customer service has been demonstrated. ECOGEE are also one of 4 appointed contractors to deliver the ECO flex programme in Sefton, this provides residents with access to alternative and supplementary funding support.
5. Competitive costing – To secure the most competitive prices, officers considered approved procurement frameworks, where contractors had set out prices at the beginning of the framework. This allowed for a transparent assessment of value for money.
6. Local knowledge – ECOGEE are a local company based just outside Sefton’s border in Liverpool. Evidence from previous experience showed that local companies with detailed knowledge of building stock and local supply chains were best placed to mobilise and deliver quickly and effectively.

Alternative Options Considered and Rejected: (including any Risk Implications)

Procurement for an alternative delivery partner will mean the project will not be fulfilled within timescales.

What will it cost and how will it be financed?

No additional cost incurred. Financed through funding already secured as part of the Sustainable Warmth Fund.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
Retrofit team and contractors are already in place	
Legal Implications:	
Contracts and grant funding agreements already in place. The Council’s Procurement team have been consulted and endorse the recommended approach.	
Equality Implications:	
There are no equality implications.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Improving the thermal efficiency of local homes will directly support the wider targets around achieving net zero carbon emissions across the wider Sefton area.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Improving the energy efficiency of the homes of the most vulnerable residents
Facilitate confident and resilient communities: Helping to reduce fuel poverty and health implications associated with cold homes
Commission, broker and provide core services: Assisting residents to improve the energy efficiency of their having a positive impact on finances, health and climate change
Place – leadership and influencer: Sefton assisting vulnerable residents to access funding to become more energy efficient and reduce carbon emissions
Drivers of change and reform: Help reduce fuel poverty and carbon emissions
Facilitate sustainable economic prosperity: Reduced fuel bills will result in residents having more of a disposable income
Greater income for social investment: Reduced fuel bills will result in residents having more of a disposable income
Cleaner Greener Reduced carbon emissions through fabric first energy efficiency measures installed in domestic properties

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7201/23) and the Chief Legal and Democratic Officer (LD.5401/23) have been consulted and any comments have been incorporated into the report.

The procurement and legal teams have both reviewed the procurement process and governance process and confirmed compliance.

(B) External Consultations

LCR Combined Authority have submitted change request to DESNZ 3/3/23

Implementation Date for the Decision

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Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer:	Stephanie Jukes
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Appendices:

There are no appendices to this report

Background Papers:

“Sustainable Warmth Funding 2022-2023”: 6 (Cabinet) & 20 (Council) January 2022

CORB Contract Award Sustainable Warmth: February 2022

1. Introduction

- 1.1 In February 2022 the procurement route for the current Contractor was set out and reported via a Chief Officers Report. This set out the criteria and subsequent evaluation to ensure a robust and transparent procurement compliant process had been followed.
- 1.2 Although the current contract is being successfully delivered and in fact, Sefton are one of few local authorities who are currently on track or ahead of delivery, there is no provision within this agreement to extend beyond 31st March 2023. On this basis, we require a new contract to be in place to accommodate all of the additional work and associated additional time.

2. Contract Award

- 2.1 It is proposed that the new contract would be procured through the Fusion 21 (public procurement regulations compliant) framework to undertake the domestic retrofit works required under the Sustainable Warmth funding award. Selection of the Contractor will be via a direct award (contract award without the need for a mini competition) which is a compliant mechanism for an award within this Framework. The justification for taking this route to procurement is listed above in “Reasons for the Recommendation”.
- 2.2 Although we anticipate the identified works programme to conclude by 30 September 2023, the contract itself would run until 31 March 2024 to allow for any possible future extensions. This would accommodate any possible capital works up to the value of £5.5M to allow for existing funding granted at the end of 2022 and any additional works as part of the scheme extension (awaiting confirmation).

Agenda Item 7

Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Council Corporate Internet and Wide Area Network Connectivity Provision		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

Following an unsuccessful procurement exercise this report seeks authority to complete a direct award to Virgin for a continuation of the existing wide area network and connectivity provision to the Council for a up to a 36-month period, whilst Sefton reviews the contractual requirements of the Council and considers alternative procurement options. This may include the opportunity to procure at a regional level with the Liverpool City Region.

Recommendation(s):

- 1) That the Executive Director of Corporate Resources and Customer Services following consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be authorised to make a direct award for 2 + optional 1 year contract via a CSS Framework to the Council's current provider to ensure the continuation of the current services in relation to the Councils Corporate Internet and Wide Area Network provision.
- 2) That the Executive Director of Corporate Resources and Customer Services in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be authorised to grant the one-year extension if deemed appropriate.

Reasons for the Recommendation(s):

To ensure continuation of services

Alternative Options Considered and Rejected: (including any Risk Implications)

To re-issue the tender to market - due the time required to complete another tender exercise and the subsequent timeline for implementation this would not be possible prior to the end of the current contractual arrangement. This option will also not allow

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the authority to take the opportunity potentially afforded by a regional procurement across the Liverpool City Region. (LCR).

What will it cost and how will it be financed?

(A) Revenue Costs

The service will be funded via existing Council Budgets.

(B) Capital Costs

There is no capital costs.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
No impact existing services will continue.	
Legal Implications:	
There are no legal implications.	
Equality Implications:	
There are no equality implications.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
As this report maintains the current position in terms of network connectivity there is no impact either positive or negative on the climate emergency.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable.
Facilitate confident and resilient communities: Not applicable.
Commission, broker and provide core services: Ensures continuity of critical service provision.
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable

Facilitate sustainable economic prosperity: Not applicable.
Greater income for social investment: Not applicable
Cleaner Greener Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7193/23) and the Chief Legal and Democratic Officer (LD.5393/23) have been consulted and any comments have been incorporated into the report.

The Head of Corporate Procurement has been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer:	Helen Spreadbury
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Appendices:

There are no appendices to this report.

Background Papers:

There are no background papers available for inspection.

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1. **Background**

- 1.1 In January 2022 a report was submitted to Cabinet to seek approval to conduct a procurement exercise for corporate internet and wide area network provision for a period of 5 years (with the option to extend for a further 2 years), this report was approved and also provided delegated authority to the Executive Director of Corporate Resources & Customer Services in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services to award a Contract resulting from the procurement exercise and any subsequent extension to the contract.
- 1.2 A key requirement of the procurement was to make sure that there was suitable ICT core connectivity service in place for Sefton. This would ensure that the Council has the means to provide internet connectivity, network connectivity, and secure remote access as well as providing the opportunity to modernise and make improvements to the network in line with new technologies available in the marketplace such as SD-WAN (Software Defined Wide Area Network).
- 1.3 The procurement also considered the longer-term opportunities to reduce overall ICT Contract Costs to the Council by providing options within the contract for the Council to procure additional services such as Wi-Fi Services during the terms of the contract allowing for Contract rationalisation.
- 1.4 Furthermore, the authority was keen to exploit the opportunity afforded by the LCR Backhaul network, and asked suppliers to consider the use of this network where it was deemed economically advantageous to do so, thereby providing faster and hopefully more cost-effective direct internet connections, with SDWAN providing the technical overlay for managing the network traffic and associated security requirements. This change in approach would also support Sefton's move to Cloud, with enhanced security and integrated firewalls to support both an office based and agile workforce. The technology also provides the opportunity to secure remote access to all applications from any end point (thereby replacing the current VPN solution), whether the applications are in the Azure Cloud, SAAS (Software as a Service) solutions from vendors or remain on premise. Thus, ensuring that the authority has a robust, flexible, and scalable network.

2 **Process**

- 2.1 A detailed requirements specification was developed in partnership with the Council's external ICT provider, Agilisys, ensuring that all technical standards and design principles were included within the documentation, not only in line with market standards but also to reflect the ambitious transformation agenda as defined within the New Ways of Working Programme.
- 2.2 The Council conducted a mini competition using Crown Commercial Service framework RM3808 "Network Services" 2. The opportunity was released in June this year and expressions of interest to bid were received from 8 suppliers. However, only two bids were received when the opportunity closed.
- 2.3 The procurement evaluation team was led by the Council's Senior Manager for ICT and Digital and included the Council's ICT Lead for Contracts and Procurement, The Council's Service Delivery lead, Agilisys Subject Matter experts

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including Agilisys Service Delivery Manager for Sefton, Network Engineers, Security lead, plus Agilisys subject matter experts in Connectivity Procurement and Connectivity Solutions for Local Government, with previous experience of delivering similar projects for other authorities.

2.4 In relation to the tender evaluation the focus was initially on the quality assessment, to ensure that the vendor could provide a solution that technically met the requirements of the organisation. The following scoring scale was used by the team against each question, this is the standard scale used by the procurement team in Sefton.

Score	Rating	Description
0	No Response	No proposal has been received. The response is unacceptable.
1	Unacceptable	A proposal at this rating: <ul style="list-style-type: none"> Builds very little or no confidence that the Responder can deliver the requirements due to insufficient evidence of relevant ability, understanding, skills, resources, and quality measures. Builds very little or no confidence that the Responder's approach/solution will deliver the requirements due to insufficient evidence or an inappropriate approach/solution.
2	Poor	A proposal at this rating: <ul style="list-style-type: none"> Raises reservations that the Responder can deliver the requirements due to insufficient evidence of relevant ability, understanding, skills, resources, and quality measures. Raises reservations that the Responder's approach/solution will deliver the requirements due to insufficient evidence or an inappropriate approach/solution. <p>Note: a response at this rating includes reservations which cannot be easily resolved with the Responder pre-contract award (i.e., changes which would distort the competition) or during the contract term without impacting time, quality, or cost.</p>
3	Acceptable	A proposal at this rating: <ul style="list-style-type: none"> Confirms that the Responder can deliver the requirements through evidence of relevant ability, understanding, skills, resources, and quality measures. Provides an acceptable approach/solution to delivering the requirements utilising standard strategies, plans, tools, methods, or technologies. <p>Note: an acceptable response may include minor reservations that can easily be resolved with the Responder pre-contract award (i.e., changes which would not distort the competition) or during the contract term without impacting time, quality, or cost.</p>

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4	Good	<p>A proposal at this rating:</p> <ul style="list-style-type: none"> • Builds confidence that the Responder can deliver the requirements through evidence of relevant ability, understanding, skills, resources, and quality measures. • Provides a good approach/solution to delivering the requirements utilising appropriately tailored strategies, plans, tools, methods, or technologies. <p>Note: a good response may include a small number of minor reservations that can easily be resolved with the Responder pre-contract award (i.e., changes which would not distort the competition) or during the contract term without impacting time, quality, or cost.</p>
	Excellent	<p>A proposal at this rating:</p> <ul style="list-style-type: none"> • Builds a high level of confidence that the Responder can deliver the requirements through evidence of relevant ability, understanding, skills, resources, and quality measures. • Provides an exceptional approach/solution to delivering the requirements utilising appropriately tailored and at times innovative strategies, plans, tools, methods, or technologies. <p>Note: an excellent response should not include any reservations.</p>

2.5 The first moderation session completed by the evaluation team raised a significant number of questions, further clarifications were sought, these were independently reviewed by each member of the team and then a further moderation session was completed on the 5th of October 2022. Unfortunately, significant concerns were raised regarding the suitability either bidder to meet the requirements of Sefton.

3 Conclusion

Across the evaluation team of subject matter experts there was no agreement that either the of the suppliers bidding would be suitable to meet the requirements of the Sefton Contract

4 Proposed way forward

As a result of the procurement process not identifying a provider there is a need for the council to continue to receive the required service. During this time this will allow the contractual requirements of Sefton to be reviewed and consideration of alternative procurement options. This may include the opportunity to procure at a regional level with the Liverpool City Region.

As a result of this it is proposed to reprocur the existing services via a direct award for 2 + 1 year contract via a CSS Framework to Virgin to ensure the continuation of the current services in relation to the Councils Corporate Internet and Wide Area Network provision, this may include the uplift of a small number of sites to ensure they meet operational requirements. Such an approach would be in compliance with the council's contract procedure rules.

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Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Appointments to Outside Bodies 2023/24		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To consider the appointment of the Council's representatives to serve on Outside Bodies for 2023/24 for periods of one year and longer as set out in the attached appendices.

The appendices show the proposed appointments for 2023/24 following the submission of nominations by the Political Groups on the Council.

Recommendation(s): That:

- (1) the proposed representation on the various Outside Bodies for a twelve-month period expiring in May 2024 as set out in Appendix 1 to the report be approved;
- (2) to avoid delay in the appointment of Members to the Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee, authority be granted for the Leader of the Council to make the nominations, in accordance with political balance procedures, once the political proportionality across the Cheshire and Merseyside local authorities has been resolved; and
- (3) the proposed representation on the various Outside Bodies for the term of office as indicated and set out in Appendix 2 to the report be approved.

Reasons for the Recommendation:

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.

Alternative Options Considered and Rejected: (including any Risk Implications)

None.

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What will it cost and how will it be financed?

(A) Revenue Costs

None arising from this report. The Council pays annual membership subscriptions to a number of the bodies from existing budgetary provision and the annual levy to the North Western Inshore Fisheries and Conservation Authority.

(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None	
Legal Implications: Paragraph 40 of Chapter 5 in the Constitution gives the Cabinet delegated powers to make appointments to Outside Bodies, appropriate.	
Equality Implications: There are no equality implications.	
Impact on Children and Young People: No	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The appointment of Council representatives on to the Outside Bodies will ensure that the interests of residents of Sefton are taken into account by each Body.
Facilitate confident and resilient communities: As above.
Commission, broker and provide core services: As above.

Place – leadership and influencer:
As above.
Drivers of change and reform:
As above.
Facilitate sustainable economic prosperity:
As above.
Greater income for social investment:
As above.
Cleaner Greener
As above.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD..7221/23) and the Chief Legal and Democratic Officer (LD.5421/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer:	Steve Pearce
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Appendices:

Appendix1 Proposed appointments for 12-month period expiring in May 2024 (to follow)

Appendix 2 Proposed appointments for a period of over one year (to follow)

Background Papers:

There are no background papers available for inspection.

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1. Introduction

1.1 The Cabinet has delegated authority in the Council Constitution to appoint Council representatives to serve on Outside Bodies. The majority of the appointments are reviewed on an annual basis and the proposed representation for 2023/24 is set out in **Appendix 1** to this report. The Cabinet is requested to appoint representatives to serve on the bodies set out in the Appendix for the next twelve-month period expiring in May 2024.

1.2 A small number of appointments are for a period of over one year. These are for charitable bodies, governing bodies, and NHS Foundation Trusts. The proposed representation on these bodies is set out in **Appendix 2** to this report. The Cabinet is requested to appoint those representatives whose current term of office on the appropriate body expired(s) in 2023, as highlighted in bold type.

1.3 A high number of the places on Outside Bodies are historically allocated to the most appropriate Cabinet Member and the remainder are allocated dependent on the number of places available to the appropriate local Councillor(s) and political group(s). The details of the links to Cabinet Portfolios are set out in the two appendices.

1.4 The annual appointments to the Merseyside Joint Authority Bodies were agreed at the Annual Council Meeting held on 18 May 2023.

1.5 The following bodies have either been discontinued, integrated into other bodies or no longer hold meetings and consequently the Council is no longer required to make appointments to them:

- Committee in Common – Healthy Liverpool Programme
- Liverpool City Region Child Poverty and Life Chances Commission
- Liverpool City Region Local Enterprise Partnership Board
- Merseyside Community Safety Partnership
- Sefton Sports Council

1.6 The following bodies have been added to the appendices following appointments made to them by the Cabinet during 2022/23:

- Armed Forces Champion
- Cheshire and Merseyside Health and Care Partnership
- Sefton Domestic Abuse Partnership Board

2. Local Government Association General Assembly

2.1 The Leader of the Council (Councillor Ian Maher) has attended meetings of the Local Government Association General Assembly during the past years, and it is proposed in Appendix 1 to this report that the Leader of the Council should continue to be the Council's representative for 2023/24 and be authorised to use the allocated 5 votes on behalf of the Council.

3. Joint Health Scrutiny Committees

- 3.1 The Overview and Scrutiny Committee (Health and Social Care) at its meeting on 6 May 2014 and the Council at its meeting on 3 June 2014 approved a protocol which had been developed as a framework for the operation of joint health scrutiny arrangements across the local authorities of Cheshire and Merseyside. The protocol allows for the scrutiny of substantial developments and variations of the health service, and discretionary scrutiny of local health services.
- 3.2 The protocol provides a framework for health scrutiny arrangements which operate on a joint basis only. Each constituent local authority has its own local arrangements in place for carrying out health scrutiny activity individually.
- 3.3 All relevant NHS bodies and providers of NHS-funded services are required to consult local authorities when they have a proposal for a substantial development or substantial variation to the health service. Those authorities that agree that any such proposal does constitute a substantial development or variation are obliged to form a joint health overview and scrutiny committee for the purpose of formal consultation by the proposer of the development or variation.
- 3.4 Should that occur; a joint committee would be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:
- where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members; and
 - where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.
- 3.5 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested in the protocol that constituent authorities should arrange for delegated decision-making arrangements to be put in place to deal with such nominations at the earliest opportunity and in making their nominations, each participating authority is asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process. Please follow the link below to access the Protocol:

[http://smbc-modgov-03/ecSDDisplay.aspx?NAME=SD2284&ID=2284&RPID=28603547&\\$LO\\$=1](http://smbc-modgov-03/ecSDDisplay.aspx?NAME=SD2284&ID=2284&RPID=28603547&LO=1)

4. Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee

- 4.1 In response to the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the Chief Executives of the nine Merseyside and Cheshire local authorities have previously agreed a number of actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet

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the challenge of the new statutory Integrated Care System (ICS) arrangements. It was deemed appropriate to establish a standing joint health scrutiny committee in May 2022 with the role of taking on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level.

- 4.2 The Joint Committee is made up of 18 members, comprising of two representatives from each of the nine local authorities of Cheshire East, Cheshire West and Chester, Halton, Knowsley, Liverpool, St. Helens, Sefton, Warrington and Wirral. The allocation of the elected member places on the Committee is reviewed annually and the membership reflects the political balance across the nine local authorities.
- 4.3 The representatives for Sefton Council in 2022/23 were Councillors Brodie-Browne (Liberal Democrat) and Lunn-Bates (Labour). The allocation of places on the Joint Committee for 2023/24 will be confirmed in due course by Knowsley Council in its role as the Lead Authority. It is recommended that to avoid delay in the appointment of Members to the Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee, that authority be granted for the Leader of the Council to make the nominations, in accordance with political balance procedures once the political proportionality across the Cheshire and Merseyside local authorities has been resolved.

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Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Bootle Strand Re-purposing Programme – Memorandum of Understanding with the Department for Levelling Up Housing and Communities for Capital Levelling Up Funding.		
Report of:	Executive Director (Place)	Wards Affected:	Linacre / Derby
Portfolio:	Cabinet Members: Regeneration and Skills; and Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This report sets out the arrangements for Sefton Metropolitan Borough Council (SMBC) to access the £20m grant funding allocated to the Council by the Department for Levelling Up Housing and Communities (DLUHC) for the delivery of part of Phase 1 of The Strand Re-purposing Programme (the Programme).

The funding has been awarded to SMBC based on the bid submitted by the Council to DLUHC in Round 2 of the Levelling Up Fund (LUF) process in summer 2022. SMBC was not one of the councils successful in that LUF process but when further DLUHC funding became available in 2023, through the Capital Levelling Up Fund (CLUF), SMBC's bid was chosen amongst a small number of others to be awarded the full amount that had been bid for from LUF.

This report follows the Cabinet Report approved on 5 January 2023 for approval of the Strand [Business Plan](#) for the period 2022/23 to 2024/25, which included the recommendation that Phase 1 of the Programme should continue to be progressed.

This report relates to the approvals required for the Council to sign the DLUHC issued Memorandum of Understanding (MoU), which is NOT legally enforceable but describes an understanding between SMBC and DLUHC in relation to how the grant funding is to be used. Signing this MoU will secure the availability of the funding for SMBC to access when works commence on Phase 1, scheduled for February 2024.

Prior to commencing works and starting to defray the grant funding, a further Cabinet Report with a full business case for delivering Phase 1 of the Programme will be submitted to Cabinet for approval.

In the event that Phase 1 did not proceed then the grant funding would not be drawn down and the MoU would be withdrawn.

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Recommendation(s):

It is recommended that Cabinet:

- (1) Delegate the completion of the DLUHC Memorandum of Understanding for the allocation of the Capital Levelling Up Fund grant, totalling £20,000,000, to the Executive Director of Place, in consultation with the Cabinet Member for Regeneration and Skills, and the Cabinet Member for Regulatory, Compliance and Corporate Services.
- (2) Approve that any draw-down and defrayment of the Capital Levelling Up Funds made available to the Council through that Memorandum of Understanding must be subject to approval of a subsequent Cabinet Report containing a detailed business case before commencing the construction works.

Reasons for the Recommendation(s):

The Council's objectives for the acquisition of The Strand in 2017 were to ensure that it was supported to continue its role in the local community, as a key asset at the heart of Bootle critical to the town's physical, economic and social regeneration. This remains the Council's priority in relation to the centre.

However, the continued changes to the nature of UK high streets, the uncertainties of the current economic climate and the impacts these are having on the retail sector continue to necessitate financial subsidy to keep the Strand operational and prevent the centre from realising its full potential to drive the physical, social and economic regeneration of Bootle.

To become financially sustainable and to act as the catalyst for regeneration in Bootle, The Strand needs significant investment to diversify its offer to one with less reliance on retail and which also includes leisure, food and beverage, and cultural activities, as well as health and education services.

This diversification and enhancement of The Bootle Strand offer is the objective of the Strand Re-purposing Programme, the delivery of Phase 1 of which will generate significant local value in its own right as well as unlocking the remaining development phases of the Programme and wider development opportunities across the town.

The Programme as a whole and Phase 1, in particular, will realise the following benefits.

- Phase 1 will attract more local people and visitors to Bootle resulting in increased footfall and local spend in The Strand and surrounding businesses in the town. This will help move The Strand to a sustainable financial position; grow the local economy; and create new employment opportunities.
- The creation of lots of new high quality public realm and shaping the place in a way that makes local people proud and enhances the brand and reputation of the town regionally and nationally, will help to encourage inward investment from both future employers and investors and developers.
- Provision of a rich and exciting cultural and leisure offer, including food and beverage as well as entertainment and other events spaces will also attract more visitors and footfall as well as encourage people to stay in the town for longer during the day and beyond, creating a new night-time economy.

- The provision of flexible and high-quality, digitally enabled space for new hi-tech creative and commercial activities, will create even more employment opportunities and reasons for businesses to locate and invest in Bootle.
- The inclusion of education delivery at the heart of the Town Centre will help to drive up skills and educational attainment for local people, enabling them to take advantage of new employment opportunities.
- The mix of a much more diverse and exciting offer, available during the day and the evening, along with high quality public places and facilities to work, play and shop, will all help to drive regeneration in the town.

The Programme requires public funding to deliver Phase 1 and thereby to start to realise these benefits and to act as a catalyst to unlock further investment. The provision of £20m CLUF funding enables most of the components of Phase 1 to be delivered quickly, which is the reason for recommending the grant offer is accepted via completion of the MoU, ensuring that that it is not withdrawn in the interim whilst the detailed business case for commencing construction works is completed for subsequent review and approval by Cabinet.

Alternative Options Considered and Rejected:

The alternative would be to not accept the grant funding. This has been rejected as it would prevent the Repurposing Programme from proceeding and therefore prevent the realisation of the Council's regeneration objectives for Bootle.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no revenue implications in completing the MoU and accepting the grant.

(B) Capital Costs

There are no new capital requirements in completing the MoU and accepting the grant. Additional capital will be required, over and above the £20m, to complete all of Phase 1 of the Programme, the details of which will be included in the detailed business case to be presented in a subsequent Cabinet report before construction commences and the grant funds are drawn down and defrayed.

Implications of the Proposals:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Resource Implications (Financial, IT, Staffing and Assets):
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There are no new resource implications.

Legal Implications:

All legal implications are identified and addressed in this report.

Equality Implications:

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The Council's focus for the Strand and for Bootle town centre remains on social and environmental outcomes, as well as economic and financial outcomes.

In the short-term, this is evidenced in the close partnerships in place with tenants including (but not limited to) the Bootle Tool Shed, the Big Onion, Kingsley and Company, and In Another Place. These partners are supported via agreements with the Council for occupancy of the centre in a manner that ensures their ability to both continue to deliver positive community outcomes in the short-term, and their opportunity to engage in and help shape the future of the centre in the longer-term.

Further information on these partnerships and positive outcomes is included within the approved Strand Business Plan.

Impact on Children and Young People:

Repurposing Bootle Strand will have a significant impact on the surrounding community and users of the centre including children and young people. Consultation and engagement has taken place with children and young people in Bootle regarding the proposals for the Strand repurposing to inform the bid submission for LUF . This has been a combination of workshops and events to capture youth perspective on the place, its future and the role of young people in it (Strand After Hours, Salt n Tar Events engaging with local schools and Sefton CVS to engage with Symbol and the Youth Advisors, and more recently Placed Academy young people's visit to Bootle Strand.

This is an ongoing dialogue with young people and future engagement is proposed with schools and colleges to build on engagement to date in partnership with local organisations including, but not limited to, Y-Kids at Kingsley and Co, and SCVS and others. Sefton is planning to speak to a range of children and young people as part of the project engagement plan as the project progresses, this will include but not be limited to :

- Hugh Baird College students
- Local primary and secondary schools
- Sefton's Young Advisors
- Y Kids/ Kingsley and Co
- Everton in the Community
- Community Centres and Library in Bootle.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	N

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will be in line with the Council's strategy and objectives in respect of climate emergency, with both the delivery of any construction projects and the operation and maintenance of the asset in mind. The intention is that the

repurposing vision will closely align to the Council's strategic objectives in relation to climate emergency, and in the shorter-term operational actions are undertaken to deliver positive environmental outcomes where available.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will enable The Strand to continue to provide essential amenities that are accessible for local people including the most vulnerable, particularly through the partnerships with Community Interest Companies as described above.

Facilitate confident and resilient communities:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will enable The Strand to continue to provide essential and accessible amenities for local people.

Commission, broker and provide core services:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will improve the financial returns to the Council from the operation of The Strand, which can provide revenue to the Council (as owner of The Strand) to contribute towards service provision. The centre also offers opportunity to locate accessible and important services for local residents.

Place – leadership and influencer:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will enable The Strand to realise its full potential as a key asset at the heart of Bootle critical to the town's physical, economic and social regeneration.

Drivers of change and reform:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will deliver new physical infrastructure (retail and other amenities), which are a significant contributor to and enabler/catalyst for change.

Facilitate sustainable economic prosperity:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will enable The Strand to continue to operate on an economically viable basis, which is essential to maintain and increase its significant contribution to the local economy, including in terms of creating local

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employment and providing essential facilities required to help attract inward investment.

Greater income for social investment:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will provide opportunities and support for local people to launch and sustain micro enterprise within and around The Strand. The Big Onion provides a strong example of a partner helping deliver positive outcomes in this respect.

Cleaner Greener:

The completion of the MoU will have no impact but the subsequent delivery of the Repurposing Programme, using the grant funding (following approval by Cabinet of the detailed business case) will be compliant with the Building Regulations and other Planning and Habitat regulations meaning Sefton builds cleaner and greener.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7223/23) and Chief Legal and Democratic Officer (LD5423/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

There have been no external consultations in respect of the Memorandum of Understanding.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting.

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Appendices:

None.

Background Papers:

None.

1.0 **Introduction and Background**

- 1.1 In April 2017, Sefton Council acquired The Strand Shopping Centre to secure its future and support its continued role as a cornerstone asset at the heart of Bootle, critical to the town's physical, economic and social regeneration.

The Council remains fully committed to supporting and securing investment in The Strand for the short, medium and long terms to reverse the decline it was suffering in the hands of private ownership and to respond proactively to the challenges of a changing retail market that have been accelerated and increased by the impacts of COVID-19. Feedback from industry experts and private sector engagement reaffirms that this was an appropriate strategic action for the Council to take. The current economic climate and challenges facing the retail sector further reinforce this point.

- 1.2 The Council has a long-term strategy for investing in and improving The Strand to help address the challenges to trading that it (along with all similar centres across the UK) is facing and to enhance its value to Bootle Town Centre. The progression of that Strategy is now enabled by the award of CLUF funding following the Council's 2022 bid submission for Levelling Up funding.
- 1.3 The detailed plans for The Strand (including the adjacent Canalside sites, and Bootle more widely) will continue to be developed in full consultation with local people and other local stakeholders, with whom engagement is ongoing. This particularly includes partnership working with community organisations including, but not limited to, The Big Onion, Bootle Tool Shed, Kingsley and Co. (Y-Kids), and In Another Place, to ensure continued collaboration to deliver positive social outcomes for communities in both the short- and the long-term.
- 1.4 This report refers to the three-year [Business Plan](#) for the Strand Shopping Centre which provides an overview of the vision for the future of the Strand, and of the Levelling Up funding bid submission.
- 1.5 Ongoing reviews reaffirm the importance of the Strand as a community asset, reflected in the reductions in footfall throughout the pandemic relative to other retail centres, and the resurgence in footfall since. Moreover, the Plan outlines the platform for the future and economic recovery in Bootle town centre that the Strand provides. External feedback reinforces that the uncertainty referred to within this and previous reports would be exacerbated drastically if the asset had remained in private ownership, and validates the decision to acquire the Strand for regeneration purposes.
- 1.6 The Business Plan includes two scenarios:

- 1.6.1 The 'Business As Usual' plan for the Strand, assuming that the re-purposing programme is not progressed, which highlights the

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negative impact that not progressing this will have on the Business Plan.

1.6.2 The 'Regeneration' plan for the Strand, assuming that the regeneration programme is delivered, which validates the decision to acquire for regeneration purposes and reinforces the importance of progressing the vision for the future.

1.7 Cabinet has already endorsed in a Report submitted to the 5 January 2023 meeting, the recommendations that the Business As Usual Plan be approved but also that the Regeneration Plan be progressed as soon as possible, which is enabled by the CLUF grant award.

2 Strategy and plan for the future of The Strand

2.1 Work continues in developing the details of the strategy and plans for repurposing The Strand for the future. This is being progressed in partnership with key stakeholders and communities, and will include wider engagement on the town centre and the whole of Bootle (with the Area Action Plan process underway). A Bootle Local Partnership Group comprising key organisations from across the region remains in place, to support with progression of that wider action plan for the town and its future.

2.2 Works continue on the recently acquired sites adjacent to the shopping centre, referred to as the Canalside. These works will be progressed over the coming months in advance of a further programme of events from Spring 2023.

3 Legal implications

3.1 DLUHC requires all grant recipients accept the terms of their standard Memorandum of Understanding Template without amendment.

3.2 The MoU is NOT legally enforceable but describes the understanding between both parties for the use of the funding, in-line with the proposals in the LUF bid.

3.3 The standard terms allow the Council to enter into the MoU securing the £20m grant funding, but also to then decide not to proceed with the use of the funding if, following the submission of the detailed business case, it is decided not to proceed with Phase 1 of the Programme at that time for whatever reason.

3.4 Although the standard template indicates that the first advance instalment would be made by DLUHC in July 2023 (ahead of the Cabinet approval of the full business case for the construction works) the MoU makes clear that this would align with a spend profile still to be agreed between the parties. Therefore, the July 2023 instalment could be for £0 since no funding will be required or profiled until commencement of construction works in February 2024 (after the Cabinet review of the full business case).

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- 3.5 Whilst the use of the capital is not scheduled to commence until February 2024 with the start of demolition works, nevertheless the detailed programme already in place indicates that all funds can still be defrayed by the long-stop date of 31 March 2026.
- 3.6 There are no other material liabilities or risks within the MoU for the Council:
- 3.6.1 It is understood that DLUHC will accept an adjusted spend profile (Clause 3.3) reflecting SMBC's revised programme plan, which aligns with the delay in DLUHC awarding the grant to SMBC – see also para 3.6.3 below.
- 3.6.2 The Outcomes and Outputs (Clause 3.3) are required to align with those identified within the Council's bid, which have been independently validated as achievable as part of the LUF bid submission process.
- 3.6.3 The programme timeline and milestones are also still to be agreed between the parties (based on those identified within the Council's bid with an adjustment to reflect the delay in DLUHC awarding the grant). Again, the current programme schedule has been developed by SMBC's expert professional PM and design team and confirms that the Long-stop date of 31 March 2026 (specified in Clause 4.10) can still be achieved even with commencement of construction not being until February 2024.
- 3.6.4 Clauses 4.4 to 4.8 relate to how instalments of funding will be released by DLUHC in values that relate to the forecast spend profile (still to be agreed between the parties, in line with the revised programme – see 3.6.1 and 3.6.3 above) with reductions in the following advance instalment if not all works were completed against the previous instalment forecast. This does not introduce any funding agreement specific additional risk over and above the standard risk around timely project delivery, which has already been subject to due diligence as part of project assurance and will be subject to a further detailed assessment in the full business case (to be approved by Cabinet) before the funds are drawn down.
- 3.6.5 Clause 4.11 requires a declaration from the CEX, S151 Officer and Internal Auditor within 6 months of completion of the project that it has delivered what was specified in the bid (as amended through any change controls). Again, the risk of failing to achieve these outcomes will be assessed in the detailed business case before any funds are drawn down.
- 3.6.6 Clause 5.2 and Clause 12 allow the agreement to be terminated at any time on mutual agreement of the parties, which would, therefore, not be contested in the event that no funds had been drawn down.
- 3.6.7 Obligations created under Clause 6, in relation to Active Travel, will be robustly assessed within the full business case before any funds are drawn down.
- 3.6.8 Obligations under Clause 7 in relation to compliance with guidelines on branding and communications are less onerous than those in place for

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other grant funding the Council has previously accepted, such as SIF funding from the Liverpool City Region Combined Authority (LCRCA).

- 3.6.9 Obligations under Clause 8 in relation to compliance with Monitoring and Evaluation requirements are also significantly less onerous than those in place for other grant funding the Council already accepts (such as SIF funding from the LCR CA).
- 3.6.10 Obligations under Clause 9 in relation to Assurance and, in particular, ensuring robust governance arrangements are maintained and that there is on-going assessment of continued Value for Money are in-line with other grant funding agreements that the Council already accepts and are not unusually onerous.
- 3.6.11 The pre-scribed Change control procedure (Clause 10) is simple although it should be noted that there is no obligation on DLUHC to accept changes but equally no claw-back provision in the event that the project does not proceed beyond a specific point.
- 3.7 The MoU is not legally enforceable and does not include any claw-back provisions. As a result, there are no financial liabilities that would be created by the MoU on the Council in the unlikely event that any of the requirements set out in the MoU could not be fulfilled.
- 3.8 There are no other material liabilities or obligations placed on the Council by the MoU, which could act as a barrier to completion ahead of the full business case.
- 3.9 This report seeks approval to complete the MoU but not to draw-down the funds until after approval by Cabinet of a full business case for proceeding with construction works to be funded by the £20m grant. This will include details of the formal approval of the scheme in accordance with the Councils Financial Procedure Rules.

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Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Adoption of Supplementary Planning Documents and Planning Information Notes		
Report of:	Assistant Director, Place - Economic Growth and Housing	Wards Affected:	All Wards
Portfolio:	Cabinet Member - Planning and Building Control		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The Council has recently consulted on the following Supplementary Planning Documents (SPDs):

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;
- Social Value (employment and skills) in development SPD;

And the following Information Notes:

- Contributions towards education - A guide for developers; and
- HRA Recreational Pressure.

Having considered the responses received, in conjunction with the Cabinet Member for Planning and Building Control, it is proposed that the SPDs and the Information Notes, incorporating any changes recommended in the report and appendices, should be adopted by Council with immediate effect following Cabinet, to enable them to be given weight as material considerations when planning applications are determined.

Recommendations:

(1) That the following Supplementary Planning Documents (SPDs) be adopted:

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;
- Social Value (employment and skills) in development SPD;

(2) That the following Information Notes be adopted:

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- Contributions towards education - A guide for developers;
- HRA Recreational Pressure

(3) That the Chief Planning Officer be granted delegated authority to make minor editorial and presentational changes prior to the publication of the SPDs and Information Notes

(4) That the existing SPDs/Information Notes that will be replaced by the above (listed in section 9) be revoked.

Reasons for the Recommendations:

It is necessary for the Council to review and adopt the Supplementary Planning Documents (SPDs) and Information Notes to provide clear and consistent guidance for developers and others about how the requirements of policies in the Sefton Local Plan will be interpreted and implemented.

Alternative Options Considered and Rejected: (including any Risk Implications)

The alternative would be not to adopt the SPDs. This would require planning decisions to be made using outdated policies.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
None	
Legal Implications:	
None	
Equality Implications:	
There are no equality implications.	
Impact on Children and Young People:	
None	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No

Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

The SPDs and Information Notes add further guidance to Local Plan policies. They can't introduce new policies or allocate land for development. Therefore, their scope to have any meaningful impact on climate change is negligible.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/a
Facilitate confident and resilient communities: A number of the SPDs will help prevent poor quality and inappropriate development in the local areas
Commission, broker and provide core services: N/a
Place – leadership and influencer: N/a
Drivers of change and reform: N/a
Facilitate sustainable economic prosperity: The Social Value helps to prioritise jobs and training opportunities from new developments for local people, particularly those who are long term unemployed and care leavers
Greater income for social investment: The Social Value helps to prioritise jobs and training opportunities from new developments for local people, particularly those who are long term unemployed and care leavers
Cleaner Greener A couple of the SPDs seeks higher standards in terms of outdoor private amenity space for occupants.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7210/23) and the Chief Legal and Democratic Officer (LD5410/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Each of the draft Supplementary Planning Documents and Information Notes were subject to wide public and stakeholder engagement in line with the Council's Statement and Community Involvement.

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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Appendices:

The following appendices are attached to this report:

- Appendix A Comments made and suggested Council response to the draft SPDs and Information Note
- Appendix B Comments made and suggested to the draft HRA Recreational Pressure – Information Note
- Appendix C Affordable and Supported Housing SPD
- Appendix D Contributions towards education - A guide for developers Information Note
- Appendix E Conversion to Flats and Houses in Multiple Occupation SPD
- Appendix F HRA Recreational Pressure – Information Note
- Appendix G House Extensions SPD
- Appendix H New Build Homes SPD
- Appendix I Social Value (employment and skills) in development SPD

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 Consultation on the following draft Supplementary Planning Documents (SPDs) took place between October and December 2022:

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;

1.2 At the same time, the Council also consulted on an update to the information note on Contributions towards education - A guide for developers.

1.3 The Council subsequently published an additional SPD called Social Value (employment and skills) in Development and an additional section to the Conversion to Flats and Houses in Multiple Occupation SPD for consultation during February and March 2023.

1.4 Many comments were received during the consultation periods. These have now been considered and a summary of the comments made. Our responses are set out in Annex A.

1.5 The Council had previously consulted on an Information Note - HRA Recreational Pressure, during January and February 2022. Comments on this have also now been considered and a summary of the comments made, and our responses are set out in Annex B.

1.6 In many cases, the comment has resulted in proposed changes to the SPDs. These suggested changes are also set out in Annexes A and B. Some minor changes have also been made to the SPDs for clarity. This report sets out a summary of some of the comments received and changes made but the tables at Annexes A and B should be used for the comprehensive list.

1.7 Each of the proposed SPDs, with the amendments made, are provided as Appendices to this report.

1.8 Once the SPDs and Information Notes are adopted, they will be given significant weight when planning applications are determined.

2. Affordable and Supported Housing SPD

2.1 The aim of the Supplementary Planning Document (SPD) is to provide clear guidance to applicants, developers and other stakeholders on how the Council will deal with planning applications for affordable or supported housing or for market homes that trigger the need for affordable or supported housing.

Summary of comments of received.

2.2 Suggestions were made to offer the possibility of making payments to provide off-site affordable housing as an alternative to having to provide it on-site, as the view was expressed that having affordable housing throughout the site could put off some developers from developing in Sefton. There was also some support for 'pepper potting' affordable homes (i.e. distributing them across a housing site) but caveated that the text

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needs to consider the practicalities of how the affordable housing will be managed, particularly in relation to apartment blocks. Comments were also made requesting flexibility to allow more affordable housing products viz-a-viz 'First Homes' on schemes of less than 200 homes.

2.3 Concerns were expressed at introducing a price cap for discounted market homes through an SPD rather than a Local Plan update. Similar concerns were expressed that qualification criteria for affordable market housing, such as a local household income threshold, were too onerous and below the national threshold.

2.4 Concerns were expressed by a Registered Provider (RP) over the Council's insistence on securing 100% affordable schemes through a section 106 agreement and that this may impact their ability to secure grant funding.

Summary of changes made

2.5 Text changed to provide more clarification on the types of affordable homes ownership on schemes of fewer than 200 dwellings.

2.6 The text has been amended to reflect the fact that sometimes it may be acceptable to have blocks of more than six apartments as affordable housing for management purposes.

2.7 Amendments have been made to the price cap household income for First Homes and Discounted Market Homes to reflect more recent data.

3. Conversion to Flats and Houses in Multiple Occupation SPD

3.1 The main purpose of this SPD is to provide detailed guidance on how we assess proposals for converting buildings to flats or Homes in Multiple Occupation. This considers the impact on the amenity of future residents, impact on neighbouring properties and the wider community.

Summary of comments of received.

3.2 Concerns have been expressed that some of the standards in the SPD are not evidence based or based on any recognised nationally or locally prescribed standards. There are also concerns that the Council do not understand the HMOs and flat market and specifically market demand and this is reflected in onerous and unrealistic standards in the SPD. It is questioned whether this is for political motives.

3.3 The need for communal lounges in HMOs is questioned, as is not allowing excavations in front of windows of basements to create better outlook to habitable rooms. Concerns have been expressed that if minimum rooms sizes do not include en-suite bathrooms, this may result in developers only providing communal bathrooms. This will result in less safe and lower standard accommodation.

3.4 The 100m radius of an application site to determine whether there is an over-concentration of HMOs and Flats is questioned and it is contended that this is not based on clear evidence.

3.5 The need for and extent of private outdoor amenity space is questioned for HMOs. The argument is that most HMO residents don't spend much time using that space.

3.6 Merseyside Police have recommended we include various references in the SPD to security measures in HMOs, including secure locks for internal doors and secure individual post boxes.

Summary of changes made

3.7 The SPD text has been amended to allow ensuite bathrooms to be included in the HMO room calculation, subject to a minimum living space being provided.

3.8 The SPD has been amended to allow some flexibility for ground excavation at the rear of properties to improve the outlook to lower ground floor/basement rooms. Clarification is provided about when a skylight can be accepted as providing suitable outlook.

3.9 An amendment has been included to clarify that the restriction to the number of HMO or flat conversions in an area will only apply to the Article 4 Direction area. A change is also made to clarify that this restriction will not apply within defined centres as they are generally accepted as places that have a concentration of people living there.

3.10 The section on management plans, consulted on separately, has been included in the SPD.

4. House Extensions SPD

4.1 The main purpose of this SPD is to provide a guide for homeowners, applicants and their agents, neighbours and other members of the public as to how we will deal with planning applications for house extensions and related household development.

Summary of comments of received

4.2 United Utilities have made a number of detailed comments and suggested additions to the SPD. These can be summarised as:

- Want the SPD to be clear on not allowing house extensions to be built over wastewater pipes or public sewers.
- Making sure that any hard surfacing retains water within the site and not onto public roads and into sewers.
- Emphasising the importance of rainwater storage methods.
- Wanting to encourage new tree planting to slow down rain water.

Summary of changes made

4.3 Whilst Some of UU's comments are overly detailed for an SPD, shortened versions of their suggestions have been included and where appropriate, links to further information added.

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5. New Build Homes SPD

5.1 The purpose of the SPD is to provide guidance for housebuilders, applicants and their agents, neighbours and other members of the public on how the Council will deal with planning applications for new build homes, flats and various residential and care developments. The SPD will help guide the Council when making decisions on applications for those developments.

Summary of comments of received

5.2 Comments made have suggested that extensions that could be built, through permitted development rights, should be included in the volume of an existing property to be replaced in the Green Belt.

5.3 Comments were made concerning whether the Council can introduce internal space standards for new dwellings through an SPD. Clearer wording was sought on what constitutes a bedroom in a new home and requests for flexibility on when a room is classed as a study (instead of a bedroom).

5.4 Sport England have stated that they would like to see the importance of 'Active design' reflected in the SPD. Sport England have also commented on the provision of open space and why per unit contributions are not appropriate for sports provision.

5.5 There is a comment that introducing the optional water standards of 110 litres per day (lpd) through an SPD is not appropriate.

5.6 United Utilities have made a number of comments. Amongst these is a request for the 'agent for change' principle to apply to wastewater treatment infrastructure to protect them from future complaints.

Summary of changes made

5.7 This SPD has been amended to reflect that minimum floorspace standards and the higher water management standards are advisable. The section from the existing Affordable Housing SPD in relation to bedroom definition is moved to this SPD and the typical size of a bed is removed as this was being misinterpreted as being the minimum width of a room.

5.8 A new paragraph has been added to section 7 to encourage developers and occupiers of new homes to take measures to manage and reduce surface water flood risk. This includes during construction for flood risk reduction.

6. Social Value (employment and skills) in development SPD

6.1 The purpose of this SPD is to outline to developers what Social Value is within the context of planning and new development. It also sets out what the Council will expect from certain large developments and sets out what information developers should provide to demonstrate that social value (employment and skills) benefits are being maximised. Specifically, this SPD will be looking at how employment and training opportunities can be maximised from new development. It will also (where applicable) explore any potential supply chain and contract/sub-contracting opportunities for local businesses.

6.2 No comments were received in relation to this SPD.

7. Contributions towards education - A guide for developers Information Note

7.1 The aim of this document is to provide a clear approach to the types and location of housing development that we will look to secure financial contributions towards expanded and new primary school places because of new development.

Summary of comments of received

7.2 The only comment was an objection to removing the education contribution in Park ward due to the number of new homes being built.

Summary of changes made

7.3 No changes proposed due to the evidence indicating that there is, and will be, spare capacity in local primary and secondary schools in the local area. In addition, all significant housing allocations in the area have now been granted planning permission.

8. HRA Recreational Pressure – Information Note

8.1 The purpose of this Information Note is to set out Sefton Council's Interim Approach to the mitigation and management of recreation pressure, arising from new housing development in Sefton, on the internationally important nature sites on the Sefton Coast. These include the Sefton Coast Special Area of Conservation, Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site and Liverpool Bay SPA. The Information Note sets out what applicants with proposals for new housing have to do to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

Summary of comments of received

8.2 Questions are raised about the lack of information about what is expected if a developer chooses to 'opt-out' and produce a bespoke approach to recreational pressure. Also, some concern that the 'opt-out' approach may be so onerous that it may by default cause developers to have to 'opt-in'.

8.3 A number of developers and the Home Builders Federation have also commented that the scheme may be seen to be bringing in policy outside of the scrutiny of a Local Plan process and has not been subject to viability testing, resulting in it being likely to be a financial burden on developers.

8.4 A number of residents have complained about the different rate of charging for the 'opt-in' approach in Sefton East compared to areas closer to the coast. They believe that Sefton East will get less money. Similarly concerns have been expressed that the money should be able to be spent locally.

8.5 Comments have been made about the appropriateness of building houses near to the coast at all and the importance of the coast and referring to climate change impacts of development.

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8.6 Maghull Town Council consider that the Recreation Management Scheme (RMS) is at an embryonic stage and that the interim approach is not justified now due to there needing to be more evidence through the RMS. Maghull Town Council are also concerned about the impact on its own Neighbourhood Plan and specifically policy MAG1 which identifies spending priorities on local open spaces. Others have commented too that they see the evidence behind the approach as being insufficient.

8.7 Concerns have been expressed at how the 'opt-in' figures have been arrived at.

8.8 The Marine Management Organisation asks that the note take account of their licensing requirements and both the Northwest inshore and Northwest offshore marine plans.

8.9 Natural England have supported the approach set out in the note. They would welcome detailed notes on the governance of how the money will be spent. They have also sought clarification for what type of residential developments will be subject to the note.

8.10 Clarification has also been sought from a developer as to how the note fits in with the Nature Conservation SPD. Thornton Parish Council have said they are concerned at the proposed 'opt-in' approach in relation to Habitats Regulations and are concerned that it reads that it bypasses HRA legislation. Clarity is sought.

Summary of changes made

8.11 The note has been updated with more detail on the 'opt-out' approach.

8.12 The note has been updated to provide clarity on the type of residential accommodation that is covered by the note.

8.13 The note has been updated to clarify how it fits in with the Nature Conservation SPD.

8.14 The note has been updated to be clear that whilst HRA is required, the 'opt-in' measures have been agreed and adds the HRA stages and what the case law is.

9. Revocation of existing SPDs/Information Note

9.1 As a result of the above SPDs/Information Note being adopted, the following SPDs/Information Note will be revoked:

- Affordable and Special Needs Housing and Housing Mix SPD (2018)
- Contributions towards education provision: A Guide for developers – Information Note (2017)
- Flats and Houses in Multiple Occupation (HMOs) SPD (2018)
- House Extensions (2018)
- New Housing (2018)

9.2 For clarity, a previous version of the HRA Recreational Pressure – Information Note from 2018, has previously been revoked.

10. Next Stages

10.1 If approved, the SPDs and Information Notes will be published on the Council's planning web pages and be used in assessing planning applications.

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Draft Supplementary Planning Documents – 2022/3

Consultation Responses

New Homes SPD

Comments from: Green Pastures, Redrow Homes Lancashire, Barratt & David Wilson Homes North West, Sport England, Torus Developments, United Utilities

New Homes SPD - Comment made by: Green Pastures
Summary of Comment: Paragraph 5.2: No benefit or logical rationale to not allow massing of a dwelling PLUS non built Permitted Development (PD) in principle. If it could be built, then it's acceptable in the Green Belt so why not allow this massing into the new build rather than force the owner to physically build the extensions so the massing can be used in the new build? Who genuinely benefits from this clause?
Response: The limits to the size of extensions or replacement buildings in the Green Belt are set out in part 3 of Local Plan policy MN7 'Green Belt'. If the applicant takes a different view it is considered that 'very special circumstances' route would be appropriate to pursue this.
Suggested Change to SPD: None

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West
Summary of Comment: Paras. 3.14 to 3.17 and their associated tables seek to impose minimum standards for gross internal floor areas of new build flats and houses based on the 'Technical housing standards – nationally described space standards' (NDSS) (DCLG, March 2015). These standards are also set out in PPG. Para. 56-018-20150327 of PPG states: 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do by reference in the Local Plans to the nationally described space standards'.
Para. 56-020-20150327 then states: 'Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies' and 'Local planning authorities should take account of the following areas', which comprise need, viability and timing. Each of these must be informed by appropriate evidence.
The PPG clearly states that if an LPA wishes to require internal space standards, then this should only be done through a reference in a Local

Plan to NDSS. There is no reference in the Sefton Local Plan to the need for internal space standards or the Technical Housing Standards, despite them being adopted in advance of the Local Plan.

As previously stated, the purpose of an SPD is to provide additional advice or guidance on adopted planning policies, it is not a mechanism to introduce new policy requirements that should be dealt with through the preparation or review of a Development Plan Document (DPD) such as the Sefton Local Plan.

We therefore recommend that the sections on internal space standards are removed from the draft SPD and if Sefton Council wishes to implement space standards in the future, then this is done through a review of the Sefton Local Plan and subject to independent examination.

Response: Agree in part. Whilst we would encourage new homes to be a reasonable size, we will make it clear that the standards are not mandatory. However, when considering planning proposals for new homes, the Council will take into account the quality of the accommodation in the wider consideration of the planning application. If the decision maker considers the accommodation being provided would have a detrimental impact on the living conditions of future residents, in respect of the size of the property, they will likely have regard to the minimum national space standards.

Suggested Change to SPD:

Paragraph 3.17

Change paragraph to read:

We recommend that new homes are built to a good size so that they are adaptable and should be large enough for modern needs including storage. The standards below are minimum internal standards set out in the nationally described space standards (DCLG, March 2015). Note that the floor space does not include attached or integrated garages. Whilst these standards are not mandatory and can only be made so through a justified Local Plan policy, they nevertheless provide a baseline against which a scheme can be compared to if the decision maker considers that the new homes are too small. In this respect the specific sizes in the table below won't be strictly enforced but may be used as part of an overall assessment of residential amenity.

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: Section 6 of the draft SPD refers to the requirements of Local Plan Policy HC2 – Housing Type, Mix and Choice and states that further details of how this policy is applied is contained in the Affordable and Special Needs Housing and Housing Mix SPD (June 2018). This SPD will be superseded by the Affordable and Supported Homes SPD which is currently in draft. It is understood that guidance on housing mix will therefore need to be included in the New Build Homes SPD.

Policy HC2 requires at least 25% of the proposed market dwellings to be 1 or 2-bedroom properties and at least 40% to be 3-bedroom properties. Details of what the Council considers to be a bedroom is set out in para. 7.3 of the Affordable and Special Needs Housing and Housing Mix SPD:

'7.3 Furthermore the Council will count all rooms in a home as a bedroom if it is:

- Upstairs (in the case of homes of more than one storey), and
- can be accessed from a communal landing (i.e. is not accessed solely through another bedroom), and
- has an external window, and
- is large enough to accommodate a single bed (i.e. it is at least 2.15m wide) and other basic bedroom furniture'

It is important that the SPD provides clear advice to developers so that they are aware of the Council's requirements in order to demonstrate accordance with Local Plan Policy HC2.

People's living and working habits have changed significantly since the adoption of the 2018 SPD, with more people spending at least part of their week working from home. Our clients are keen to provide dedicated space such as an upstairs study to allow people to work from home, but there is the potential for the Council to consider this as a bedroom, which would result in conflict with Policy HC2.

If the Council is minded to retain the criteria currently set out in para. 7.3 of the adopted SPD, then, we are of the view that the current wording of the fourth bullet, or an alternative version with the 2.15m dimension removed, is subjective, ambiguous and unjustified. To aid clarity and ensure that the criteria is appropriately evidence-based, we recommend that the fourth bullet is replaced by reference to Technical Requirement 10(c) of the NDSS, which states:

'in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide'.

If developers then wish to provide a study to enable home working, they would have clear criteria that can be used to inform the design process, i.e. it would need to be less than 7.5m² and less than 2.15m in width.

Response: Agree in part. As the reference to the size of the bed (which was to provide some guidance) has been misunderstood we will clarify this. The section from the existing Affordable Housing SPD will be moved to the New Homes SPD (it is more relevant in this SPD). Reference to the size of the bed will be amended to a 'standard size' single bed.

Suggested Change to SPD:

The section from the current affordable housing SPD on bedrooms (paras 7.2-7.4) will be moved to the New Homes SPD, section 6, (paras 6.3-6.9) as follows:

The Housing Mix policy (Policy HC2) requires a mix of different size homes, by the number of bedrooms, for schemes of 25 homes or more. It is important therefore for applicants to provide sufficient information with applications to enable the Council to determine if the housing mix policy is being met.

Bedrooms

The applicant should provide a schedule and/or plans that clearly show the number of bedrooms that each house type within a scheme has. The Council will verify this information (if possible) by looking at the same house type on other schemes the house builder has built utilising the same house types.

Furthermore, the Council will count all rooms in a home as a bedroom if it is:

- Upstairs (in the case of homes of more than one storey), and
- can be accessed from a communal landing (i.e. is not accessed solely through another bedroom), and
- has an external window, and
- is large enough to accommodate a standard size single bed and other basic bedroom furniture

Whilst the Council accept such rooms may be used for other purposes, such as a study, for the purposes of calculating number of bedrooms it will count such rooms as bedrooms.

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: Para. 7.16 of the draft SPD states that the Council will now impose the optional technical water efficiency standard of 110 litres/person/day (l/p/d), rather than the mandatory requirement of 125 l/p/d.

However, Para. 56-002-20160519 of the [PPG](#) states:

‘Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justifying setting appropriate policies in their Local Plans.’ [emphasis added]

Para. 56-014-20150327 of the PPG then states:

'All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optimum requirement of 110 litres/person/day.' [emphasis added]

As previously stated, the purpose of an SPD is to provide additional advice or guidance on adopted planning policies, it is not a mechanism to introduce new policy requirements that should be dealt with through the preparation or review of a Development Plan Document (DPD) such as the Sefton Local Plan. We therefore recommend that para. 7.16 is removed from the draft SPD and if Sefton Council wishes to implement the optional technical standard in the future, then this is done through a review of the Sefton Local Plan and subject to independent examination.

Response: (See also response to United Utilities comment below) Agree. It is accepted that this should not be introduced through an SPD. Instead, we will make reference to this being something that we would encourage.

Suggested Change to SPD: (See also response to United Utilities comment below)

New paragraph in section 7

7.12 Under the Building Regulations, the maximum water consumption rate is 125 litres per person per day. However, under Building Regulation 36 (2) & (3) there is a provision to introduce the higher requirement providing the Planning Authority adopts such a policy. However, this should only be done through a review of a Local Plan. In advance of this the Council will encourage that all new homes in Sefton have a maximum 'consumption of wholesome water rate' of 110 litres per person per day. If this is to be achieved, developers should set this out as a 'wider community benefit' of their proposal.

New Homes SPD - Comment made by: Sport England

Summary of Comment: Sport England would wish to see the principles contained within the document 'Active Design' incorporated into this SPD.

We believe that being active should be an intrinsic part of everyone's daily life – and the design of where we live and work plays a vital role in keeping us active. Good design should contribute positively to making places better for people and create environments that make the active choice the easy choice for people and communities.

That's why Sport England, in partnership with Office for Health Improvement and Disparities, has produced the Active Design Guidance. This guidance builds on the original Active Design (2007) objectives of improving accessibility, enhancing amenity and increasing awareness, and sets out the Ten Principles of Active Design.

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

The ten principles included in the guide have been developed to inspire and inform the layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and active lifestyles. The guide features an innovative set of guidelines to get more people moving through suitable design and layout. It includes a series of case studies setting out practical real-life examples of the principles in action to encourage planners, urban designers, developers and health professionals to create the right environment to help people get more active, more often. The Active Design Principles are aimed at contributing towards the Government’s desire for the planning system to promote healthy communities through good urban design.

Active Design has been produced in partnership with David Lock Associates, specialists in town planning and urban design.

Response: Noted

Suggested Change to SPD: None. The 10 Active Design Principles relate to supporting active travel, high-quality active places and spaces and delivery and activation. It is considered that most of these principles relate to the requirements of Local Plan policies such as EQ1 ‘Healthy Sefton’, EQ2 ‘Design’, EQ3 ‘Accessibility’ and EQ9 ‘Provision of public open space, strategic paths and trees’; and the Design Supplementary Planning Guidance and Travel and Open Spaces SPDs.

New Homes SPD - Comment made by: Sport England

Summary of Comment: With regards to the section on ‘Public Open Space’ it is noted and welcomed that sport is included.

However, if the SPD intends to use local standards to obtain contributions it should be noted that local standards are not appropriate for outdoor sports because they do not and cannot take into account sports catchment areas or the variable units of demand for individual pitch/court types. For example, the unit of demand for a court/pitch ranges from two people if a tennis court to 30 people if a full sized adult rugby pitch. In addition the catchment area for sports range from Ward level if a junior football pitch to Borough wide if rugby or hockey. This means the accessibility standards cannot accurately reflect where the demand for outdoor sport is derived from. Quantitative standards are not appropriate because although it is widely acknowledged housing growth generates additional demand for sport not everyone from that housing site will want to participate in sport. In reality the application of standards has led to single pitch sites being constructed within housing developments that are unsupported by ancillary facilities and are not located in areas of demand. These pitches do not contribute to the supply of pitches and all too often become informal kick about areas or semi natural open space. A guidance note on the inappropriate use of standards for outdoor sport has been attached for your information. Sport England does not object to the use of

standards for other open space typologies, only outdoor sport.

An up to date Playing Pitch Strategy should be used to determine the level of pitch provision required to meet the additional demand from the proposed housing. Sport England has developed a strategic planning tool call the Playing Pitch Calculator which quantifies the demand from the new development and converts that into a pitch requirement and indicative cost.

Please contact the undersigned to discuss the access to and use of the Calculator and to discuss how best to develop a procedure that can be incorporated into the SPD to obtain appropriate contributions for outdoor sport.

Response: The section on public open space in this SPD reiterates the Local Plan policy and links to the existing Open Space SPD (which is not being updated). The Open Space SPD will only secure monies towards general open space, rather formal sports playing pitches. If the updated Playing Pitch & Outdoor Strategy justifies the introduction of an additional contribution towards sports contributions, it is intended that this would be set out in a separate document. For example, the Council secures contributions towards education provision in a separate document.

Suggested Change to SPD: None

<p>New Homes SPD - Comment made by: Torus Developments</p>
<p>Summary of Comment: Internal space standards. Torus endeavours to achieve NDSS, however Homes England does permit 85% of NDSS. Some minor flexibility would ensure that schemes remain viable and achievable.</p>
<p>Response: Agree in part. Whilst we would encourage new homes to be a reasonable size, we will make it clear that the standards are not mandatory. However, when considering planning proposals for new homes, the Council will take into account the quality of the accommodation in the wider consideration of the planning application. If the decision maker considers the accommodation being provided would have a detrimental impact on the living conditions of future residents, in respect of the size of the property, they will likely have regard to the minimum national space standards..</p>
<p>Suggested Change to SPD: Paragraph 3.17 We recommend that new homes are built to a good size so that they are adaptable and should be large enough for modern needs including storage. The standards below are minimum internal standards set out in the nationally described space standards (DCLG, March 2015). Note that the floor space does not include attached or integrated garages. Whilst these standards are not mandatory and can only be made so through a justified Local Plan policy, they nevertheless provide a baseline against which a scheme can be compared to if the decision maker considers that the new homes are too small. In this respect the specific sizes in the table below won't be strictly enforced but may be used as part of an overall assessment of residential amenity.</p>

<p>New Homes SPD - Comment made by: United Utilities</p>
<p>Summary of Comment: United Utilities wishes to highlight its support for paragraph 4.12 which seeks to restrict hardstanding in areas prone to surface water flooding. Surface water should be managed as close to its source as possible. There are opportunities such as rainwater recycling, green roofs and water butts and we would encourage the LPA to embrace all such water management measures. Modern design techniques can promote measures for water recycling to reduce the impact on infrastructure requirements and customer bills. When thinking about the rain that falls on any hardstanding we request that applicants are asked to consider:</p> <ul style="list-style-type: none"> - Re-using the water through grey water recycling and / or water butts; - Whether any building could include a green roof; - Directing the rainfall to a soakaway; - Using permeable surfaces for hardstanding; and - Directing the rainfall to garden areas which could include the creation of a rain gardens. <p>Thereafter the hierarchy for managing surface water in the National Planning Practice Guidance should be applied.</p>
<p>Response: Comment noted. Through Local Plan policy EQ8 'Flood risk and surface water', the 'Sustainable drainage systems and Flood Risk'</p>

Information Note and the 'SuDS Pro Formas' it is considered that the Council already takes a robust approach to sustainable management of surface water. Appendix 3 of the Information Note specifically encourages residents and small businesses to carry out most of the measures referred to above. However, it should be also noted that the Building Regulations restrict the use of soakaways in certain situations (notably, close to other properties); hence the drainage hierarchy set out in national and these Council policy documents reflect this.

Suggested Change to SPD:

Add new paragraph 7.10:

However, developers and occupiers are encouraged to take measures to manage and reduce surface water flood risk (including during construction) and water use, such as:

- Design, slope and angle surfaces to direct rainwater away from the property to particular areas of the garden where flooding will not cause a problem to occupier, neighbours or the public highway or pavement (e.g. vegetated areas, rain gardens)
- Vegetated garden areas (e.g. grass or lawns, flower or shrub beds or vegetable plots) rather than large areas of hard, impermeable surfacing
- 'Rain gardens' – vegetated areas within larger hardsurface areas designed and sloped so that surface water flows into them
- Appropriate tree planting, which can slow the rate at which rainwater reaches the ground
- Use of permeable (including porous) paving or surfacing and driveways (rather than impermeable surfacing).
- Water butts used to collect rainwater from as long as the outlet (discharge point) conforms to the Building Regulations standards.
- Green roofs – planted soil layer constructed on the roof of a building to create a living surface. Water is stored in the soil layer and absorbed by vegetation.
- On-site water recycling, e.g. recycling of surface water run-off or 'greywater' recycling from baths or sinks.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports paragraphs 7.3 and 7.4 which seek to protect existing trees and references the importance of trees in new build development. However, we wish to note the importance of any approach to planting new trees giving due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. We would be happy to provide further guidance on planting trees and the impact on our infrastructure.

United Utilities is supportive of any approach to the planting of new trees and would encourage the council to consider this in the context of flood risk management and opportunities to 'slow the flow' reflecting our wider comments relating to flood and surface water management. United Utilities requests that the SPD recognises the importance of residential gardens contributing to the network of green infrastructure across the borough. We specifically request that opportunities for source control, slowing the flow and filtration of surface water are considered, through the delivery of multi-functional sustainable drainage.

Response: Comments noted and agreed

Suggested Change to SPD:

Paragraph 3.18

Having usable private outdoor amenity space is important for all residents for physical and mental health. Green areas (grass, trees, plants) also have a role to play in making space for nature and reducing surface water flood risk as well as these health benefits.

Paragraph 7.4

Existing trees should be retained where possible. You will need to take great care in planning any development close to trees as they can reduce natural light to dwellings whilst new development may block light to the tree(s). You should also give due consideration to the location of new/replacement trees and the proximity of utility services, such as drains. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports the intrinsic links in the guidance to flood risk policies, such as Sefton Local Plan Policy EQ8 'Flood Risk and Surface Water' and policies within relevant neighbourhood plans. We also welcome the guidance encouraging pre-application discussions with the Council when considering drainage on a development. We request however, that for consistency with national planning policy and the national planning practice guidance, that the SPD should make reference to all forms of flood risk at paragraph 7.7. At the current time there is no reference to flood risk from the public sewer or from reservoirs. It is important to note that such flood risk, especially sewer flood risk, can be material to the development of a site. It is critical that any on-site risk of flooding from the public sewer is avoided in the site selection process and thereafter the design and layout of any development proposal. Applicants should not assume that sewers can be diverted as a diversion can affect the hydraulic performance of an asset resulting in the increase or displacement of flood risk which would not be acceptable.

With respect to the risk of flooding from sewers, we recommend that you include the following wording.
The risk of flooding from any source must be considered.

Applicants will be required to consult with the water and sewerage undertaker to confirm the nature and extent of any flood risk from sewers and reservoirs.

For sewers, the consultation should confirm:

- a) if there are any sewer surcharge levels at the point of connection that could influence site design;
- b) whether there is an incident of sewer flooding at, or in the vicinity of, the proposed development site; and
- c) if sewer modelling data indicates that existing sewers that pass through or near to the site present a modelled risk of sewer flooding.

This will determine whether to apply the sequential approach. Development should not be located in an area at risk of flooding. Applicants must demonstrate that proposals do not increase flood risk and are safe. Applicants should not assume that changes in levels or that changes to the public sewer (including diversion), will be acceptable as such proposals could increase / displace flood risk.

New development should manage foul and surface water in a sustainable way in accordance with national planning policy. The hierarchy of drainage options for surface water in national planning practice guidance clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.

We welcome the reference to the challenges associated with the low-lying nature of the borough. Reflecting this, Sefton has experienced significant flood events from surface water and it is critical that careful consideration is given to low spots where water naturally accumulates in the site selection process and the delivery of new development. Surface water should not be displaced as a result of development occurring.

Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. As the Council will be aware, green infrastructure can help to mitigate the impacts of high temperatures, combat emissions, maintain or enhance biodiversity and reduce flood risk. Green / blue infrastructure and landscape provision play an important role in managing water close to its source. If the necessary link between green/blue infrastructure, surface water management, landscape design and biodiversity is outlined as part of the strategic objectives for the plan, it will help ensure that sustainable surface water management is at the forefront of the design process. We therefore request that your SPD clearly identifies the need for sustainable drainage to be multi-functional in preference to complete reliance on underground piped and tanked storage systems. An example surface water policy and associated explanatory text is set out below for your reference.

All applications must be supported by a strategy for foul and surface water management. Surface water should be discharged in the following order of priority:

- i. Re-use on site.***

- ii. An adequate soakaway or some other form of infiltration system.*
- iii. An attenuated discharge to a surface water body.*
- iv. An attenuated discharge to public surface water sewer, highway drain or another drainage system.*
- v. An attenuated discharge to public combined sewer.*

Proposals should be designed to maximise the retention of surface water on-site and minimise the volume, and rate of, surface water discharge off-site. On greenfield sites, any rate of discharge shall be restricted to a greenfield run-off rate. On previously-developed land, applicants must also follow the hierarchy for surface water management. A previously-developed site should target a reduction to a greenfield run-off rate and at least achieve a minimum reduction of 30% rising to a minimum of 50% in any critical drainage area identified in the SFRA. Applicants must submit clear evidence of existing operational connections from the site with associated calculations on rates of discharge to demonstrate any reduction.

Applicants must consider site topography, naturally occurring flow paths, ephemeral watercourses and any low lying areas where water naturally accumulates. Applications will be required to consider exceedance / overland flow paths from existing and proposed drainage features and confirm ground levels, finished floor levels and drainage details. Resultant layouts must take account of such circumstances to ensure a flood resilient design is achieved and water / flooding is not deflected or constricted.

Applications for major development must be supported by a sustainable drainage strategy and will be required to incorporate a sustainable drainage which is multi-functional and designed in accordance with the four pillars of sustainable drainage, in preference to underground piped and tanked storage systems, unless, there is clear evidence why such techniques are not possible. It should be integrated with the landscaped environment and the strategy for biodiversity net gain.

For any development proposal which is part of a wider development / allocation, foul and surface water strategies must be part of a holistic site-wide strategy. Pumped drainage systems should be minimised and a proliferation of pumping stations on a phased development will not be acceptable.

Applications must be accompanied by drainage management and maintenance plans including a plan for any watercourse within the application site or an adjacent watercourse where the application site is afforded riparian rights.

Explanatory Text

Application of the hierarchy for managing surface water will be a key requirement for all development sites to reduce flood risk and the impact on the environment. Clear evidence must be submitted to demonstrate why alternative preferable options in the surface water hierarchy are not available.

Foul and surface water drainage must be considered early in the design process. Sustainable drainage should be integrated with the

landscaped environment and designed in accordance with the four pillars of sustainable drainage (water quantity, water quality, amenity and biodiversity). It should identify SuDS opportunities, including retrofit SuDS opportunities, such as green roofs; permeable surfacing; soakways; filter drainage; swales; bioretention tree pits; rain gardens; basins; ponds; reedbeds and wetlands. Any drainage should be designed in accordance with 'Ciria C753 The SuDS Manual', sewerage sector guidance, or any subsequent replacement guidance.

Drainage details, ground levels and finished floor levels are critical to ensure the proposal is resilient to flood risk and climate change. It is good practice to ensure the external levels fall away from the ground floor level of the proposed buildings (following any regrade), to allow for safe overland flow routes within the development and minimise any associated flood risk from overland flows. In addition, where the ground level of the site is below the ground level at the point where the drainage connects to the public sewer, care must be taken to ensure that the proposed development is not at an increased risk of sewer surcharge. It is good practice for the finished floor levels and manhole cover levels (including those that serve private drainage runs) to be higher than the manhole cover level at the point of connection to the receiving sewer.

Holistic site-wide drainage strategies will be required to ensure a coordinated approach to drainage between phases, between developers, and over a number of years of construction. Applicants must demonstrate how the approach to drainage on any phase of development has regard to interconnecting phases within a larger site with infrastructure sized to accommodate interconnecting phases. When necessary, the holistic drainage strategy must be updated to reflect any changing circumstances between each phase(s). The strategy shall demonstrate communication with infrastructure providers and outline how each phase interacts with other phases.

Response: It is considered that most of these issues are already addressed sufficiently through Local Plan policy EQ8 'Flood risk and surface water', the 'Sustainable drainage systems and Flood Risk' Information Note and the 'SuDS Pro Formas', and that this detailed information is not appropriate in this SPD. If the current Local Plan policies on flood risk are considered out-of-date, these will have to be updated through a Local Plan review. It is not for the New Housing SPD to sets out additional policy to the Local Plan, the 'Sustainable drainage systems and Flood Risk' Information Note and the 'SuDS Pro Formas' or to reproduce the policy approach set out in these documents.

However, it is considered appropriate to refer to issues relating to sewers already present on sites, and to retitle this sub-section of the SPD to make it refer more closely to its content

Suggested Change to SPD: Change the heading 'Drainage' to 'Flood risk, surface water and drainage'.

Amend paragraph 7.7 to say:

7.7 Sefton is a low-lying, coastal borough with a number of water courses running through it. Many sites will be at higher risk of flooding from a variety of sources. Some areas are classed by the Environment Agency as being in flood zone 2 or 3 for river or tidal flooding. Some sites or areas are at higher risk of flooding from groundwater, the canal, reservoirs, sewers or surface water. It is important that any development does not leave either homes on the application site or homes or other properties elsewhere at increased risk of flooding from

all sources, and where possible should reduce the risk of flooding.

Amend paragraph 7.8 to say:

7.8 It is not the intention here to go into detail as the approach to these matters is set out elsewhere. Surface water should be managed sustainably in line with Local Plan policy EQ8 'Flood risk and surface water', the Sustainable drainage systems and Flood Risk Information Note and the surface water Drainage Pro Formas (see <https://www.sefton.gov.uk/spd>) or more recent Sefton guidance. For developments in the Formby and Little Altcar area, there are a series of specific flood risk policies in the Neighbourhood Plan.

Add a new paragraph at the end of this section to say:

7.11 United Utilities are the statutory undertaker for water and wastewater (drinking water and foul sewerage) for Sefton, including the many sewers in Sefton which are combined sewers (both foul and surface water drainage). As set out in the Sustainable Drainage Systems and Flood Risk Information Note, developers are encouraged to contact United Utilities as early as possible in the development process for advice and so that United Utilities can better understand the impact of development proposals on their networks.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities would wish to highlight its support for reference to water consumption within the guidance and the requirement for a maximum consumption of water of 110 litres per person per day. We wish to highlight that improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. We also wish to note the associated societal benefits by helping to reduce customer bills. We have enclosed evidence to support this position. An example, water efficiency policy is set out below.

All new residential developments must achieve, as a minimum, the optional requirement set through Building Regulations Requirement G2: Water Efficiency or any future updates. All major non-residential development shall incorporate water efficiency measures so that predicted per capita consumption does not exceed the levels set out in the applicable BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the local planning authority. The BREEAM 'Very Good' standard must be met as a minimum.

Response: Unfortunately, an SPD cannot introduce new policy, such as is proposed above. Furthermore, as set out in the response to the comment of Redrow Homes Lancashire and Barratt & David Wilson Homes North West, the Council is unable to require higher standards for water consumption in new homes outside a Local Plan review. However, we will make changes so that this is encouraged.

Suggested Change to SPD (as set out in the response to the comment of Redrow Homes Lancashire and Barratt & David Wilson Homes

North West above) new para:

Water Consumption

7.12 Under the Building Regulations, the maximum water consumption rate is 125 litres per person per day. However, under Building Regulation 36 (2) & (3) there is a provision to introduce the higher requirement providing the Planning Authority adopts such a policy. However, this should only be done through a review of a Local Plan. In advance of this the Council will encourage that all new homes in Sefton have a maximum 'consumption of wholesome water rate' of 110 litres per person per day. If this is to be achieved, developers should set this out as a wider community benefit of their proposal.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities requests that reference to climate change is included within the guidance. The SPD could reference sustainable surface water management, with the efficient use of water being a critical element of the guidance. We also encourage a policy on climate change to be intrinsically linked to wider policies in the guidance including those relating to the design of development and the provision of green and blue infrastructure.

We would also be keen to ensure any climate change policy / guidance gives appropriate emphasis to natural flood management techniques, multi-functional sustainable drainage and designing new development so that it is resilient to the challenges of future climate change and the incorporation of water supply efficiency measures. This reflects our above comments.

Response: Unfortunately, an SPD cannot introduce new policy, such as is suggested above for water efficiency. However, this can only be addressed in a Local Plan review and not introduced within a SPD. It is considered that the approach set out in Local Plan policy EQ8 'Flood risk and surface water', the Sustainable drainage systems and Flood Risk Information Note and the surface water Drainage Pro Formas deals adequately with the climate change implications of flood risk and natural flood management.

Suggested Change to SPD: None.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: Within the SPD we note the reference to the '*Agent of Change*' principle. We wish to highlight that this is applicable to water and wastewater assets including wastewater treatment works, pumping stations and reservoirs. It is critical that the location of this

key infrastructure is carefully considered in new development proposals. It is important to explain that:

1. Water and wastewater assets are key infrastructure for the borough which may need to expand in the future to meet growth needs or respond to new environmental drivers. Maintaining a space around a treatment works is therefore desirable to respond to any future investment requirements.

2. As a waste management facility, a wastewater treatment works / pumping station is an industrial operation which can result in emissions. These emissions include odour, noise and vibration. A wastewater treatment works can also attract flies. Our works / reservoirs / pumping stations can also be subject to vehicle movements from large tankers which need to access the site.

The position of UU is that when considering a range of sites to meet development needs, it would be more appropriate to identify new development sites, especially sensitive uses, such as housing, which are not close to a wastewater treatment works. This position is in line with the 'agent of change' principle set out at paragraph 187 of the NPPF. Paragraph 187 states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

Paragraph: 009 Reference ID: 30-009-20190722 of the National Planning Practice Guidance expands on this by stating:

'Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have

been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.'

Similarly Paragraph: 005 Reference ID: 34-005-20140306 of the NPPG states:

'Plan-making may need to consider:

- *whether new development is appropriate near to sites used (or proposed) for water and wastewater infrastructure (for example, odour may be a concern).'*

Response: Comment noted and some changes suggested.

Suggested Change to SPD:

Paragraph 8.2

If new housing or residential development is proposed next to an existing use, including a business, supermarket, utilities infrastructure (such as a wastewater treatment works or electricity station), sports and recreation facility, restaurant, public house or community facility, it may raise the issues described above. In terms of existing utilities infrastructure, consideration should be given to the potential need of that asset to expand to support future growth. Applications may wish to contact the relevant utilities provider to confirm if they have plans to expand an asset close to their proposal. When considering if an existing use may cause an issue to new homes, the vehicle movements to that existing use should also be considered.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: *The failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.*

Local planning authorities should also consider any implications for reservoir safety and reservoir owners and operators caused by new development located downstream of a reservoir, such as the cost of measures to improve the design of the dam to reduce flood risk, the operation of the reservoir, and general maintenance costs, by consulting with reservoir owners and operators on plan and development proposals. Local authorities, as category 1 responders, can access more information about reservoir risk and reservoir owners using the Resilience Direct system.

Developers should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's 'agent of change' policy (paragraph 187). This could be through Community Infrastructure Levy or section 106 obligations for example.

Applications will need to include any evidence Local Planning Authorities need to understand the impact of individual developments on reservoirs. In doing so, they need to refer to relevant guidance in the Institution of Civil Engineers publication 'Floods and Reservoir Safety' (4th edition) and the Environment Agency's 'Guide to risk assessment for reservoir safety management'. It may be necessary to seek expert

advice such as from an All Reservoirs Panel Engineer from the government accredited list under ‘How to appoint a panel engineer’.
Consideration should also be given to the potential impacts of development on the operation of reservoirs. This is particularly important where impacts could affect the management of flood risk or the supply of water.

Paragraph: 046 Reference ID: 7-046-20220825

Revision date: 25 08 2022

On the basis of the above, we wish to recommend that the SPD refers to our infrastructure within the agent of change section of the SPD.

Response: This level of detail and rigour in this comment is beyond the scope of this SPD. The SPD sets out detailed layout guidance for new homes on sites that have already been designated or allocated for housing through the Local Plan. The SPD cannot allocate new sites for housing.

Suggested Change to SPD: None

Other changes

3.2 The following interface distances are intended to protect residential amenity and living conditions by preventing unacceptable harm from matters such as overlooking, loss of privacy/outlook or being over-dominant. These interface distances may have to be increased if there is a significant difference in the ground levels between properties.

At table under paragraph 3.2, first line, last column

Change

12 metres between two ground floor windows. Otherwise 21 metres.

3.3 The lower interface distance for elevations facing a street reflect the fact that those elevations are going to experience less privacy due to comings and goings of pedestrians and vehicles. The lower interface distances between two ground floor windows that do not face the public highway (i.e. usually across rear gardens) is to reflect the fact that these will be separated by a garden fence or wall.

Conversion to Flats and HMOs SPD

Conversion to Flats and HMOs SPD - Comment made by: Green Pastures
Summary of Comment: 10.5m ² min bedroom size seems excessive when the standard across the UK is 6.5m.
Response: The Council are looking to increase standards in his housing to improve residential amenity. 6.5m ² for a main bedroom is far too small and would barely be large enough for a child's bedroom. Second (and other) bedrooms in flats can be 8.5m ² . The 10.5m ² standard only applies to the main (or only) bedroom.
Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development
Summary of Comment: Paras 1.2 & 5.1 Those statements – on the face of it - are a helping starting point for the SPD, acknowledging how important this type of accommodation is to a very wide range of people. One of our client's concerns, however, is that (having already put this question to the Council's Policy team leading up to these representations) no attempt appears to have be [sic] made to quantify the extent of need / demand for HMO accommodation. That information is very important in order to inform such an important policy document. If the Council does not know the basic facts, how can it sensibly expect to formulate a realistic policy? Again, that lack of robust research and analysis smacks of 'policy on the hoof'.
Response: From a Planning Policy perspective there is no requirement to identify the need for HMO accommodation. Sefton Council obviously recognise that this tenure does provide small, affordable, and flexible accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and also unemployed people on housing benefits and are therefore an important part of the housing market. However, this SPD is not prescriptive in promoting or limiting the number of HMOs in Sefton but concerned with improving the quality and standards of said accommodation. The Council assess the need for housing in general and look at the need for affordable housing as defined by the NPPF. Privately rented housing (including HMO accommodation) does not meet the definition of affordable housing in the NPPF. In any case, the SPD is looking to set out standards for proposals to convert to HMOs (and flats). It is not promoting an overall number of HMOs or flats. In this respect it is similar to the New Homes SPD which sets standards for new housing but doesn't quantify a number of new homes needed. Sefton's housing requirement is set out in the Local Plan and can't be introduced or amended through an SPD.
Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development
Summary of Comment: Paragraph 1.3 states 'Most conversions to Houses in Multiple Occupation require planning permission for the

change of use.’ We question the accuracy of that statement, and given lack of data that the Council has acknowledged to our client that it is not in possession of, how does it know? Policies should not be formulated on guesswork.

Response: Agree

Suggested Change to SPD: Change ‘most’ to ‘many’.

Comment made by: Elite Estates Development

Summary of Comment: Paragraph 1.4 and 4.5 (and table)

Footnote 1 is confusing and unnecessary on two counts, namely because:

- The table breaks down accommodation into ‘single person’ and ‘two person’, in which case what purpose does the sentence ‘**These figures assume there is only one occupant**’ serve?
- Likewise, what is the purpose of referring to the 25% increase when that increase has already been included into the table above?

Fundamentally, it is our client’s case that the above room sizes are far too high, and that the SPD is placing quantity over quality. It is an obvious fact that a larger HMO room does not necessarily equate to a better **quality** room, and it is naïve to assume that that is the case. In national legislation, *The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018* confirms at part 1A(1) that, in England, a HMO licence must :

‘ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is **not less than 6.51 square metres.**’

We acknowledge that the above legislation relates to HMO licencing and as such it is separate from planning policy, but it is surely an important material consideration. The obvious point is that, in formulating that recent legislation, the Government clearly accepts that HMO rooms can comfortably be very considerably smaller (little more than a third of) the space standards specified in both the adopted and emerging SPDs.

Furthermore, Sefton Council’s own licensing team assesses HMO licence applications on the basis of that national legislation, and as such there is a clear disconnect between that team and the LPA.

Whilst the ambition in Sefton’s SDP is laudable in seeking to provide as spacious accommodation as possible, the above space thresholds are arbitrary. They are very considerably more than what the Government deems appropriate, and are well in excess of the policy requirements of many other authorities. For example, Liverpool City Council’s policy is 13 sqm (as compared to 15 sqm).

Crucially, it is our client’s case that assessing HMO proposals should not focus solely on quantity, but that the **quality** of accommodation is equally (and arguably more) important.

For example, our client favours the provision of *en-suite* bathrooms in each HMO room because their experience – based on real feedback

from their customers (not guesswork which the LPA appears to be basing its policy on) - tells them this is appreciated by tenants. It is ironic that, if – as the above table suggests - *en suites* are omitted from rooms and a communal bathroom is provided instead, that makes it far easier for developers to achieve the correct policy sizes. Evidence suggests that that this is precisely what most HMO providers provide, because it conveniently ticks the policy box. However, the sad irony that seems to be missed by the LPA is that this in fact creates **poorer quality** accommodation for tenants. Instead of having their own private bathroom / toilet, they are required to leave their room, walk along a corridor, up or down a flight of stairs, and have to wait while others complete their ablutions. That arrangement is far from convenient, and the inclusion of *en suites* makes for a far more convenient and better quality lifestyle.

The LPA perhaps does not appreciate this, but it needs to understand that strict adherence to the SPD standards has the effect of **reducing the quality** of accommodation, because most promoters of HMO applications avoid *en suites* for that reason, and require their tenants to share communal bathrooms.

In simple terms, our case is that the LPA's apparent obsession with room sizes well in excess of those suggested as appropriate in national legislation impacts directly on the **quality** of the HMO accommodation, because it makes it very easy for developers to bypass quality (such as removing private bathrooms / toilets for each resident) and deliver inferior accommodation. In short, quality is set aside in the interests of quantity.

We suggest that this is an important material consideration, and that the SPD should be far more focused on **quality rather than quantity**.

Response: We acknowledge that the SPD advocates minimum room size in HMO accommodation that is much more generous than those in the licensing regulations. However, we consider the licensing standards to be the minimum legal required and not something to be aspired to. Sefton are looking to provide all its residents with good quality living conditions that enable them to live well. The respondent has referred to quality being just as important, if not more so, than quantity. The Council consider that sufficient space is a key component of quality, and this view is supported by the Council's Housing Standards Team who help shaped the SPD.

It's important to note that, whilst the rooms are indicated as for single occupants, these occupants will be adults. As adults they should be expected, and supported, to live a fully active and engaged life. This may include having friends, family and partners stay with them on occasion. They should also be provided with sufficient space to keep personal belongings, have space to work or study from home, eat meals, or just relax. They should not be forced to do so in a room that would barely be big enough to fit a single bed and a few pieces of bedroom furniture. It should always be remembered that a HMO bedsit will be an entire whole home for residents. Just because people don't currently have the finances to afford a house of flat, they should not be expected to endure a lower quality of life.

It is acknowledged that larger rooms don't, in themselves, guarantee good quality accommodation, however there are other processes for the Council, such as through our housing standards team, to ensure that good quality accommodation is being provided.

The objection refers to that Sefton’s standard of 15m² is higher than that in Liverpool (13m²). However, the 15m² standard in Sefton is only if the resident doesn’t have access to communal facilities. The SPD provides a flexible approach to allow owners to convert their property using the space appropriate. For example, if the rooms are smaller than 15m², but at least 10m², they can still be used as a bedroom so long as a communal lounge/dining area is provided. If rooms are too small to be used as a bedroom (i.e. <10m²) then they should be used for other purposes. In any case, Liverpool’s standards are not our concern.

It is accepted, however, that as currently written the standards may dissuade landlords from providing en-suite bathrooms as this may result in a bedsit being <10m². We will look to make this so the room calculation can include an en-suite bathroom so long as the bedroom/living space does reduce more than 3m² from the standards in the table or below 8.5m².

For example, a bedsit (Single room/person bedsit without kitchen facilities but with access to communal lounge) that has 9m² of bedroom space plus 2.5m² on-suite bathroom (11.5m² in total) would be acceptable. However, the same bedsit that has 8m² of bedroom space plus 2.5m² on-suite bathroom (10.5m² in total) would not be acceptable as the living space is too small. Similarly, a bedsit that has 8.5m² of bedroom space plus 1.3m² on-suite bathroom (9.8m² in total) would not be acceptable as the total area is <10m². However, if no en-suite bathroom is provided, then we would still expect the bedsit to be a minimum of 10m² (or 13m² if no communal lounge/dining room is provided)

Suggested Change to SPD:

Amend the footnote to table at para 4.5 as follows:

These areas can include en-suite bathrooms, toilets or shower rooms as long as the bedroom/living space does not fall more than 3m² below the standards above and the main room size is no less than 8.5m² in any case.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.7

This is a further example of the LPA’s naivety and lack of research knowledge. The above paragraph guesses about what HMO residents need and aspire to. Our client – as one of the largest providers of HMO accommodation in Sefton – knows different, because they speak to their tenants and listen to what they need, and they observe how HMO accommodation is used in reality.

Critically, the fact of the matter is that, where communal lounges are provided, they are very rarely used by tenants. This the reality of what occurs on the ground. Here it is important that the LPA does not get confused about the type of people who choose to live in HMOs or their lifestyles. It might be the case that in some student-focused HMOs – where the tenants are of a similar age, outlook and status in life – a

degree of 'social interaction' occurs in communal spaces. However, in most HMOs (certainly those in Sefton, which is distant from main education cores) the residents choose to live their own lives, often leading secluded and isolated lifestyles (by choice) and have no desire to 'interact' and share communal spaces with others they do not know and have no wish to know.

That might jar with the Utopian vision of the SPD, which seeks to paint a rosy picture of HMO tenants sat together, sharing meals, watching television, playing board games and suchlike, but that does not reflect reality. Our client's very considerable experience and knowledge confirms quite the reverse. Rather than interacting closely, the overwhelming majority of their HMO tenants want and choose to live very private lives and spend the most of their time either in their rooms or outside. They rarely sit smiling with co-livers in 'communal rooms'. They tend to have their own friends and families elsewhere in the local area, and have no need or desire to forge new friendships with people who tend to be from different places in their lives.

That said, rather than speculating / guessing about the lifestyles of HMO residents and imposing a well meaning, but ultimately unfounded / naïve / undeliverable vision of Utopia, the LPA should be speaking with them direct and with those who operate this type of accommodation, and establishing the facts. Without that robust evidence, both the adopted and draft SPDs are seriously flawed, diminishing the weight that should be attached to them.

Our client has recently queried with the Policy team the rationale for the above room sizes, pointing out (again) that these are close to **three times** what is suggested in national legislation, and also considerably in excess of what the Council's HMO Licencing team works to. The Policy team's response was :

'The statutory minimum room sizes for licensing purposes as given in SI 616:2018, are the absolute legal minimum for a room used for sleeping in an HMO. They are not the ideal or optimal room size ...'

We question how the Council's Policy team – which appears to have made no effort whatsoever to speak with those who reside in HMO accommodation – has derived these figures. How and why are they not 'ideal' or 'optimal'? What do residents of HMOs think about these room sizes? The LPA does not know, because it has not troubled itself to ask them. And while asking them, they might at the same time query whether – if rooms are provided twice or three times the Government's standard – they would be prepared to spend extra money on renting that extra space. This is the reality for commercial operators. If policy dictates larger spaces and in turn lower units, then market economics dictate that rents must reflect this. There appears to be no robust evidence to justify these room sizes, and it appears to be a case of plucking figures from thin air, which is clearly not the correct way for the LPA to formulate policy. Again, the LPA has confirmed to our client that it has no data or research that supports the room sizes. That admission is telling.

Response: The Council don't think the provision of communal space that supplements the space private rooms that residents occupy as 'utopian'. It must be remembered that HMOs are a 'house' in multiple occupation. Houses are not just a series of bedrooms. They will include space to relax away from a bedroom, such as a lounge. Whilst we accept that not all tenants may want to use the space, we consider it important that they have that choice.

Notwithstanding this, the SPD does not insist on communal space to be provided. A landlord has the option not to provide communal areas if the private rooms are made larger.

The SPD standards have been proposed with close liaison with colleagues from DM management, housing standards and local ward members. This provides a huge amount of experience to draw upon when formulating policy. To claim that the proposed standards are just 'plucked out of thin air' is incorrect.

It should be noted also that the public consultation process for this SPD has also allowed those residing in HMO accommodation, or indeed other accommodation, in Sefton to provide their views.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.10

Ideally, it is our client's view that HMO residents should enjoy their own *en suite* bathroom, and it is here we reiterate the point made earlier that the irony of the SPD pushing for overly large rooms is that many HMO providers will dispense with en-suites (in order to hit the policy standard), such that residents have to share bathrooms. It is regrettable and ironic that the LPA's apparent obsession with large room sizes is in fact **reducing the quality** of HMO accommodation.

Response: Agree in part. See response above.

Suggested Change to SPD: See above

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.11

For reasons explained earlier, this apparent '**expectation**' that residents '**may**' socialise in communal areas is regrettably unfounded / unsubstantiated, and is not based on proper research or evidence.

Our client has the evidence and has offered to present it to the LPA, but thus far the LPA has opted not to take up the offer. For example, in a recent survey of its HMO tenants in Sefton, the following questions were put to them about the provision of communal spaces, as below.

[charts provided]

That outcome hardly presents a compelling or convincing case about the importance of communal spaces for those residing in HMOs. While we do not declare our client's survey to be absolutely definitive, it is inarguably far more reliable evidence than the Council has based its policy on. Our client has the evidence. The Council has no evidence, and is therefore formulating policy on the basis of guesswork and speculation.

Added to which, why would communal rooms be 'typically may be best located on the ground floor'. Where and what is the evidence for that statement?

Response: See response above. HMOs are 'houses' in multiple occupation. The vast majority of homes, the lounge or dining rooms are located on the ground floor. This is to separate them from the bedroom accommodation. The wording of the SPD ('typically') reflects this.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.16

How realistic are the above interfaces? In asking that, we note that §4.17 of the Draft SPD acknowledges that :

'In many urban parts of Sefton these standards may not be achievable. In these instances, we will consider the outlook and prospect of the accommodation as a whole, including communal habitable rooms.'

This begs the question, if it is recognised that in 'many' locations the standards are not achievable, why are they being suggested?

Added to which, what exactly does the term 'we will consider the outlook and prospect of the accommodation as a whole' mean in reality?

This needs to be better explained.

It is important to bear in mind that, while the Draft SPD sets out by (somewhat naively) suggesting that it might be taken into account even when planning permission is not required (why would it be?), its obvious function is to guide planning applications for HMOs, most of which (bearing mind the most probable locations for HMOs) are likely to be in or close to the Article 4 areas. It is those less affluent areas where most HMO residents in Sefton are likely to reside. For example, we suspect that there are very few HMOs in Formby.

In areas such as Bootle and Waterloo, the built environment is tightly-knit and dense, typically Victorian terraces and relatively narrow streets. In many cases, it will simply not be possible to achieve the above interface distances, rendering it close to impossible for many properties that are well suited to provide HMO accommodation to achieve the standards.

By way of just one example, the LPA is aware of recent / current proposals to establish a HMO at 101 South Road, Waterloo. That is, in many respects, an ideal opportunity to create a HMO. A vacant property (a former bank) in the heart of the District Centre, adjacent the railway station, whose sustainable and efficient use and re-purposing for much needed affordable housing one might expect the LPA to have embraced. In the case of those premises, the ‘face to face’ interface between houses flanking either side of Neville Road (the side road) is just 9 metres. That distance is fairly typical throughout the Article 4 areas, and as such we wonder what depth of thought the LPA has given to how achievable its interface distances are. A cynic might ponder – bearing in mind what appears to be the politically-driven nature of this SPD – whether those space standards have been intentionally set at largely unachievable distances in a concerted attempt to drive down the number of much needed HMO accommodation in the areas that most need it.

The irony in the above case is that, for that same property (101 South Road), the LPA has recently approved a Prior Approval application to convert the building into Class C3 flats. If those flats were to be introduced as per that approval (as increasingly looks like it might be the case), they would face directly towards existing flats above 103 South Road, at just 9 metres distance. This surely brings into serious question the realism and achievability of the above interface distances, and why it is apparently acceptable for residents of private flats to experience interfaces of 9 metres, and yet not acceptable for residents of HMOs. There is no logic to that, and as such the above interface distances must be seriously questioned.

Response: Clearly if there is a room in an existing house that is used for a bedroom, and that room is proposed as a bedroom in a HMO, then this is not going to cause an issue. The issue is only likely to occur when bedrooms are proposed in a HMO in rooms that were not previously used for that purpose, if new windows are introduced, or non-residential buildings are proposed for conversion.

In terms of the phrase ‘we will consider the outlook and prospect of the accommodation as a whole, including communal habitable rooms’, this means that in some cases the interface distances may be under the suggested distance on some rooms, but others may be fine. The case officer will take a balanced approach when deciding if the interface distances are acceptable. Amongst other things, this balance is likely to include a consideration of the merits of the specific proposal and that (as the respondent has pointed out) in areas such as Bootle and Waterloo, the built environment is tightly-knit and dense, typically Victorian terraces and relatively narrow streets, with existing house to house interface distances being lower than current norms.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.18 & 4.19

In respect of the above, the policy rules out any and all ground floor use for bedrooms flanking any and all 'public highways', and yet there are innumerable 'public highways' that are not unduly noisy and are perfectly capable of accommodating bedrooms (with appropriate glazing) and providing good quality accommodation.

Response: Do not agree. Existing homes that are provide very close to the public highway (i.e. with no or very little front garden space) would be normally designed so that the bedrooms are upstairs and privacy can be maintained.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development**Summary of Comment:** Paragraph 4.23

Why? Why – at least in some cases – is it not appropriate to carry out a certain extent of excavation in order to create good outlook and enable the sustainable and efficient use of buildings to create homes? In some cases, such excavation may not be appropriate, but in other cases it might be perfectly appropriate and cause no harm whatsoever to anything or anybody. In which case, what exactly is driving this "blanket" policy? It is not explained or justified. Such proposals ought to be assessed on their merits, and not dictated by a 'catch all' / 'computer says no' policy regime.

Response: This is to protect the design of the property and the street scene. However, it is accepted that this may be acceptable to rear or side of the property with the understanding that this may result in a loss of the private amenity space.

Suggested Change to SPD:

Amend para 4.23 (and 3.12) as follows:

it will not be acceptable to excavate land at the front of the property to provide a reasonable outlook, but this may be possible at the side or rear of a property subject to design considerations, flood risk issues, impact on a heritage asset, amount of amenity space that is left and residential amenity issues.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development**Summary of Comment:** Paragraph 4.26

The above seems internally inconsistent. On one hand, it appears to rule out all possibility that habitable rooms can be served by roof lights, and yet the final sentence infers otherwise. The phrase 'roof lights that only face the sky' needs explanation. Do not all roof lights face the sky?

Added to which, we question why a view of the sky is any better or worse than a view of say a terrace of houses through a ‘standard’ window. It might be argued that an open, unspoilt view of the sky is preferable to (and far more private than) a view towards many buildings. Furthermore, there are a great many habitable rooms (principally bedrooms) in homes that are only served by roof lights, and the majority of roof lights (set into pitched roofs) do in fact provide sideways views (as well as views into the sky).

Response: Windows higher up on a pitched roof, or those laying horizontal on a flat roof, will only give residents a view of the sky. We do not agree that giving residents only a view of the sky is acceptable.

Suggested Change to SPD: For clarity amend paragraph 4.26 to:
 ‘...roof lights that only provide a view of the sky are not considered to provide a reasonable outlook’.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.29

Why is it ‘important’? What evidence does the LPA have that residents of HMOs need or aspire to, or make use of outdoor amenity space? It has no evidence, and this policy requirement is based on little more than supposition and guesswork.

Our client – as one of the most reputable and leading providers of HMOs in Sefton – knows that most HMO residents have no need requirement for on site external amenity space. In cases where it is provided, it is rarely used, as residents much prefer to visit local facilities.

We have observed that the LPA is very keen to place weight on ‘clothes drying’ in its decision making process. The LPA is charged by the NPPF to ‘find solutions’. The answer to clothes drying is surely very simple. Introduce a policy that requires HMOs to be provided with mechanised drying facilities, as are provided by our client in all of their HMOs, albeit we are advised that the use of these is very limited.

Again, it is most important that the LPA takes the trouble to carry out proper research, liaise with the right people, and base its policies on facts, not speculation about what HMO residents wants and aspire to.

Response: The Council strongly supports the principle that all its residents have access to private outdoor amenity space. There seems to be a view with this comment that the poorest people, those less likely to afford a home or flat, should not be entitled to the same minimum standards as anyone else. Moreover, even if not enshrined in legislation, the requirement for outdoor amenity space is set out in the government’s National Design Guide (2019) (NDG). Section 12 of the National Planning Policy Framework indicates the importance of the National Design Guide (NDG). The NDG sets out 10 principles of good design, including ‘Functional, healthy and sustainable homes and buildings’. Paragraph 120 says that “Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them”. The sub-principle H1 is for a ‘Healthy, comfortable and safe internal and external environment’. In this context paragraph 126 states that “... The

quality of internal space needs careful consideration in higher-density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important”. The subprinciple H2 is for ‘Well-related to external amenity and public spaces’. Paragraph 131 in relation to this subprinciple says that “ Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well-overlooked and all of the residents who share them can access them easily”. It is clear, therefore, that government planning guidance supports the provision of well-designed, high quality outdoor amenity space for “residents regardless of the type or tenure of [their] homes”.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.30

We question where this figure has been plucked from. It appears arbitrary. National legislation relating to HMOs contains no such requirement for amenity space, presumably because it is recognised that residents of HMOs have the nous, capability and dynamism to leave their homes and make use of local facilities (parks and suchlike) rather than sit in back yards and suchlike. Our client’s ‘on the ground’ / ‘real time’ knowledge, experience and observations reveal that, even when good quality amenity space is provided, tenants of HMOs rarely use it. They tend to go elsewhere to spend their amenity time.

Response: As set out in relation to the previous comment, the government’s National Design Guide (2019) supports the provision of well-designed, high quality outdoor amenity space for “residents regardless of the type or tenure of [their] homes”. The Council strongly supports the principle that all its residents have access to private outdoor amenity space. The Council are entitled to set out standards for new homes that it considers necessary to provide a minimum level of residential amenity. To suggest that the lack of national legislation requiring amenity space in these situations justifies not providing open space is not a position the Council will accept. That some existing HMO residents may not use outdoor space is not a justification to deny future HMO residents from having such space. Existing HMO residents may not use outdoor space for a specific, valid reason and a HMO landlord should look at the quality of space provided rather than using this to justify not providing any.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.33 & 4.45

The above infers that the LPA will adopt a flexible and pragmatic stance on the topic of amenity space, but regrettably our experience suggests otherwise [example given at 101 South Road].

In spite of that justification, the LPA has resisted the various proposals for HMOs at that property, and has demonstrated a most intransigent, inflexible and arguably absurd position. This is clear evidence that the SPD is not, as it claims, a tool to facilitate the delivery HMOs, but rather a mechanism to drive down the number of HMOs in Sefton, and in doing so to prevent those who rely on HMO accommodation from having a safe, comfortable, affordable home.

Response: Do not agree.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: In terms of the amount of external amenity space required in the draft SPD (10 sqm per occupant), it is interesting to compare that to the amount of amenity space required to be delivered for housing schemes in the Council’s New Housing SPD June 2018. §6.1 of that SPD states that gardens for houses should be at least the following size :

Development	Sq Metres
New Housing (1-2 bedrooms)	50sq metres
New housing (3+ bedrooms)	60sq metres

On the face of it, it might be assumed that a 3 bedroom house could accommodate 3 people, resulting in amenity space provision equating to 20 sqm per person. However, many 3 bedroom houses contain more than 3 people. Furthermore, the garden requirement for a 4, 5 or 6 bedroom house is precisely the same (60 sqm). Taking a 5 bedroom house as a proxy, these could quite easily contain 7 or more people, which would result in less than 10 sqm of amenity space per occupant (based on the above SPD standards). The irony in such cases is that the draft HMO SPD requires more amenity space provision than do larger family homes in Sefton. We see no logic in that, and it is evident that the LPA has no robust evidence or data to support such an onerous amenity requirement that it must surely know is not achievable in most of the cases where HMO provision is likely to come forward.

Response: As set out in relation to earlier comments, paragraph 131 of the government’s National Design Guide (2019) says that “ Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well-overlooked and all of the residents who share them can access them easily”. The amenity space standards for new homes should be seen within the context of policy

standards requiring at least 65% of new homes to be 1, 2 or 3 bedroomed; on this basis a 5 bedroom house would not be the norm (proxy). However, the key point is that the Council considers the amenity space standards for HMOs and other new housing to be appropriate in each case. If the homes that are being considered for HMO do not have the space to meet our standards, this strongly suggests they are not suitable for conversion.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.4

We have seen no evidence of a periodical review and would encourage the Council to undertake such a review at the earliest opportunity.

Response: Noted

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.5

We question the 100 metre radius. This is arbitrary and ought to be explained. Why not 200 metres? Or 300 metres? Or 500 metres?

Response: The current SPD used a 50m radius. After several years of implementing this, it has become clear this is too small. 200m or above is considered too large as it would pick up a large number of homes and go beyond what people would typically think of their local neighbourhood. An area covered by a circle with a 100m radius is 3.14ha. In many parts of the article 4 direction area this would include 250-300 properties. A 200m radius would cover an area of 12.5ha and could include over 1,000 homes. A 500m radius would be an area of 78ha and would include thousands of properties. 100m is considered to be appropriate.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.6

Again, how and why has the LPA selected this 10% threshold? It is arbitrary and ought to be explained. 10% is very low. Would it harm to increase the level to say 15% or 20%, and if so, what harm would arise? The LPA needs to better explain / articulate / justify the position, because – again – this has the hallmark of ‘policy on the hoof’.

Response: The 10% threshold was set out in the 2018 Conversions to Flats and HMOs SPD. Even after several years of implementing this, no clear rationale exists for changing the threshold. Do not agree that 10% is too low. An area covered by a circle with a 100m radius is 3.14ha.

In many parts of the article 4 direction area this would include 250-300 properties. A 10% cap would therefore allow 25 to 30 properties to be converted.

However, the SPD will be updated to make it clear that the 10% threshold will only apply to the area covered by the article 4 area. This is referred to at paragraph 5.3 but this will be repeated at paragraph 5.5 for clarity.

Suggested Change to SPD:

5.5 To reduce the impact of too many conversions to Flats or HMOs on a neighbourhood within the article 4 area (see Appendix A), the Council will apply maximum concentration of conversions to Flats or HMOs to 10% of the properties in a local area. The Local Area will be defined as being within a 100m radius of a proposal for conversion to flats or HMOs. **Note – this policy, on a maximum concentration of conversions, does not apply to areas outside of the article 4 direction area.**

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.8

Why? Can the LPA explain why preferential treatment is being given to flats, and why the policy sets out such an overtly negative approach to HMOs? How does this assist those residents of Sefton who need / rely on HMO accommodation?

Response: Comment accepted

Suggested Change to SPD:

Amend paragraph 5.8 as follows:

5.8 The above restriction will not be applied to proposals for conversion to flats and HMOs within one of the Council’s defined Town, District or Local centres (as shown on the Local Plan policy maps). This is because centres are an excellent place to have a large number of people living, due to the concentration of services and facilities. ~~The restriction will, however, be applied to conversions to HMOs in Sefton’s Town, District or Local centres.~~

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.10

The above seems an unduly contrived, complicated and tortuous process to put Applicants through. The LPA's role is to assist and find positive solutions, not to throw barriers in the way. That said, having acknowledged how important HMOs are to many residents of Sefton, the Council ought to be providing a proper, up to date database in respect of the above issues, to provide applicants with user-friendly 'real time' information in order to guide and assist applicants in delivering the correct amount and type of HMO accommodation to service the needs of Sefton's residents who rely on it.

The manner in which the policy is drafted might be seen by some as an exercise in complicating matters and putting off potential applicants.

Response: The Council has set out a clear, standardised and hence equitable approach, based on the 'best available information'. This process has been used since the adoption of the current HMO SPD in 2018, albeit with a 50m not 100m distance, and is considered to be fit for purpose. The Council offer a pre application service and as part of that would do this assessment for the applicant. The Council considers that this SPD guides and assist applicants in delivering the correct amount and type of HMO accommodation to service the needs of Sefton's residents who rely on it; with this amount and type being set by the supply of suitable properties for conversion according to the SPD guidance. The Council have an online register of licensed properties [Search Public Register - HMO Sefton](#). A link to this will be provided in the SPD.

Suggested Change to SPD: Appendix C

Add

Register of Housing licences

[Search Public Register - HMO Sefton](#)

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development**Summary of Comment:** Paragraph 5.11

This sounds like a convenient excuse. If the LPA wishes to present policies, it needs to apply more resources to it and ensure it has up to date, reliable information upon which it can base rationale decisions and judgements going forward. Guessing is not good enough when homes are at stake.

Response: The Council can only use the best available information'. It will not be making any guesses. Paragraph 5.11 is not an excuse but a statement of fact.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

<p>Summary of Comment: Paragraph 5.13 The irony is that it is the Council in itself that is insisting on shared living spaces that might cause issues, and which our client knows (based on experience) are rarely used or wanted by HMO residents.</p>
<p>Response: Comment noted</p>
<p>Suggested Change to SPD: None</p>

<p>Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development</p>
<p>Summary of Comment: Appendix B flowchart The flow chart is illogical and flawed in respect of the part identified in dashed pink, in that it appears to penalise HMO accommodation and yet allow for flats to go forward in the same circumstances. Why is this? This makes no sense and needs to be checked properly by the LPA and explained. In terms of the part highlighted in dashed turquoise, we request that the LPA clarifies the reference to Permitted Development rights. What – exactly - is this referring to? If PD rights apply to convert to either flats or HMOs, why would any developer be referring to the SPD? It would be irrelevant in such cases. In which case, what are the PD rights being alluding to?</p>
<p>Response: Agree will the first point and will change the fourth blue question in the flowchart so that market housing (whether flats or HMOs) are treated the same. The issue of a fallback position and PD rights refer to occasions where an applicant will look to extend a property to improve the quality of proposed accommodation (and therefore need planning permission) even though they could legitimately convert without planning permission. The Council could take the view that the extended accommodation provides a much better outcome than the development that could occur under permitted development, even if this is unable to secure the required amount of outdoor amenity space.</p>
<p>Suggested Change to SPD: Amend the fourth question in blue in Appendix B as follows: Does the proposal include HMOs or social/affordable rented properties?</p>

<p>Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development</p>
<p>Summary of Comment: General Comments Moving beyond specific points set out in the draft SPD, it is worth raising the following contextual points that the Council needs to be very mindful of when formulating policy that impacts on people who rely on HMO accommodation, to ensure those people are not unduly or unfairly discriminated against.</p>

For example, the DCLG's *'Planned Out: The Discriminatory Effects of Planning's Regulation of Small Houses in Multiple Occupation in England'* points out the consequence of local planning authorities favouring district-wide Directions is that the provision of small shared houses across many entire towns and cities in England is (obviously) to ensure tightly controls. Although Government and local planning authorities acknowledge that HMOs provide accommodation "for people whose housing options are limited" (DCLG, 2017, p. 4), it suggests that the blanket nature of these measures (Article 4 Directions) constrains options further.

It points to analysis of planning legislation, including linked local planning policy on HMOs, has broadened our understanding of 'planning's ability to disadvantage, exclude, control and/or oppress certain groups'. The analysis provided evidence of the potential for planning to disproportionately affect young adults on lower incomes, the typical occupants of these properties, and other low income groups, from migrants to families, who find accommodation in the shared housing sector. By tightly controlling the presence of HMOs within an area, often across an entire city, the housing options of these lower-income groups are spatially constrained in ways not experienced by other populations.

It suggests that this commonality of approach, combined with, at the national level the "legislative gymnastics" undertaken to facilitate the targeted control of small shared houses, might point towards "systematic and procedural prejudice" against HMOs in planning, which disproportionately affects the lower-income groups they typically house.

It suggests that apparently progressive ideals, especially the wish to create and maintain balanced communities, often appear to underpin HMO policies. For planning, anything more than a small minority of HMOs in an area is assumed to destabilise the preferred social order, tipping a community into a dangerous unbalanced state, and a sea of social, economic and environmental troubles. When this concern takes the form, as it does in the approach to HMO residents, of an interest in including "socially desirable" groups and excluding "less desirable" groups, it is 'inextricably' linked to "social control" and the active management of individuals and behaviours.

In its *Housing in Multiple Occupancy: Energy Issues and Policy* (a report by Future Climate and the Centre for Urban Research and Energy at the University of Manchester for Eaga Charitable Trust), it is highlighted that rising demand for HMOs is not just policy driven. The number of single person households as a proportion of all households has steadily increased and is predicted to rise in the future (29% of households consisted of only one person in 2013). Further, it notes that policy changes and demographic trends need to be understood in terms of the wider functioning of the UK's housing market where a structural shift towards more private renting has occurred over the last decade.

It notes that the concentration of HMOs in certain areas is related to the UK housing market, characterised by a liberal market economy, but with extensive market failures, linked to a wider societal trend of increasing segregation and inequality. It states that HMOs 'mop up'

housing need originating from those who do not have the economic and social resources or indeed status required to access owner occupation, single-occupancy private rented homes, or the remarkably constrained stock of social rented home.

It highlights that shared housing can be an important part of UK's housing future. Increasingly, people are living alone, a mode of living that – if very widespread - is as wasteful of energy as it is socially atomising. A new model of shared housing could see more single people actively choosing to share part of their homes and their lives as a matter of preference rather than abject lack of choice as is often the case currently :

'Warm, affordable, environmentally sustainable HMOs have to be at the very centre of that positive vision.'

In the UK, the researchers estimated that approximately 1.5% of the population was missed out from the 1991 Census. When considered as a proportion of the typical HMO occupants, the potential bias could be significant and most likely resulting from non-response among key HMO tenant groups: single males, new migrants, private renters and house sharers generally.

In *'Extending mandatory licensing of houses in multiple occupation (HMOs) and related reforms'* (DCLG, 2015), it is highlighted that HMOs generally provide a cheaper form of rented accommodation than renting a flat or a house as a single household. They are therefore one of the main forms of housing in the private rented sector for people on low incomes or living on benefits. They are also often they only source of housing for certain groups such as students people on low income or foreign nationals. Tenants can be vulnerable because of their age lifestyle and nationality or immigration status.

The report states that **'we want to make it easier for local authorities to raise standards in smaller hmos where there is a need for improvement'**.

In *'Housing First Feasibility Study for the Liverpool City Region'* (commissioned by Crisis with Government funding) it is noted that there is a recurring theme from the qualitative research was that the introduction of welfare reform, including Universal Credit, the removal of Spare Room Subsidy, changes to disability benefits and increased use of sanctions in relation to Job Seekers'

Allowance is causing a number of challenges for people trying to get back into (or remain in) housing. These include:

- A lack of 1-bedroomed or shared room rate accommodation in some areas

In *'Houses in Multiple Occupation Article 4 Direction Supporting Case for Article 4 Direction in parts of Bootle, Litherland, Seaforth, Waterloo and Southport'*, it is noted that housing tenure is changing nationally and in Sefton. Levels of home

ownership have fallen whilst private renting has increased.
More people are finding it difficult to buy their own home:

'The delivery of affordable housing has therefore never been more important.'

In particular, the analysis in that document suggests that, in Bootle and Netherton, there appears however to be a mismatch between the existing stock and an overall need for smaller dwellings.

It acknowledges that, given the viability of residential development within the Borough and the availability of funding for affordable housing, it is unrealistic to assume that all housing needs can be met through provision of new affordable housing. It states that part of the gap between need and potential future supply of affordable housing will be met by the Private Rented Sector. The analysis also suggests that there are shortages of particular sizes and types of affordable housing - e.g. one- and two-bedroom units.

In addition to the provision of new affordable housing, it notes that the Council was advised to investigate how better use of the existing housing stock could be made to meet housing need (recognising that the Council does not own/manage stock such investigations would need to be conducted with its stock owning, housing association partners). This, it suggests, particularly applies to Bootle and Netherton where an overall surplus of affordable housing is identified but with a shortage of smaller homes.

To address Sefton's future housing challenges, it notes that five strategic housing priorities and key themes have been identified through consultation and evidence gathering:

- Driving Housing quality in communities and neighbourhoods
- Meeting people's housing needs;
- Enabling People to live independently;
- Tackling Barriers to obtaining suitable housing for the most vulnerable and ensuring equal access to housing services;
- Working closely with Private Sector Landlords to improve housing quality by attracting high quality landlords to invest in Sefton and reduce the number of 'non decent homes'
- Helping to reduce health inequalities through improved housing conditions
- Meeting the housing needs of more diverse and the most vulnerable communities

It is noted that, generally, it is younger people that access smaller, less expensive homes, including HMOs. This is due to difficulty accessing mortgages, fewer opportunities to rent social housing, transient employment opportunities and lower wages. Areas that have a higher than average number of younger people, will often experience higher demand for smaller, less expensive accommodation.

This will generate a demand for smaller, cheaper accommodation and provide an incentive for owners of homes to consider sub-dividing to maximise profits.

It is noted that, as of 2011, it was estimated that around 13% of households live in the private rented sector – this compared with 15% for the region and 17% nationally at that time. The number of households living in the private rented sector has risen significantly in line with national increases – an estimated 15,804 households live in private rented accommodation (2011) which is 64% higher than the figure (of 9,616) recorded in the 2001 Census.

As well as clearly showing the growth in the private rented sector, the data also shows a significant reduction in the proportion of households owning homes with a mortgage or loan. The data also shows a notable decrease in the size of the social rented stock which may limit the ability of lower income and more vulnerable people to meet their housing needs.

It notes that the local, and national trend, towards the private rented sector is symptomatic of the well reported difficulties of people able to access mortgages and of a restricted supply of new housing. This squeeze has pushed many households, often younger households, into the rented sector. As there is also a shortage of social rented accommodation many households have been forced into the private rented sector. This has pushed up demand in this sector, increasing prices, and has made it viable for landlords to sub-divide homes to take advantage of the increased demand and to maximise income.

The level of need identified above is therefore likely to result in an increased demand for private rented properties in the area and is likely to support the conversion of properties to smaller, affordable accommodation, including HMOs.

The increase in the number of flats has been partially caused by the increased sub-division of larger homes into flats. This has been caused by the demand for private rented accommodation (as set out above) and the shortage of suitable social homes. The demand for HMOs has also been driven by these same socio-economic forces.

The purpose of highlighting the above policy threads (of which there are many more of relevance to the topic of HMO accommodation) is to reinforce the message about how critical it is to provide the correct type of housing for all residents of Sefton, and to ensure that ill considered policies based on flimsy research, assumption and guesswork – such as the draft SPD - do not have a harmful impact on those in desperate need of HMO accommodation. Our client is not convinced that Sefton Council have based its current or draft SPD on proper research or careful thought about the consequences of its actions. The SPD feels more like a knee jerk, politically driven response with little

thought given to unintended consequences that may (and do) arise.

Summing Up

Whilst the LPA will inevitably deny it, our client considers that this draft SPD (and its predecessor) are being driven politically. That statement is not based simply on supposition, but on substance. The effect of the overtly stringent policy requirements (especially those relating to room sizes and amenity space) are having the effect of reducing the scope to re-purpose vacant / underused buildings, stunting regeneration and the deliverance of much needed affordable accommodation than many residents of Sefton rely on.

Such political motives are disappointing, but – setting aside any such blinkered motives – if a policy is called for to govern HMOs, it needs to be sensible, realistic and based on proper facts and research, not arbitrary ‘finger in the air’ speculation and guesswork.

Our client is a leader in the operation and delivery of HMOs in Sefton. One of the most important and reputable providers in the borough. They are disappointed that the Council has chosen not to reach out to them and seek their informed advice (based on fact and experience) and taken advantage of information they have at their disposal (which our client has offered to share with the Policy team).

Even more disappointing is the failure of the Council to speak to those who really matter, namely those residents of Sefton who rely on HMO accommodation. How can the Council seriously formulate a policy with no reference to those who will be most affected by it? That smacks of arrogance and naivety.

The fact of the matter is that what HMO residents really want and need is a safe, comfortable, affordable home of a decent size and good location. This is what our client delivers time and time again. Their knowledge and experience shows that HMO dwellers are little concerned by the provision of large rooms, communal rooms and outdoor amenity space – matters which the Council appears close to obsessed about and much of which cannot realistically be delivered in many cases. What the Council seems not to appreciate is that the effect of both the adopted and emerging versions of the SPD is to dumb down / restrict both the quality and quantity of much needed HMO accommodation, putting in place ‘made up’, arbitrary rules and hurdles based on supposition and guesswork.

For those reasons, the draft (and adopted) SPD are currently not fit for purpose, and they do not assist those residents of Sefton who are desperate for good quality HMO accommodation and have nowhere else to turn in the context of a national housing crisis, rising food prices, rising fuel prices, rising inflation, war in Ukraine and a global economic recession.

The SPD needs a cold, harsh reality check and a fundamental review based on fact, not fiction.

Response: The Council would refute that it is putting up barriers to prevent the provision of HMOs. Instead, it is seeking to raise the quality of permitted HMOs, to ensure they are provided in appropriate properties and are not over-concentrated in certain areas. It is not a coincidence that a greater number of HMOs occur in Sefton’s lower value areas and in higher value areas there are not many. This would suggest that the choice to convert these properties is an economic choice rather than to meet a local affordable housing need – we know that Bootle and Netherton are the most affordable areas of Sefton and that the latest Housing Market Assessment identified there was no quantitative need for additional affordable housing in these areas. The Council have not implemented a borough wide article 4 direction and most homes (almost three quarters) in Sefton could still be converted to a small HMO (3-6 occupants) without the need for planning permission (see below)

Total residential dwellings in Sefton = 141,793

Residential dwellings within Southport Article 4 = 12,876 (9.08% of total)

Residential dwellings within Bootle/Seaforth/Waterloo Article 4 = 25,036 (17.66% of total)

Many of the issues raised by this responder to the spd could be overcome if the number of units was reduced to an appropriate number and not maximised, presumably for financial reasons. For example, a proposal to convert a 3 bedroom home to a 6 occupant HMO is likely to encounter problems, but if the home was converted into a 3 person HMO then these may be overcome.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Merseyside Police

Summary of Comment:

due to the nature of occupants of HMOs i.e. people unknown to each other living in the same building, it is important that residents have privacy and the ability to secure their individual rooms to keep themselves and their belongings safe, each individual bedroom door must be lockable, preferably with a British Standard lock.

Mail and parcel theft has increased in recent years with the propensity towards online shopping. To prevent mail and identity theft I advise that HMOs have a secure bank of individual letterboxes for residents to use.

Response: Whilst these are not planning considerations, they are issues that are likely to be addressed through the licensing process. It is therefore proposed to make a cross reference to this within the HMO section of the SPD.

Suggested Change to SPD:

Add the following new para and header

Need for a separate licence

4.43 It is important to note that a licence may be required (under a separate consent process) even if planning permission is not required. Furthermore, the granting of planning permission does not automatically mean that a licence will be granted. You should check the requirements for a licence separately with the Housing Standards Team (see Appendix C). The requirements for a licence would likely include consideration of room sizes (against licence standards if they are different to planning requirements), heating, kitchen and bathroom facilities, fire precautions, housing health & safety, security and the storage / disposal of household waste. Whilst these are not planning considerations, applicants are strongly advised to ensure all licensing requirements can be met before planning permission is sought.

House Extensions SPD

House Extensions SPD - Comment made by: United Utilities

Summary of Comment:

It is important to outline to householders and the LPA the need for our assets to be fully considered in proposals. United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either a building control professional or following a direct application to United Utilities. For further details see our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Householders must carefully consider extensions and landscaping proposals in the vicinity of our assets and any changes in ground levels, which may not be acceptable.

Prior to preparing the detail of any extension proposals, it is critical that householders obtain a copy of the public sewer and water main map so that they can check whether there are any water mains or public sewers near to their house. In some instances, public sewers may not be visible on the extract of public sewer map because the assets were previously private assets that have now been transferred under private sewers legislation. Such assets should also be considered.

Considering the impact on our assets is really important both in terms of the impact on our assets, the impact on the extension and the any health and safety concerns that can arise when working near to our assets, especially pressurised assets such as water mains and pumped sewers. In some instances, permitted development rights may have been removed by condition as a result of a water main or sewer being within the curtilage of the property. We therefore recommend you include the following wording in your SPD.

'Prior to preparing the detail of designs for your extension, you should obtain an extract of the map of public sewers and water mains to confirm whether there are water mains or sewers in the area where you plan to extend or work. United Utilities will not allow building over or in close proximity to a water main.

Also, United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities. For further details see United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>). If you do not do this, you may not receive building control approval for your proposed extension which would have implications for you when you sell your house.

You will also need to carefully consider your landscaping proposals in the context of any utility assets. This is because the roots of trees can cause damage to water mains and sewers. For example, they can cause a blockage inside a sewer which then increases the likelihood of flooding to your house and your neighbours.

In some instances, your right to extend your property under permitted development rights may have been removed as a result of a water main or sewer being near to your house. This would have been done via a condition on the original grant of planning permission. You will need to check whether this is case in instances where there is a sewer or water main in the curtilage of your house.'

Response: Suggested additional text accepted.

Suggested Change to SPD:

Add new section to chapter 11 as follows:

Considering water and wastewater assets

11.22 Prior to preparing the detail of designs for your extension (including any replacement trees – see above), you should obtain an extract of the map of public sewers and water mains to confirm whether there are water mains or sewers in the area where you plan to extend or work. United Utilities will not allow building over or in close proximity to a water main.

11.23 Also, United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities. For further details see United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>). If you do not do this, you may not receive building control approval for your proposed extension which would have implications for you when you sell your house.

11.24 You will also need to carefully consider your landscaping proposals in the context of any utility assets. This is because the roots of trees can cause damage to water mains and sewers. For example, they can cause a blockage inside a sewer which then increases the likelihood of flooding to your house and your neighbours.

11.25 In some instances, your right to extend your property under permitted development rights may have been removed as a result of a water main or sewer being near to your house. This would have been done via a condition on the original grant of planning permission. You will need to check whether this is case in instances where there is a sewer or water main in the curtilage of your house.

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities notes paragraph 9.1 which states:

'New hard surfaces e.g. driveways or parking areas, should be designed to be in keeping with the character of the area. Where larger surfaces (greater than 5m² in area) are proposed, you must show that surface water will drain away within the site, rather than into the road or a public sewer. You should take care to minimise the extent of hard surfaces and retain/provide as much soft landscaping as possible.'

We would prefer this paragraph to state:

'Applicants are always encouraged to drain any new or replacement hardstanding to a permeable surface, such as gravel, permeable concrete block paving or porous asphalt. Any new hard surface should also direct rainwater to a lawn or border to drain naturally. If you do not do this and your hardsurface exceeds 5 square metres, you may be required to apply for planning permission.'

We also request that you explain why this is important. The following wording would be helpful which is largely extracted, save for some minor amendments, from page 6 of the guidance produced by central government on the permeable surfacing of front gardens.

'It is really important in Sefton that we do all we can to avoid rainwater connecting with existing drainage systems including the public sewer and highway drains. In most circumstances drains were built many years ago and were not designed to cope with increased rainfall. Paving front gardens further adds to the problem. Although paving over one or two gardens may not seem to make a difference, the combined effect of lots of people in a street or area doing this can increase the risk of flooding. This is increasingly important due to the impact of climate change which means we now get more frequent heavy rainfall.

The harm caused by paving gardens is not limited to just flooding. Hard surfaces such as concrete and asphalt collect pollution (oil, petrol, brake dust etc) that is washed off into the drains. Many drains carry rainwater directly to streams or rivers where the pollution damages wildlife and the wider environment. In other areas, including much of Sefton, the rainwater goes into a combined sewer which carries both foul and surface water which also takes household waste from bathrooms and kitchens to the sewage treatment works. These overflow into streams and rivers in heavy rainfall. As more water runs into these sewers from paved areas, there are more frequent overflows, passing untreated sewage into watercourses.'

You may consider this to be more appropriately included in a water management section which we propose below. If you choose to do this, we request that the Hardstanding section is cross referenced to the below recommended section on Water Management.

Response: Agree in part. Will add replace paragraph 9.1 as suggested.

Suggested Change to SPD:

Replace existing paragraph 9.1 as follows:

Applicants are always encouraged to drain any new or replacement hardstanding to a permeable surface, such as gravel, permeable concrete block paving or porous asphalt. Any new hard surface should also direct rainwater to a lawn or border to drain naturally. If you do not do this and your hardsurface exceeds 5 square metres, you may be required to apply for planning permission.

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports the inclusion of sustainable design requirements for residential extensions, in particular paragraph 11.19 (f) which advises applicants to consider installing a water butt to save money spent on watering the garden. Whilst we welcome the Sustainability Section of the draft SPD, we request that you include a specific section regarding Water Management. Given the critical challenge of climate change, and specific challenges you face in Sefton, it is extremely important that all new development manages surface water in a sustainable way.

Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. Surface water should be managed as close to its source as possible. We therefore encourage you to include reference to managing surface water from extensions and new hardstanding via rainwater recycling, green roofs, soakaways (where ground conditions permit), via permeable hard surfaces, by directing rainwater to garden areas, the incorporation of rain gardens and water butts.

Improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. We also wish to note the associated societal benefits by helping to reduce customer bills. It is important that we do all we can to encourage householders to embrace water management measures. We therefore suggest that you include the following wording in your SPD.

'When designing your proposals, you should do all you can to ensure that rainfall is managed in the most sustainable way possible. Directing your rainfall to the public sewer is the least sustainable option and increases the likelihood of flooding whilst also increasing the impact on the environment. The importance of this is explained in the section on Hardstanding.

We would encourage you to consider how water can be re-used in the first instance. For example, via a grey water recycling system or inclusion of a water butt. Including a water butt can really help to reduce your water bill whilst also being great for the environment. You could also direct your water to your garden via a permeable surface which allows the water to drain into the ground. You may consider the creation of a rain garden. There is specific guidance on this at <https://raingardens.info/> where you will find a free guide on rain gardens that can be downloaded. When thinking about the rain that falls on your new extension and any associated hard surface you should consider:

- Re-using the water through grey water recycling or a water butt;*
- Whether your extension or outbuilding could include a green roof;*
- Directing the rainfall to a soakaway;*
- Using permeable surfaces; and*
- Directing the rainfall to your garden which could include the creation of a rain garden.*

Discharging rainfall to existing drainage systems, should only be considered after the above options have been discounted. Where discharge

to an existing drainage system is necessary, you should discharge the rainfall to a watercourse / land drain first and then to a surface water sewer or highway drain. Discharge of rainfall to a combined sewer, i.e., one which drains rainfall and foul water is an absolute last resort. No rainfall should discharge to a foul only sewer.'

Response: Agree in part. Whilst the Council consider the level of detail proposed above to be too detailed for this SPD, we will cross refer to the Flood Risk Information Notes that we have produced, specifically the one that covers 'How residents and small businesses can manage and reduce surface water run-off and flood risk'.

Suggested Change to SPD:

Add to list at paragraph 11.19

Reduction of surface water run-off and flood risk (see the Council's [Information Note](#) on this)

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports paragraph 11.15 which seeks to protect existing mature trees and hedges. However, we wish to note the importance of any approach to planting new trees giving due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. We would be happy to provide further guidance on planting trees and the impact on our infrastructure.

United Utilities is supportive of any approach to the planting of new trees and would encourage the council and householders to consider this in the context of flood risk management and opportunities to '*slow the flow*' of rainfall reflecting our wider comments relating to water management.

Response: Agree. Will include reference to this within the new paragraph 11.22

Suggested Change to SPD:

See suggested new paragraph 11.22 above

Affordable Housing SPD

Affordable Housing SPD - Comment made by: Green Pastures

Summary of Comment: Suggest you allow commuted sum as an option rather than AH on site only. Suggest AH could be built on another site instead of insisting they are accommodated on the development site. This becomes obvious when building more expensive homes and will prevent these types of developers building in Sefton. Don't force AH units to be scattered throughout the estate as this will stop some developers wanting to build in Sefton. Developers know what sells and AH housing next to private housing reduces their value no matter what is done to mitigate.

Response: Paragraph 11.1 of the SPD covers this issue:

'The overwhelming priority for the Council is to secure the provision of affordable housing on-site as part of larger housing schemes. However, in a limited number of exceptional circumstances the Council may accept either the affordable homes to be provided off-site or accept a financial contribution in lieu of on-site affordable housing. The applicant will have to clearly demonstrate why the provision of on-site affordable homes is not practicable or desirable. Developers must also be able to clearly demonstrate how an off-site financial contribution contributes to the objective of creating mixed and balanced communities.'

There is no evidence that requiring Affordable Homes to be provided throughout a scheme has stopped developers building in Sefton and the Council will strongly resist any proposal to not provide affordable homes within a scheme in an attempt to maximise the values of the market homes.

Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Livv Housing Group

Summary of Comment: Impact of First Homes on Proposals up to 200 homes – The split of tenure for affordable housing is set out in 8.3. The tenure split gives a priority of First Homes as the route to affordable home ownership. On proposals up to 200 homes there is no scope or flexibility to include a shared ownership or rent to buy tenure. We would request this is reviewed to allow some flexibility on the routes to home ownership tenures. Both the Shared Ownership and Rent to Buy models allow a route to home ownership for residents with little or insufficient savings to fund deposits. As such we would want the opportunity to include Shared Ownership and Rent to Buy tenures on sites up to 200 homes to allow for a diversity of home ownership opportunities.

Response: Comment accepted. The proposed different approach on large (200+) schemes was to reflect the fact that on schemes on fewer this we secure very few affordable units. However, if RPs consider that securing just a handful of Shared Ownership homes on a site would cause no issues for them then we are happy to apply the same approach on all size sites. It should be noted that Sefton's policy doesn't fit neatly with government guidance on calculating the tenure split with the remaining 75% of affordable homes secured through a developer. This is because we don't specify a % to be social rent – policy HC1 requires a % as social or affordable rent. Therefore, the approach below is

<p>a pragmatic solution to the issue.</p> <p>Suggested Change to SPD: Para 8.3 Outside Bootle and Netherton</p> <p>30% affordable homes - Split:</p> <p>67% affordable or social rent 25% (minimum) First Homes 8% (maximum) other affordable home ownership homes</p> <p>Bootle and Netherton</p> <p>15% affordable homes - Split:</p> <p>33% (minimum) affordable or social rent 25% (minimum) First Homes 42% (maximum) other affordable home ownership homes</p>
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<p>Affordable Housing SPD - Comment made by: Livv Housing Group</p> <p>Summary of Comment: Pepper Potting – We welcome the intention of Pepper Potting of affordable homes and would welcome early dialogue within the design process to ensure the location and grouping of affordable homes is workable from a management perspective. However we have some reservations on the practicalities of managing mixed tenures within flatted schemes. Our experience is to try to limit the size of flatted developments so that no more than 9 to 12 apartments are served from a circulation core at 3 storeys and to maintain a single tenure within each communal core. That said we support the recommendation in 10.10 for early dialogue and are open to discussions on how best to ensure we deliver social inclusion in a way that is manageable and supports the differing needs of our customer groups.</p> <p>Response: Agree with the sentiments behind the comment. The Council will always advise applicants to speak to prospective RPs early on to ensure proposed affordable housing will meet their needs and paragraph 10.10 sets out that we advise early dialogue between housebuilders and RPS.</p> <p>Suggested Change to SPD: None</p>
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Affordable Housing SPD - Comment made by: Livv Housing Group
Summary of Comment: Content of Section 106 Agreement – We would want to include a request to engage with Registered Providers at the drafting stage of any Section 106 to ensure the terms within agreements relating to the delivery of affordable homes are workable. In particular we would want to promote the inclusion the Mortgage Protection Clause promoted by the National Federation of Housing (https://www.housing.org.uk/resources/examplestandard-mortgagee-protection-clause/). This is an industry standard clause adopted across the country and enables us to secure finance against affordable properties that we can then use to invest in further affordable homes in the borough.
Response: The Council will always engage with developers on the content of a s106. Re the Mortgage Protection Clause, the Council’s legal team have reviewed this and have confirmed it is largely the same as our standard clause on the issue with the exception that we require 6 months in which the mortgagee must seek to dispose of as an affordable, and thereafter free to sell at market rate. The suggested clause uses 3 months. We consider 6 months is reasonable time and 3 months is too short so will continue with our current approach.
Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Melling Parish Council
Summary of Comment: The Affordable and Supported Housing SPD identifies that there is a need for further affordable housing in Molyneux ward but it refers only to Maghull/Aintree. Can it please be stated within the document whether it is considered that there is a shortfall of affordable housing within Melling itself, if so, is that shortfall contained within the numbers referred to in Maghull/Aintree, in which case please state in the SPD what portion of this shortfall exists in Melling; or is there an additional shortfall of a ffordable housing in Melling that is not currently referred to anywhere within this SPD, in which case please specify that shortfall within the SPD?
Response: The evidence on affordable housing is only available at the large settlement level. Melling (and Lydiate) is within the Maghull/Aintree area. This will be updated to refer to Sefton East
Suggested Change to SPD: Change references to Maghull/Aintree to Sefton East, (in the table below 6.1 and in para 6.2).

Affordable Housing SPD - Comment made by: Plus Dane Housing
Summary of Comment:

At paragraph 10.9 the SPD highlights the requirement for affordable housing to be pepper potted throughout flatted schemes. Whilst we acknowledge the need for pepper potting across a development site and would be happy for flat blocks to be different tenures, it is neither suitable or practicable to have pepper potting through individual flat blocks for management purposes. From a sales perspective, it makes the property less desirable which will have a negative impact on demand. From a management perspective mixed tenure blocks can be challenging as behaviours can differ towards how the people live in the building. An example of this being the treatment of the internal communal areas. A customer who is liable for all costs associated with the maintenance and upkeep does respect the building more than if they do not pay towards the upkeep. From our perspective, we would be reluctant to take blocks which are mixed tenure and would have a strong preference for single tenure blocks.

As an active RP in Sefton, we would be happy to liaise with the developers in relation to our requirements. As a general principle amenity space must be located adjacent to the properties, and parking should preferably be located adjacent to the front or rear of properties.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Add to para 10.9; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. In these cases the Council may accept slightly more than six affordable homes in a single block on a case-by-case basis. However, the Council will not accept all the affordable homes in large single block of flats on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by:

Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The Council’s proposed tenure split is set out in Section 8 of the draft SPD.

It is acknowledged that the NPPF requires at least 10% of new homes to be available for Affordable Home Ownership (AHO) and that the PPG requires at least 25% of affordable dwellings to be available as First Homes.

The proposed split of affordable housing is set out in the tables that accompany para. 8.3 of the draft SPD. Outside Bootle and Netherton, proposals for up to 200 homes include all of the AHO dwellings as First Homes (33%), whereas for proposals for 200 homes or more, a minimum of 25% are required to comprise First Homes and a maximum of 8% as other AHO homes.

It is not clear from the evidence paper as to why there is a difference between the two sizes of schemes and therefore to improve flexibility, we recommend that the requirement for a minimum of 25% First Homes and a maximum of 8% other AHO homes should apply to all major

residential schemes, regardless of size. This position is supported by the enclosed letter from Livv Housing Group. This would allow for the inclusion of other tenures that are not limited to first-time buyers and would provide options for people who are already on the housing ladder, but need to move to a different size home, or to a different area and are finding that their needs are not met by the open market.

If the Council wishes to retain different criteria relating to scheme size, then it should be clear in the table which category a scheme for 200 dwellings would fall into. The wording of the first row should perhaps be changed to 'proposals for less than 200 homes'.

Response: Comment accepted. The proposed different approach on large (200+) schemes was to reflect the fact that on schemes on fewer this we secure very few affordable units. However, if RPs consider that securing just a handful of Shared Ownership homes on a site then we are happy to apply the same approach on all size sites. It should be noted that Sefton's policy doesn't fit neatly with government guidance on calculating the tenure split with the remaining 75% of affordable homes secured through a developer. This is because we don't specify a % to be social rent – policy HC1 requires a % as social or affordable rent. Therefore, the approach below is a pragmatic solution to the issue.

Suggested Change to SPD:

Para 8.3

Outside Bootle and Netherton

30% affordable homes - Split:

67% affordable or social rent

25% (minimum) First Homes

8% (maximum) other affordable home ownership homes

Bootle and Netherton

15% affordable homes - Split:

33% (minimum) affordable or social rent

25% (minimum) First Homes

42% (maximum) other affordable home ownership homes

<p>Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West</p>
<p>Summary of Comment: The draft SPD seeks to implement a £160,000 price cap upon First Homes, rather than the standard national maximum of £250,000.</p> <p>Para. 70-005-20210524 of PPG states that: ‘Any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements.’ [emphasis added]</p> <p>We do not consider that a price cap should be implemented through the adoption of an SPD and that this would need to be undertaken through the plan-making process where it would be subject to testing and independent examination.</p> <p>In addition to the above, the proposed figure of £160,000 is considered to be too low. Whilst it is less likely to affect the delivery of affordable housing in the south of the Borough given the lower house prices, the price cap could have implications in the north of the Borough.</p> <p>Figure 3.2 of the JGC report includes an estimated open market value (OMV) for a 3-bedroom new build house of £240,000; however, given the age of the report, this figure is now expected to be higher. After applying the 30% discount, the value would be £168,000.</p> <p>Applying a price cap of £160,000 in the northern areas could restrict the delivery of First Homes to 1-bedroom and 2-bedroom properties due to cost implications. If 3-bedroom First Homes are required, then this could impact on scheme viability and subsequently, the delivery of social and affordable rented housing.</p> <p>It is therefore important that the imposition of a price cap is tested through the local plan process rather than an SPD, which would require it to be properly evidenced and an assessment of the potential effects on viability to be undertaken.</p>
<p>Response: The maximum sales cap was clearly demonstrated through the First Homes evidence report. The guidance on First Homes set out that ‘any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements’. This does not specify a Local Plan so does not preclude being set in an SPD. It would not be feasible or sensible to set such a cap in a Local Plan in any case as these are updated so infrequently and any cap would quickly become out dated. However, it is accepted that data on income and house prices have moved on since that time. The Council are therefore proposing to amend the sales cap and link these to the size of the home.</p>
<p>Suggested Change to SPD:</p> <p>At paragraph 4.5, change to:</p> <p>Based on an assessment of local housing affordability the Council considers that the 30% discount is acceptable subject to a maximum price cap (for first sale only) of</p> <ul style="list-style-type: none"> ○ For a one or two-bedroom home –£160,000 ○ For a three-bedroom home - £180,000 ○ For a four+ bedroom home – apply the national cap of £250,000

Change paragraph 4.6

'...any discounted market sales housing will also be subject to a maximum price caps above.'

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: *Combined Annual Household Income*

One proposed requirement is that those applying (whether individuals, couples or group purchasers) must have a combined annual household income not exceeding £45,000 in the tax year immediately preceding the year of purchase. The national level for such homes is £80,000. We do not consider that the Council has provided sufficient evidence to justify this reduction and again maintain that this should be properly tested through the local plan process; however, we acknowledge that if a buyer cannot be found within three months, the criteria can be disapplied.

Response: The household income level was clearly demonstrated through the First Homes evidence report. However, it is accepted that data on income and house prices have moved on since that time. The Council are therefore proposing to increase the maximum household income level from £45,000 to £55,000.

Suggested Change to SPD: Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £55,000 in the tax year immediately preceding the year of purchase (local criteria – national level is £80,000). (para 5.4 second bullet point).

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The fifth bullet after para. 5.4 of the draft SPD aims to restrict the size of a First Home that can be purchased based on the number of prospective occupiers. The draft SPD also confirms that the same criteria will apply to Discounted Market Value Homes. We consider this criteria to be overly restrictive and would impact on people's ability to purchase a suitable property to meet their current or future needs, such as including dedicated space to work from home. This is exacerbated by the fact that the Council will treat an upstairs study as a bedroom if it is over a certain size and therefore, people may need a larger number of bedrooms that the criteria would allow for. Para. 70-008-20210524 of the PPG includes examples of the types of local eligibility criteria that could be imposed by local authorities. These include lower income caps, a local connection test, employment status and key worker status. There is no mention in the PPG of restricting the size of home that can be purchased based on the number of occupiers and we therefore recommend that this criteria is removed.

Response: National guidance on First Homes (paragraph 008) sets out 'local authorities can apply eligibility criteria in addition to the national criteria. This **may** involve lower income caps (if this can be justified with reference to local average first-time buyer incomes), a local connection test, or criteria based on employment status' [our emphasis]. This does not state that other local eligibility criteria cannot be

applied. The whole purpose of the First Homes tenure is to provide a home to households whose needs are not being met by the market. It is not intended to provide an opportunity for some households to purchase a larger home than they need at a discount. It must also be considered that any local criteria will only apply for a period of 3 months. We also consider the minimum number of occupants needed for house type is not very onerous. However, we do appreciate there may some limited occasions where a household may need an additional bedroom than the number of occupants would suggest. This could be if a household have shared custody of a child or someone has medical equipment that warrants the extra space. Therefore, we will allow for a case to be made for a household to purchase a larger First Home than the eligibility criteria would suggest

Suggested Change to SPD:

Add after the final bullet at para 5.4

The Council will consider a larger home than the household size would suggest if a case is clearly and robustly made that, due to specific household or family circumstances, a larger home is required.

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The draft SPD seeks to supplement Part 8b of Local Plan Policy HC1 which relates to pepper-potting of affordable dwellings across a residential development which proposes market and affordable homes.

The current wording of the adopted Local Plan policy is:

'Affordable and/or special needs dwellings shall be:

'pepper-potted' i.e. there shall be a reasonable dispersal of affordable housing or special needs units within residential developments (i.e. groupings of no more than six units) to promote mixed communities and minimise social exclusion.'

Whilst our clients do not oppose the principle of pepper-potting affordable houses, they have concerns over pepper-potting within flatted schemes that form part of a larger development. In their experience, Registered Providers prefer to take whole blocks of flats, rather than managing a mixed-tenure block, and this is supported by the enclosed letters from Livv Housing Group and Plus Dane Housing. This position is also alluded to within the draft SPD.

We acknowledge that the SPD recommends liaising with Registered Providers at an early stage to determine what would be most appropriate, but we recommend that the SPD does not seek to prevent the inclusion of fully affordable blocks of flats as part of a larger scheme when this would be the most appropriate mechanism for the delivery of affordable flats.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with

more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Add to para 10.9; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. In these cases the Council may accept slightly more than six affordable homes in a single block on a case-by-case basis. However, the Council will not accept all the affordable homes in large single block of flats on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Paragraph 4.3 First Homes – Torus delivers affordable schemes which are usually a mix of affordable rent, shared ownership and rent to buy. We receive Homes England funding to support our delivery of these tenures. First Homes are not a funded product and we would not be in a position to deliver such units on Torus delivered sites.

Response: First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This is not introduced through the SPD. This does not apply to 100% affordable housing schemes.

Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 9.3- can you please clarify if affordable homes for sale can include shared ownership and rent to buy tenures.

Response: Yes, these are included in the Government’s definition of affordable home ownership homes

Suggested Change to SPD: The remainder of the homes on these schemes can still be affordable housing but must be affordable homes for sale, which could include First Homes, Shared Ownership Homes, Rent to Buy or other homes that provide an affordable route to home ownership.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 9.6 -need assurance that delivering 100% affordable schemes via a S106 would not impact on the ability to apply grant to the schemes

Response: The Council consider it necessary to secure all affordable housing approved to ensure that it meets the affordable housing needs of Sefton’s residents. In previous meetings with Homes England, this has not been identified as a barrier for RPs to secure funding. However, on a case-by-case basis, the Council will consider agreeing to a s106 that provides flexibility on the proportion of the homes above the policy requirement required by Local Plan Policy HC1 (i.e. 85% of the homes in Bootle and Netherton and 70% elsewhere).

Suggested Change to SPD: New para 9.7 - We will work with registered providers, as applicants on funded schemes, to ensure that the content of the section 106 does not contradict funding requirements. On a case-by-case basis, the Council will consider some flexibility on the specific clauses that secure affordable housing and how they are applied on the portion of affordable homes provided in excess of the planning policy requirement (as set out in Local Plan Policy HC1 and this SPD). This will have to be justified by the affordable housing provider setting how those clauses would impact on the delivery of those affordable homes or any external funding.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 10.9- Pepper potted apartment blocks – we do not currently offer shared ownership or private sale apartments. This is due to the service charge and general leasehold management issues associated with private dwellings. Therefore, we could not deliver a mixed tenure block.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Change para 10.9 to; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. In these cases the Council may accept slightly more than six units in a single affordable homes on a case-by-case basis. However, the Council will not accept all the affordable homes in large single block of flats on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 17.5- Homes England definitions differ from those included in the document and the define these tenures as supported housing.

Response: This reference relates to how the Council will apply Part 6 of Policy HC1 of the Local Plan. This will be clarified. It is not intended to change the definition used by Homes England or any other organisation.

Suggested Change to SPD:

Change to para 17.5; Care homes and housing for older people (generally over 55s) ~~is~~ are not classed as ~~supported~~ special needs housing (unless the residents are also classed as having specialist needs) for the purposes of Local Plan policy HC1 part 6. Therefore, they cannot be substituted for affordable housing. Paragraph 8.18 of the Local Plan sets out that housing for people with a physical disability, frail elderly

people, young vulnerable people, people with a learning disability, a mental health problem or severe sensory disability does meet the criteria to reduce the amount of affordable housing on a scheme by 50%.

Contributions to Education Note

Contributions to Education Note - Comment made by: Resident
Summary of Comment: Strongly object to the removal of educational levies in Park Ward Sefton. The schools in this area are all currently FULL. How can you allow all of these new houses to be built bringing thousands more families with children that need to go to school and not enforce them to contribute to education costs? This will have a profound effect on our children's education and well being and I strongly object to this.
Response: There is no evidence that all the primary schools in the Lydiate area are full. Lydiate Primary in recent years has had spare capacity and has recently reduced its yearly intake, although the accommodation remains. The secondary schools in the wider Maghull area also have, in recent years, had plenty of spare capacity. Furthermore, there are no longer any major housing development designations to be consented in the Park Ward/Lydiate area, although some permitted schemes remain to be delivered/completed.
Suggested Change to Note: None

Other changes to Education Note

Update the fee per home to the 2023/24 rate of £2,344.00 to £2,595.00 (inflationary rise)

Social Value (Employment and Skill) from development SPD

No comments received.

Addition Section to Draft Conversions to Flats and Houses in Multiple Occupation SPD - Management Plans

No comments received.

Therefore, add this section unamended to the end of Section 4 to the Conversions to Flats and Houses in Multiple Occupation SPD

Management Plans

The Council will require the submission of a management plan as part of the planning application for an HMO. The agreed management plan will need to be adopted by the landlord, and the use of the property as an HMO implemented in accordance with the agreed details. The management plan will be expected to cover matters such as:

- The arrangements for the management and maintenance of all communal areas within the building.
- The arrangements for the management and maintenance of the garden/outdoor space within the curtilage of the property, which includes the maintenance of garden walls and fences
- How nuisance and annoyance to other occupiers of the house, or residents in neighbouring properties and the local area, is avoided, reduced by preventing anti-social behaviour from occupiers of and visitors to the property, and by effectively dealing with complaints made to the landlord directly or via the Council or Police. In this regard the Council's guide for landlords to managing anti-social behaviour - sefton landlord asb guide – should be considered. A contact should also be provided for the reporting of complaints.
- The keeping of records of complaints about antisocial behaviour which will be provided to the Council on request.
- The management proposals for the servicing and the storage, transfer and collection of waste ensuring that appropriate arrangements are made.
- Preventing the premises to be used by more tenants than the approved number
- Commitment to securing relevant licences as required by Sefton Council This will ensure that there is a visible statement provided as part of the planning application process that provides greater clarity / detail about the arrangements in terms of the management of the property.

This should not prove onerous for good landlords and will allow them to highlight good management practices. The implementation of the approved management plan will be secured by condition.

2022 Consultation on Draft Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach (Consultation carried out in January and February 2022)

Summary of consultation comments received

Responses received from:

- Barratt David Wilson Homes North West
- Historic England ('no comment')
- Home Builders Federation
- Homes England ('no comment')
- Local residents: Individual comments from 12 local residents
- Maghull Town Council
- Marine Management Organisation
- Natural England
- Persimmon Homes (North West)
- Sefton and Lunt Village Parish Council
- Thornton Parish Council.

External Consultee	Summary of comments made	Council response
Barratt David Wilson Homes North West	Welcome the update to the previous version of the Information Note which included a charge of circa. £2k per dwelling based on the Council's existing approach to the provision of off-site public open space. Welcome the charges for the proposed 'opt-in' approach being evidence based and consistent across the Liverpool City Region.	Noted.
Barratt David Wilson Homes North West	Whilst it is clearly the Council's preference that developers choose to 'opt-in' and pay either £299 or £63 per dwelling based on the site's location, the Information Note states that this is not a mandatory scheme. The Information Note should provide further information on the approach to be taken by Sefton Council if developers choose to 'opt-out'. How would a bespoke report be assessed by the Council and how would a developer know beforehand what level of mitigation is likely to be considered acceptable and what the triggers may be? Further information is required as to what the Council would consider to be acceptable alternative 'opt-out' approaches. Otherwise, the scheme becomes de-facto mandatory and as such should be included in a Development Plan policy with the appropriate levels of consultation and independent examination, rather than in an Information Note.	The Information Note has been amended to provide more detail about the bespoke information required and approach to be taken if developers chose to 'opt-out', under revised wording now in section 4, 'What if I do not opt-in?'. The information Note has also been amended to clarify and make explicit that the need for a bespoke approach would only apply to housing development of 10 or more; and that proposals for less than 10 new homes (net) are exempt.
Persimmon Homes (North West)	Supports the proposal that the commuted sum be an 'opt-in' solution, with the intention of making the process more efficient and reducing time, costs and risks during the planning process. However, there is no certainty as to how officers or	

External Consultee	Summary of comments made	Council response
	indeed Members will view those application which do not choose to opt-in to the Scheme.	
Historic England	No comments at this time.	Noted.
Home Builders Federation	Concerned about the use of this Information Note as a material consideration and that it introduces a financial burden on a planning application. It should be noted that national PPG (ID: 61-008) states that as <i>“Supplementary planning documents (SPDs) ... do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</i>	Sefton Council carried out a viability assessment of the Local Plan in 2015. The Information Note provides more information in relation to Local Plan policies, notably NH2 ‘Nature’ and the legal requirements of the Habitats Regulations.
Home Builders Federation	While it is noted that this is an opt-in scheme, the Note suggests that applications could be made more complicated and require more costly evidence, take longer to determine and potentially still be subject to unidentified charges, reducing the option of not Opting into the approach set out in the note.	The Information Note relates to Local Plan (2017) policies notably NH2 ‘Nature’ and the legal requirements of the Habitats Regulations.
Home Builders Federation	Concern that this Information Note is being introduced without the full consultation and examination that would have been given during the examination process. The HBF do not consider that this is appropriate and do not consider that the Information Note should be taken forward at this time.	These, not the Information Note, set out the principle of the approach; the Information Note does not set out a new policy or requirement. It replaces a previous 2018 Information Note (now superseded) which also allowed for a financial contribution for off-site works.
Persimmon Homes (North West)	Concern around how the Recreation Mitigation Scheme is being introduced; paragraph 1.3 of the Information Note confirming that it will form a <i>‘material consideration’</i> for new housing proposals in Sefton. Planning Practice Guidance [PPG] is clear that <i>‘policies for planning obligations should be set out in plans and examined in public. Policy requirements should be so clear that they can be accurately accounted for in the price paid for land’</i> [23b-004-20190901]. PPG continues that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination [23b-004-20190901. The introduction of the opt-in commuted sum has not been subject to the examination process and is being introduced through a document supplementary to the adopted Local Plan.	The previous 2018 Information Note (now superseded) also allowed for a financial contribution for off-site works. While this requirement is not subject to viability, other obligations set out in Local Plan policy such as affordable housing and education contributions are subject to viability. Therefore, there are existing safeguards regarding the level of obligations and viability.
Home Builders Federation	Concerns about the additional financial burden this Information Note would create for developers. Strongly recommend that the Council undertake a full viability assessment of this Information Note to ensure that it is viable and that it	The new ‘opt in’ approach aims to be more

External Consultee	Summary of comments made	Council response
	does not impact on the delivery of homes. Paragraph 34 of the 2021 National Planning Policy Framework establishes the importance of viability to ensure that development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be delivered might be threatened.	efficient for applicants; reducing time, costs and risks during the planning process; compared to the alternative bespoke approach which would be legally required if applicants do not 'opt in'.
Maghull Town Council	All sites allocated for residential development in the Sefton Local Plan were viability tested. Allocated sites already completed or with planning permission will be exempt whilst those sites still to come forward will carry an additional burden, in addition to any site-specific planning policy requirements. Maghull Town Council's view is that any financial obligations to be imposed should be considered as part of the Local Plan Review process, now due five years post-adoption of the Sefton Local Plan.	
Persimmon Homes (North West)	Whilst para 2.2 of the Information Note states that the sums are not subject to viability considerations ' <i>as they relate to legal requirements under the Habitats Regulations</i> ', this fails to address its impact on scheme viability. Concern that this will be an additional planning obligation and financial burden on housing development, which has not been subject to the level of scrutiny afforded by the examination process. Full consideration has not been given to the impact on scheme viability and developers ability to bring developments forward viably to meet identified housing needs. Consider that the planning obligation should be considered as part of a future Local Plan review and subject to full viability appraisal. Paragraph 7.26 of the evidence base document notes the Council's intention to review the Local Plan before April 2022. It would make sense to consider the introduction of additional planning obligations as part of the plan review process to ensure it is subject to examination as well considering its impact on scheme viability rather than implement a short-term interim solution.	
Homes England	No comments.	Noted.
Local resident B	Unjust that Sefton has been split up in to two areas and Sefton East is totally discriminated against. Lesser contribution of £63 per unit explains all current housing development in Maghull and Lydiate. Maghull and Lydiate Councils who run services in the area will not get any money whereas for other parts of Sefton the £299 per unit will likely be re- invested in those areas. How unfair. Sefton Council receive all council tax payments for Sefton, including properties in	Sefton has been divided into two zones based on the evidence in the evidence report . This shows that visitor pressures on the Coast are greater from areas close by rather than from areas further afield (like Sefton East). As development from these areas further afield

External Consultee	Summary of comments made	Council response
	Maghull and Lydiate in the highest bands, yet there is an obvious divide in resources/ reinvestment and funding to Sefton East. Proposal “is an insult to residents of Sefton East and totally biased”.	creates less recreation pressure on the Sefton Coast, such development needs to contribute less to mitigation of that pressure.
Local resident B2	Concerns. Maghull has a large number of new houses due to be built; Maghull town council should receive the full levy, which should be the same amount per dwelling as in the rest of the borough. Existing taxpayers [in Sefton East] already pay extra through the precept for the parks etc.	The commuted sums are to mitigate recreation pressure at the Sefton Coast and must be spent on a specific range of measures (as set out in the evidence report and summarised in section 5 of the Information Note). The overall legal requirement is to protect the integrity of the internationally important nature sites on the Sefton Coast; this is an ecological ‘driver’.
Local resident D	This plan seems to make a lot of assumptions. The difference in the new homes levy between the coast and the towns in Sefton East would point to developers putting more pressure on these places. Maghull is already in line for 1700 new houses on prime agricultural land. Unconvinced that the plan would deliver on its objectives.	
Local resident H	Queries why “it is cheaper to build houses in Maghull and Sefton East than it is to build in Bootle, Crosby and Formby”; this will allow hundreds more houses to be built at hardly any cost in an already congested area. Objects to the scheme which should be £299 per house in all areas.	Mitigation measures include both strategic access management and mitigation measures at the Coast and strategic measures on existing green infrastructure away from the Coast. The non-coastal measures must be appropriately located, of sufficient scale and accessibility to be effective strategic alternatives to visiting the Coast. That is, they must be largescale green spaces or strategic path routes which are realistic alternative visitor attractions to the Coast; rather than general spending on any individual project or open space in the area where the development takes place.
Local resident J	Money raised from house building in Maghull and Lydiate should be given to the relevant Town Councils. Both Town councils should be given all monies from construction in their areas to be reinvested in those areas.	
Local Resident N	This is very unfair to the residents in zone 2 (non coastal). Once again the odds are stacked against Maghull; the poor relations of Sefton Council, overlooked and trodden on once again. Many new homes in the area have already received permission, and this will open the door to build even more, with no guarantee of Maghull retaining its share of the income. This is unfair. Need a way which is fairer to Maghull. “Totally against this proposal”.	
Local resident S	Concerned that the proposed scheme will adversely affect the second Zone; Maghull, Lydiate & parts of Melling. It would appear that funding for facilities e.g. Parks, which are funded locally are likely to suffer. Also it may drive developers East, and we are already overrun by developers.	The spending and distribution of the s106 commuted sums funding will relate to the priorities for mitigation, rather than to factors such as the location of housing development.
Local resident T	Unfair that Maghull and Lydiate are being disadvantaged in funding in favour of coastal zones. There has already been much development in Maghull and Lydiate, with no improvements for existing residents. Facilities for youngsters are non-existent and problems of anti-social behaviour. Strongly object to the	

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Local resident W (has also made other comments, see below)	<p>practice to divert development to Maghull and Lydiate, as highlighted by a local councillor.</p> <p>The list of proposed mitigation measures in Section 3 of the Information Note is helpful but can you advise how the distribution of the S106 funding will occur? For example:</p> <ul style="list-style-type: none"> • Will the funding be pooled centrally and made available for all Ward Councillors with coastal constituencies to bid against? • Will it be held centrally and apportioned by Cabinet? • Will it be delegated to Officers of Green Sefton to administer? <p>Alternatively, will the funding be ring-fenced such that it is used to support the coastal wards closest to the new housing development? What democratic process will be put in place whereby local residents can express their views on where such funds will be expended, bearing in mind Area Committees have been abandoned?</p>	
Local resident W2	Once again Maghull will just become a larger housing estate with poor facilities. I understand the need to protect our coast from the change in climate but feel that once again our area is being asked to provide a solution. new developments are being built on areas which act as flood plains. Maghull is low lying and will be at risk from any rise in sea level.	The Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach is a response to recreation pressure on the Sefton Coast in relation to the Habitats Regulations, not to climate change and impacts such as rises in sea level. Climate change was considered in the preparation of the Sefton Local Plan (2017) and is reflected in a range of its objectives and policies.
Local resident W2	Financially we are being asked to provide more with minimal improvements. There is a misconception that all our residents have substantial incomes.	The financial payment set out in the Information Note relates to a 'one-off' commuted sum to be paid by developers of new homes/ future homes; it does not apply to current residents of existing homes.
Local resident T	Support in principle, although would want an independent panel/committee to scrutinise the spending to make sure that the monies have been spent for the intended purpose.	Paragraph 6.1 of the Information Note sets out arrangements for monitoring of section 106 planning obligations and annual reporting. These are common to all s106 planning

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		<p>obligations. The report is published annually, and this gives the opportunity for information within it to be scrutinised by members, other organisations and the wider public. Paragraph 6.1 has been amended to make this clearer. Sefton Council will give further thought to the detailed presentation of this monitoring information.</p>
Local resident W	<p>Whilst the concept is sound in principle, it would help if the draft documentation explained whether this is in addition to any other S106 contributions which may be required, for example towards schools, affordable housing or other environmental/infrastructure issues.</p>	<p>The proposed s106 contributions for recreation mitigation (linked to the Habitats Regulations) is irrespective of any other s106 commuted sum contributions required for other purposes and this is not the place to discuss these other requirements. However, paragraph 6.1 has been amended to refer to other commuted sums.</p>
Local resident I	<p>This “scheme” comes across as one big deception. Do not support the Interim Approach: instead of asking for money for mitigation, stop doing something that is very wrong. Taking a small sum from wealthy developers is insufficient to preserve this most valuable and protected coastline from constant development and therefore more damage and impact to its biodiversity through human disturbance. Sefton Council has underrated this very beautiful but fragile area and instead of taking sensible steps years ago to halt the decline has carried on with harmful activities. Sefton Council has a duty of care to manage this vulnerable oasis in an urban setting. All local authorities should now be taking steps to conserve their environment. The proposed interim approach proposed is woefully inadequate. This coast and dune system has over the years degraded; much of the wildlife has now disappeared and large areas are bare through recreation trampling.</p>	<p>The Sefton Local Plan (2017) is the key document setting out the policy framework for development and the approach to protecting Sefton’s environment. Other Council documents refer to wider environmental matters.</p>
Local resident I	<p>Why cover the areas surrounding the coast with more houses, adding to recreational pressure. Did Sefton Council follow housing assessments? Did they seek housing sites which did not destroy or harm any biodiversity or ecosystems? Sefton Council has given insufficient weight to the environment</p>	<p>Sefton’s housing and employment requirements, reflected in the Sefton Local Plan (2017), are based on a full objective assessment of the needs of households in the Borough. The</p>

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	<p>and local and national policies and guidance to protect it.</p> <p>Biodiversity “offsetting”, compensating for destroying biodiversity in one area by increasing biodiversity elsewhere, is wrong. It leads to offsetting distant from the wildlife-rich areas lost, and at a much later date - such land takes time (years) to achieve equivalent biodiversity value. It leads to the extinction of species.</p> <p>Biodiversity offsetting and its successor biodiversity gain are not the right solution for the challenges in Sefton and especially Formby. Instead of loss of wildlife and natural environment, real investment in proven conservation solutions such as habitat restoration is needed. The Local Planning Authority should give greater weight to the Green Belt, environment restraints and national and international nature designations, to protect such sites for nature and future generations rather than allow development.</p>	<p>housing requirement is based on the Government’s 2012-based household projections and other evidence including the Review of the Objectively Assessed Need for Housing (2015). As well as the Habitats Regulations Assessment, the locations for this housing growth were assessed against many factors including wider biodiversity as part of the Local Plan preparation process, taking into account specialist and expert technical advice, including from ecologists.</p>
Maghull Town Council	<p>Maghull Town Council takes a close interest in the planning and development of Maghull and the surrounding area. It prepared Maghull Neighbourhood Plan (2017-2037), which is part of the statutory development plan. Maghull Town Council acknowledges that the Habitat Regulations place a legal responsibility on Local Authorities to mitigate any adverse impact from planned growth on designated and protected European Sites. Maghull Town Council supports the principle of developing and implementing a RMS for the Liverpool City Region led by the Merseyside Environmental Advisory Service.</p>	Noted.
Maghull Town Council	<p>The initiative taken by Sefton Council in progressing a Sefton Interim Approach is welcomed by Maghull Town Council. However, Maghull Town Council objects to the approach taken, and on matters of detail, and particularly the mechanism for funding the cost of mitigation. Maghull Town Council trusts that all its representations will be taken fully into account.</p>	Noted.
Maghull Town Council	<p>Maghull Town Council notes that the RMS is still at an embryonic stage. The supporting Draft Evidence Report is currently incomplete, inadequate and contains some inconsistencies. e.g. dates for new surveys and adoption of a final RMS. It is still to be updated and informed by further evidence before a strategic [RMS] solution can be arrived at found, a RMS. The aims and objectives of the RMS have yet to be determined. The governance procedures for implementation</p>	<p>The aims and objectives of the Recreation Management Scheme are to manage and mitigate recreation pressure on the Sefton Coast to less than significant, in line with the Sefton Local Plan, notably policy NH2 ‘Nature’ and in order to meet the legal requirements of</p>

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	and monitoring of a strategy (including criteria for success) are as yet not identified. The aims and objectives of the RMS must acknowledge Maghull Neighbourhood Plan as a development plan document and respond to Neighbourhood Plan Policy MAG1: Priorities for funding Infrastructure Projects.	the Habitats Regulations. It is noted that the Maghull Neighbourhood Plan is part of the Sefton development plan. However, Maghull Neighbourhood Plan policy MAG1: Priorities for funding Infrastructure Projects aims to “secure the delivery of the infrastructure priorities for Maghull, including through appropriate funding mechanisms”, rather than to manage and mitigate for recreation pressure on the Sefton Coast.
Maghull Town Council	The proposed Sefton Interim Approach - introducing an opt-in levy on new housing or opt-out alternative, prior to the formulation of a RMS - is considered to be premature and unjustified at this point in time for a number of reasons (as below).	Noted.
Maghull Town Council	<p>1) The Interim Approach is not justified in the absence of an RMS underpinned by robust evidence base.</p> <p>2) The RMS is still to be produced and subject to public consultation.</p> <p>The Draft Evidence Report recognises the survey shortfalls need to be addressed and that the formulation of RMS cannot be progressed until new survey data is available and assessed. Maghull Town Council agrees that the RMS cannot be formulated before requisite evidence and surveys have been completed. The DER reports that this is the conclusion reached by the RMS Steering Group. The roll out of the Sefton Interim Approach is therefore premature and itself not underpinned by a robust evidence basis.</p> <p>Maghull Town Council considers that the principle of preparing a detailed cost plan and mitigation measures (SAMMS) before deciding, determining and consulting on a strategic solution (RSM) is fundamentally flawed and incorrect – ‘the cart before the horse’.</p>	<p>Do not agree. It is considered that the Interim Approach is justified and needed until the agreement of a final Recreation Mitigation Scheme (RMS), in order to provide a streamlined, lower risk, less costly approach for both applicants and Sefton Council officers than the option of not having an interim approach. (Natural England are supportive of this updated approach, and the timescales for applying it.</p> <p>It is considered that the evidence report, having regard to the recreational activity and bird interaction document (RP03020), sufficiently underpins and justifies the Interim Approach.</p>
Maghull Town Council	3) The RMS is a Liverpool City Region response to the issue of mitigating and managing recreational pressures on coastal designated sites. The issues, response and solution to relieve recreational pressure on sensitive coastal areas	This is in an Interim Approach for Sefton pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. It is based on

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	<p>requires a regional response and not a 'go it alone' initiative as proposed.</p> <p>Maghull Town Council trusts that all its representations will be taken fully into account and that this will result in a strategic approach to mitigating the impact of recreation pressure on European protected sites, in preference to the unilateral initiative proposed by Sefton. The Town Council wishes to participate in the consultation process to achieving that objective and wishes to be notified at the appropriate stage.</p>	<p>the evidence report. Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base. Natural England is supportive of Sefton's approach.</p>
Sefton and Lunt Village Parish Council	<p>The draft Information Note is premature and not fit for purpose and further work is required to ensure that it meets its stated objectives. Sefton and Lunt Village Parish Council would welcome further research and studies before the Information Note is adopted and its provisions notified to developers; would like to be included in any further consultation on this matter and would like to be notified at the appropriate time.</p>	
Maghull Town Council	<p>4) The introduction of an opt-in levy prior to determining how funds are to be used or the ability to measure the effectiveness of any mitigation is invalid and fundamentally unsound.</p>	<p>Section 5 of the Interim Approach Information Note and the evidence report set indicate the range of mitigation measures the s106 contributions will be spent on. The determination of projects for spend will depend on several factors including mitigation priorities which may change over time.</p>
Maghull Town Council	<p>5) The interim approach advocated by Sefton Council does not consider Open Space improvements including outdoor recreation and the enhancement of Green Corridors (Policy MAG1, AP6.8- 6.9), which are identified in the Maghull Neighbourhood Plan. Maghull Town Council is concerned about the implications for the Maghull Neighbourhood Plan which forms part of the statutory development plan. It sets out local strategic objectives which include provision for Open Space improvements including outdoor recreation and the enhancement of Green Corridors (Policy MAG1, AP6.8- 6.9). The interim approach advocated by Sefton Council does not consider the provisions of the Maghull Neighbourhood Plan. There is a heightened risk of the Neighbourhood Plan being disregarded at LCR level in the absence of acknowledgement and support from Sefton Council.</p>	<p>Mitigation measures inherent in Sefton's interim approach include both strategic access management and mitigation measures at the Coast and strategic measures on existing green infrastructure away from the Coast. However, these non-coastal measures must be appropriately located, of sufficient scale and accessible to residents of existing and new development for them to be effective strategic alternatives to visiting the Coast. That is, they must be largescale green spaces or strategic path routes which are realistic alternative</p>

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		<p>visitor attractions to the Coast; rather than on individual, smaller scale parks or routine maintenance works, for example. However, subject to these parameters, this could include the green corridors identified in Appendix 5 of the Maghull Neighbourhood Plan.</p>
Maghull Town Council	<p>The Draft Evidence Report notes that there are significant evidence-base shortcomings to be resolved prior to completing the RMS. It refers to several different visitor surveys from 2009-2018 (paragraph 5.2 and 10.1). These surveys preceded the opening of Brooms Cross Road which made the Sefton Coast more accessible to the wider urban conurbation, east of the Borough. The Draft Evidence Report recognises this has to be addressed and that the formulation of RMS cannot be progressed until new survey data is available and assessed. Maghull Town Council consider that these future surveys should assess the impact of improved accessibility to the Sefton Coast since Brooms Cross Road was opened in 2016.</p>	<p>Any surveys referred to in the evidence report which were carried out after the opening of the Brooms Cross Road will, by default, reflect any impact on coastal accessibility.</p> <p>Moving forward, new or recent surveys will take into account the opening of the Brooms Cross Road, and hence the impacts of any changes to accessibility to the Sefton Coast.</p>
Sefton and Lunt Village Parish Councils	<p>The evidence base for the Information Note appears to be somewhat out of date. Certain elements of the studies were completed before Broom's Cross Road was completed. This road has significantly reduced the time it takes to get to the coast from inland areas, e.g. allows most of Greater Manchester to be within easy reach of Sefton's Coast. This needs to be factored into any mitigation proposed.</p>	
Maghull Town Council	<p>The surveys in the Draft Evidence Report cover different years, locations and methodologies but were not designed to understand or interpret the link between housing, improved access and recreation activity at the coast. The hypothesis in the Draft Evidence Report that recreation pressure is a direct consequence of housing growth in the region is false. Recreational pressures on the coast derives from the existing population and is not merely a function of new housing development. The concept that the burden of mitigation falls on new housing is an oversimplification. Placing the burden of mitigation of costs on new housing development is a disproportionate to the impact that housing development will have on recreational pressure on coastal areas. There is no evidence that recreational</p>	<p>The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identified the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate this pressure to less than significant. The Recreation Management Scheme (including the evidence report) and Interim Approach are a response to this.</p>

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Maghull Town Council Sefton and Lunt Village Parish Council	<p>pressure on the coast increases in correlation to house completion rates. Maghull Town Council objects to the approach taken, and on matters of detail.</p> <p>New housing growth does not necessarily correspond to population growth, as the factors that influence housing need and provision include the rate of household formation and demographic profile of the existing population, not solely population growth. Recreation pressures on the coast arise from health, wealth, lifestyle, more leisure hours and increased car ownership. the Corona Virus pandemic has also increased pressure on all outdoor spaces as people sought to alleviate the misery of lockdown by the limited number of permitted activities.</p>	
Maghull Town Council	<p>The Habitat Regulations place a legal responsibility on local authorities to mitigate any adverse impact from planned growth on designated European Sites. The Draft Evidence Report identifies that increased pressure on the coast also derives from economic activity namely the growth of Liverpool 2 and the expansion of the Liverpool John Lennon Airport. Although the Sefton Local Plan allocates 81.6 hectares of land for employment, there is no suggestion that contributions towards meeting the cost of mitigation should be sought from businesses. This suggests that there is a disproportionate burden on housing development, which is expected to fund all mitigation measures without any contribution from businesses.</p>	<p>The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan includes mitigation for adverse impacts where necessary (including revised policy wording). The Local Plan of other districts have also been subject to an HRA. Any type of development would be subject to the relevant Local Plan policies and hence the need for an HRA if appropriate.</p>
Maghull Town Council	<p>The Draft Evidence Report estimates the potential supply of new homes in the City Region (core and outer zone) as 68,334 dwellings, based on housing requirements set out in emerging and adopted Local Plans. Maghull Town Council consider that this figure is an overestimate mainly drawn from the housing provision identified from Local Plans prepared by Local Authorities. However, these plans cover different periods of time, Sefton's and Knowsley's ending before the conclusion of the [RMS] 15-year financial plan. Future housing for Sefton and Knowsley will be dependent on a Local Plan review. Wirral Council's Draft Local Plan has yet to be published and tested at Examination. The assumptions regarding housing growth and delivery are suspect. Consequently, if the rate of house completions falls short of the predicted levels then the expenditure costs identified in the Financial Plan will not be met.</p>	<p>The evidence report is based on the 'best available evidence' and this includes the housing requirements set out in emerging and adopted Local Plans. This is supported by Natural England in their comments below.</p>
Maghull Town Council	The Draft Evidence Report and Sefton Interim Approach propose a spatial	The spatial aspect set out in the Interim

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	<p>approach to recreation pressure avoidance. Two zones are identified. An inner core zone of up to 5km to European site boundaries generating an assumed 75% of coastal visits and an outer zone of >5km generating less than 25% of visits. If the spatial approach to recreation pressure avoidance is adhered to, Maghull Town Council considers that this should be based on drive time (isochrone) mapping techniques as opposed to physical distance i.e. <5km or > 5km. The Interim Approach seeks contributions only from new housing development. “Why then is a discount [lower commuted sum] proposed for Maghull despite it including the largest housing allocation in the Local Plan (Site MN2.47 – Land East of Maghull, 85.8 hectares, 1400 dwellings)” which was justified partly as a sustainable urban extension with road and public transport accessibility. This is now contradicted by the assertion that residents and new householders in Maghull have less access to, and are less likely to visit, the Coast.</p>	<p>Approach and evidence report is considered to be fit for purpose in relation to housing development. As with other similar requirements, it cannot be applied retrospectively.</p> <p>Assessment of the accessibility of the Land East of Maghull site is not just in terms of accessibility to the Sefton Coast.</p>
Maghull Town Council	<p>No explanation as to how the figure of £299 and £63 were reached, so not possible to assess whether these differing amounts are justifiable or valid. The survey data does not support the differential tariff between the two zones, or any other measures, in advance of RMS.</p>	<p>Appendix 8 of the evidence report shows how the amount of each contributions were determined, as set out in section 3 of the Interim Approach Information Note.</p>
Sefton and Lunt Village Parish Council	<p>No detail provided of how the figures of £299 for the coastal region and £63 for the inner area have been decided/produced. Concern that these are arbitrary figures without sound planning reasons.</p>	
Maghull Town Council	<p>The proposed differential tariff makes make no allowance for socially deprived areas such as Bootle, where the level of contribution will be the same as areas in the Borough where land values are higher. There is also no relief for previously developed sites which ought to be regarded as a priority over greenfield locations.</p>	<p>The need to mitigate for recreation pressure arises from the legal requirements of the Habitats Regulations. The Habitats Regulations do not allow for land values, viability and other factors such as levels of relative deprivation or previously developed land to be taken into account when assessing impacts of development on internationally important nature sites.</p>
Maghull Town Council	<p>Section 8 of the Draft Evidence Report sets out avoidance and mitigation options in the form of SAMMs and SANGs. Table 8 gives examples of potential SANG locations by Local Authority area. Estimated costs for SAMMs are set out in Appendix 8. There are no cost details for SANGs proposed within the Core or</p>	<p>The evidence report and Interim Approach set out in the Information Note is based on the ‘best available evidence’.</p>

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	<p>Outer Zone as the Draft Evidence Report advises these are likely to be complex and dependent on-site specific considerations. The approach adopted raises a number of issues. Maghull Town Council consider that the costed and proposed measures set out in Table 1 of Appendix 8 have been prepared prematurely. The measures and actions proposed are put forward in advance of a strategy, and relevant details have been omitted, e.g. indirect staff costs.</p>	
Maghull Town Council	<p>The introduction of a tariff (i.e. planning obligations) on new housing at the mid-point of the adopted Local Plan needs to satisfy the tests in paragraph 57 of the National Planning Policy Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) namely:</p> <ul style="list-style-type: none"> a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; c) Fairly and reasonable related in scale and kind to the development. <p>The evidence and survey data to demonstrating a) has not been undertaken (a). The link between new housing development and recreational pressure is not proven and, in any case, will not apply to all residential developments so (b) is not met. There is no reference in the Sefton Interim Approach to the above national planning policy requirements.</p>	<p>The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identified the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate this pressure to less than significant. The key legal test here is in relation to the Habitats Regulations.</p>
Maghull Town Council	<p>The Sefton Local Plan was found 'sound' in terms of the tests in the National Planning Policy Framework. However, the Sefton Interim Approach is not sound as it is not 'Justified' by the evidence to date. Evidence including measures and costings in Appendix 8 of the Draft Evidence Report are not effective as they relate to a strategic RMS for the Liverpool City Region and not to Sefton's interim measure promoted on a unilateral basis by one Local Authority. The tariffs proposed should not be brought in as an ad hoc measure in advance of a fully articulated and justified RMS.</p>	<p>The evidence report for the Sefton Interim Approach is based on the 'best available evidence' and is supported by Natural England in their comments below. This is in an Interim Approach for Sefton pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base.</p>
Marine Management	Planning documents for areas with a coastal influence may wish to make	Noted. The NW Marine Plan (i.e. the Inshore

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Organisation	reference to the Marine Management Organisation’s licensing requirements and the North West Inshore and North West Offshore Marine Plans . All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 and the North West Inshore and North West Offshore Marine Plans , or the UK Marine Policy Statement unless relevant considerations indicate otherwise. Please see below our suggestions for the most relevant North West Inshore and North West Offshore Marine Plans policies, which Sefton Council should consider before finalising the Recreation Management Scheme.	and Offshore Marine Plans) area extends to mean high water or activities likely to affect the marine area. The remit of development plans extends to mean low water. Thus, while the development plan [Sefton Local Plan] is a main determinant for assessing planning applications in this intertidal zone (including the beach), the NW Marine Plan can be a material consideration in the decision-making process.
Marine Management Organisation	<p>NW Marine Plan policy ACC-1: Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities, will be supported. Proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>NW Marine Plan policy TR-1: Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported. Proposals that may have significant adverse impacts on tourism and recreation activities must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	Noted. No changes proposed for Interim Approach.
Marine Management Organisation	NW Marine Plan policy SOC-1: Those bringing forward proposals should consider and demonstrate how their development shall enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal.	Noted. Mitigation measures include Interpretation, signage, publicity and signage, which would achieve this. No changes proposed for Interim Approach.
Marine Management Organisation	NW Marine Plan policy INF-1: Proposals for appropriate marine infrastructure which facilitates land-based activities, or land-based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported.	Noted.
Natural England	Natural England welcomes this update to the Sefton Information Note for Sefton’s Interim Approach to addressing recreational disturbance and pressure arising from new residential development. This update brings it in line with the	Noted.

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	best available, local evidence (LCR Evidence Report).	
Natural England	Considers that the most effective and efficient way to address the alone and in-combination impacts from residential development in Sefton to the internationally designated sites is via a strategic approach. While new evidence is currently being gathered to support an approach across the wider area covering the Liverpool City Region and West Lancashire, of which Sefton are a member of the Steering Group, we welcome the strategic approach across the Sefton district.	Noted. This reflects the fact that the Interim Approach for Sefton is similar to Halton's and Liverpool's interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base.
Natural England	<p>The document might benefit from setting out the governance of managing the monies collected and how it will be directed to the appropriate mitigation measures, for example a clear prioritisation of measures to be delivered.</p> <p>We would welcome further engagement on the development of a monitoring framework to ensure a clear audit of mitigation measures delivered and their effectiveness. We advise that consideration of the monitoring approaches set out within the Halton Interim Approach might be useful as an initial consideration.</p>	Noted. The determination of projects for spend will depend on mitigation priorities which may change over time. It is not proposed to amend the Information Note further at this stage. However, Sefton Council will give further thought to the detailed presentation and dissemination of proposed mitigation measures, projects and priorities, and how this is presented in monitoring and other reports.
Natural England	From recent examples of development in Sefton, Natural England would welcome further discussion regarding clarification on certain types of residential development (for example supported living facilities). If it is considered that such developments result in recreational impacts on internationally designed sites (i.e. an expected level of mobility of residents), Natural England would like to understand how the Sefton Interim Approach could be used to as a mechanism to provide mitigation.	Section 3 of the Information Note has been amended to clarify that to dwellings including those within Use Classes C3 (dwellinghouses), C2 (residential institutions) or C4 (houses in multiple occupation for 3-6 residents), and that this includes serviced apartments, supported living accommodation and 'extra care' homes (self-contained or other homes for independent living but with some element of care).
Persimmon Homes (North West)	Important that Sefton Council seeks the views of the development industry in the plan-making process, particularly when seeking to introduce new planning policies or obligations which may impact development viability and the Council's ability to achieve its housing requirements.	Noted.
Persimmon Homes (North	Supportive in-principle of measures which seek to preserve the natural	Noted.

External Consultee	Summary of comments made	Council response
West)	environment within Sefton and provide appropriate mitigation against impacts arising from new residential development.	
Persimmon Homes (North West)	It is not clear whether the Recreation Mitigation Scheme will replace or supplement contributions sought as part of the Nature Conservation SPD, and whether their respective aims and objectives overlap (referred at para 7.25 of the <i>'Towards a Liverpool City Region European Sites Recreation Mitigation Strategy: Draft Evidence Base Report'</i>). We would welcome clarity on this.	Paragraph 7.25 of the evidence report refers to Sefton's superseded 2018 Information Note, so this will need to be updated in future iterations of the evidence report. The Information Note has been amended to clarify the situation regarding paragraph 3.29 of Sefton's 2017 Nature Conservation SPD.
Sefton and Lunt Village Parish Council	Concerned that as payments would only become due for development of 10 houses or more, this would encourage developers to build 9 houses or less particularly on smaller windfall sites.	Noted. However, different policies in the Sefton Local Plan have different thresholds.
Sefton and Lunt Village Parish Council	Concerned that there is no incentive for developers to build on brownfield sites within the scheme when this would be a perfect opportunity to encourage them to do so.	This Information Note refers to recreation pressure on the Sefton Coast. Its role is to manage and mitigate for this pressure, not to provide an incentive for brownfield (or indeed greenfield) development.
Thornton Parish Council	<p>Concerned at the policy outlined for a levy on new build housing for the purpose of mitigation to meet the requirements of the Habitats Regulations. Additional, detailed clarification is needed.</p> <p>Currently the draft document reads as though the proposal involves invalidly bypassing some of the legal safeguards within that legislation and the surrounding case law in cases where significant effects to a designated national site cannot be ruled out without mitigative measures. The document appears to state that developers using the opt in housing levy do not have to provide site specific data to enable Sefton MBC to carry out a robust Appropriate Assessment. (Stage two of the HRA process.) This may simply be an issue of wording, however, as set out in case law from the European Court of Justice, (People Over Wind, Peter Sweetman V Coillte Teoranta, C-164/17) mitigation cannot be taken into account at the stage one 'test of likely significant effects' phase of the Habitats Regulations. So any development which requires mitigative measures in order to avoid significant effects on a protected site</p>	<p>The Information Note has been amended to clarify that while a Habitats Regulations Assessment (including a 'test of likely significant effects' and Appropriate Assessment) is required for the recreation pressure on the Sefton Coast, the mitigation measures have already been agreed. That is, the 'opt in' approach provides appropriate and acceptable measures to mitigate for recreation pressure as Sefton Council has already considered, costed and assessed the likely:</p> <ul style="list-style-type: none"> • Scale of housing development in Sefton (and beyond), <i>and</i> • Levels of visitor pressure from different parts of Sefton, <i>and</i> • Measures that will mitigate recreation

External Consultee	Summary of comments made	Council response
	<p>MUST proceed to stage two and have a full appropriate assessment carried out before approval. For the application to then be legally approvable, this appropriate assessment must show beyond a reasonable scientific doubt that the proposed mitigation measures will fully offset the potential harm of the development.</p> <p>The relevant Cabinet Member Report states that this interim policy should be put to use immediately, as the 2018 version is dated and could cause challenges to grants of planning approval. In fact, implementing this Information Note as a 'work around' to avoid undertaking a robust HRA with appropriate assessment and site specific consideration, coupled with a lack of solid evidence base for the mitigative measures due to out of date surveys as noted in the draft evidence report, would equally leave any proposal approved with use of the opt in levy open to challenge. There are no quick fixes to the procedures required by the Habitats Regulations. If a site has potential pathways to impact the national site network and if these links would cause likely significant effects, then an appropriate assessment must be carried out to ascertain the scope of these and mitigate accordingly, until it is certain beyond reasonable scientific doubt that the proposal with mitigation will not harm the integrity of the national sites network. Without a robust base of survey data on recreational pressure and an assessment of site specific considerations and bespoke information, there is no way of ascertaining to the required legal standard that the levy proposed will actually mitigate entirely the potential harms of developing a site caused through added recreational pressure on protected coastal sites.</p> <p>Sefton Council is urged to scrap any policy of an opt in levy, particularly prior to producing a solid evidence base for a broader recreational mitigation strategy, in favour of bespoke and site specific project level HRA for any development with pathways to the National Site Network. This is the only way to ensure to the required legal standard that these designated sites are afforded the level of protection which they deserve and to which they are legally entitled.</p>	<p>pressure from this housing to less than significant on the Sefton Coast through the provision of an integrated set of measures both on the Coast and at green and open spaces within the Borough.</p> <p>The Information Note now clarifies that the necessary stages of Habitats Regulations Assessment have been carried out. It now refers to the case law referred to.</p> <p>It should be noted that Natural England support the Interim Approach for Sefton (and see in their comments above), pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. They are aware of the legislative requirements of the Habitats Regulations, and also of other 'best practice' schemes elsewhere in England.</p> <p>Also it should be noted that Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound', and adopted. All three interim approaches are based on the same, regional, evidence base.</p>

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Affordable and Supported Homes

Supplementary Planning Document

May 2023

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1. Introduction

1.1 The aim of the Supplementary Planning Document (SPD) is to provide clear guidance to applicants, developers and other stakeholders on how the Council will deal with planning applications for affordable or supported housing or for market homes that trigger the need for affordable or supported housing.

1.2 Everyone has the right to a home. Sefton Council is committed to delivering the right homes in the right places in order to provide for the current and future needs of all residents of our Borough.

1.3 The Council has adopted a Local Plan (April 2017) which, amongst other things, sets out areas where new housing development should be located and the policies that should be applied when considering planning applications for new development. It also requires developers to provide a variety of housing types, sizes and tenures, to provide a choice of market, affordable and supported needs housing in mixed communities.

1.4 One of the key aims in the Local Plan is to meet identified affordable housing and supported housing needs in the Borough. The Council's approach to delivering affordable and supported housing is set out in Policies HC1 and HC2 of Sefton Local Plan.

1.5 This Supplementary Planning Document (SPD) expands upon these policies and provides detail on how specific policies are to be implemented.

1.6 Since the adoption of the Local Plan the Council have updated its evidence base for housing (the 2019 Strategic Housing Market Assessment) and this has informed several changes to how the Council will implement the Local Plan policies. Several changes have also been made due to changes to the NPPF and the introduction of First Homes.

2. National Policy Context

2.1 The National Planning Policy Framework (NPPF) sets out government policy on planning for affordable housing as follows:

- Paragraph 34 requires that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required.
- Paragraph 60 states that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- Paragraph 61 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- Paragraph 64 requires that where major development including the provision of housing is proposed, planning policies and decisions should expect at least 10% of

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the homes to be available for affordable home ownership as part of the overall housing requirement contribution from the site.

2.3 In March 2014, the Government introduced National Planning Practice Guidance (NPPG), a web-based planning policy resource. NPPG provides extra detail and guidance to back up the national planning policies set out in the NPPF. NPPG is updated periodically but should always remain consistent with NPPF policy.

2.4 In November 2014, the Government announced changes to NPPG including the introduction of 'vacant building credit'. This provision applies to the redevelopment of brownfield sites and requires local planning authorities to take account of the floorspace of any existing buildings on site when calculating affordable housing requirements for the proposed new development.

2.5 In May 2021 the Government introduced First Homes as a new tenure of affordable housing within the affordable home ownership typology and this set out new requirements for the provision of First Homes within section 106 secured affordable housing.

3. Local Policy Context

3.1 The Sefton Local Plan was adopted in April 2017. The Local Plan includes policy HC1 'Affordable and Special Needs Housing'. The term 'special needs' housing in the policy has been replaced by 'supported housing' in this SPD. This policy sets out how the Council will secure affordable homes as part of market housing developments, including the proportion of affordable housing, tenure split and layout considerations. The policy also sets out the limited instances when affordable homes can be reduced or offset by a financial contribution or supported homes.

3.2 Policy HC2 acknowledges that Sefton has an ageing population and therefore requires at least of 20% of new market homes (on schemes of 50 homes or more) to be designed to meet part M4(2) of the Building Regulations for Accessible and Adaptable Homes.

3.3 The specific requirements of policies HC1 and HC2 are provided at each relevant section in this SPD for context.

3.4 In addition to the Local Plan, there a number of Neighbourhood Plans which have been 'made' (i.e. adopted) in Sefton. An applicant should check the status of the neighbourhood plans within Sefton (see www.sefton.gov.uk/neighbourhoodplanning) to confirm if there are any additional requirements/policies in relation to affordable housing.

4. Definition of Affordable Housing

4.1 The Council uses the Government's own definitions of affordable housing as stated in the Annex 2: Glossary of the National Planning Policy Framework (NPPF).

Affordable housing is defined in NPPF (February 2019) as:
Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers) and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

4.2 In Sefton, to ensure that local people are able to access affordable housing for rent, affordable rents must be set below Local Allowance caps. These can be viewed at <https://lha-direct.voa.gov.uk/>.

4.3 In addition to the NPPF definition of affordable housing, the government has subsequently introduced a new affordable housing tenure, **First Homes**. First Homes can be included within the 'Other affordable routes to home ownership' and was introduced in May 2021. Guidance on First Homes¹ sets out that First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This will clearly have an impact on how the Council implement its affordable housing policy, in particular the tenure split requirements. This is covered in section 7 below.

4.4 First Homes are discounted market sale units which:

- must be discounted by a minimum of 30% against the market value;

¹ <https://www.gov.uk/guidance/first-homes>

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- are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- after the discount has been applied, the first sale must be at a price no higher than £250,000

4.5 The minimum discount, maximum first sale price and eligibility criteria can be set to local criteria if justified. Based on an assessment of local housing affordability² the Council considers that the 30% discount is acceptable subject to a maximum price cap (for first sale only) of:

- For a one or two-bedroom home –£160,000
- For a three-bedroom home - £180,000
- For a four+ bedroom home – apply the national cap of £250,000

This price cap will be reviewed regularly and at least every three years.

4.6 Discounted market homes are very similar to First Homes with the exception that they are not restricted to first time buyers (see below), and they have a minimum discount requirement of 20%. Nonetheless, based on an assessment of local housing affordability any discounted market sales housing will also be subject to a maximum price caps above.

5. Eligible Households

5.1 Affordable housing is defined in the NPPF as ‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or for essential local workers)’ [our emphasis]. Therefore, affordable housing that is provided (regardless of tenure) will only be available for those who can demonstrate that their needs are not met by the market. How this is determined will differ depending on the tenure of the affordable home. Furthermore, as we are seeking to meet local affordable housing need, there will be an additional local connection criterion to be considered eligible.

5.2 Affordable and Social Rented properties in Sefton are managed through Property Pool Plus. Property Pool Plus is a sub-regional housing allocation scheme which covers Halton, Liverpool, Knowsley, Sefton and Wirral areas. Through this system applicants are categorised and prioritised in accordance with their eligibility. We require all homes provided for affordable and social rent to be managed through Property Pool plus.

5.3 Other tenures of affordable housing, such as Discounted Market Sale homes and First Homes will be sold directly through the developer (or third party appointed by the developer). In these cases, it will be necessary for any prospective purchasers to demonstrate their eligibility.

First Homes Eligibility

² Housing Affordability in the Context of First Homes (JG consulting, February 2022)

5.4 The national eligibility criteria for First Homes are set at paragraph 007 of the First Homes national guidance. The Council are able to apply their own eligibility criteria. Based on an assessment of affordability² the following is the Sefton's eligibility criteria for First Homes:

- A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers (national criteria).
- Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding **£55,000** in the tax year immediately preceding the year of purchase (local criteria – national level is £80,000).
- A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price (national criteria).
- At least one the purchasers should meet one of the following criteria:
 - Meets the local connection requirement³
 - Is a key public sector worker in the health and social care, emergency services or education sectors
 - is or was a member of the armed services within the past 5 years (local criteria)
- The number of bedrooms in the First Homes should match the needs of the prospective occupiers, using the following criteria:
 - 1 or 2 bedroom – one person or more
 - 3 bedroom – at least two people (including children)
 - 4+ bedroom – at least three people (including children) (local criteria)

The Council will consider a larger home than the household size would suggest if a case is clearly and robustly made that, due to specific household or family circumstances, a larger home is required.

5.5 It is a requirement that a prospective purchaser confirm with the Council that they meet the above eligibility criteria. Evidence should be submitted that clearly demonstrates that eligibility criteria is met. The Council will issue a compliance certificate to applicants who demonstrate their eligibility to purchase a First Home. The Council will seek to issue the compliance certificate within 28 days of being issued with the evidence to satisfy eligibility. Developers and housebuilders should make prospective purchasers aware of the necessary eligibility criteria and evidence necessary to avoid delays.

5.6 If, after a First Home has been actively marketed for 3 months, and it has not been possible to find a willing purchaser who meets the Eligibility Criteria above, the Council will

³ Have lived in the Sefton for 6 months out of the last 12 months or 3 years out of the last 5 years; or have a permanent job in Sefton; or have a minimum of a 12-month contract of employment in Sefton or have been working for a continuous period of 6 months in Sefton; or have a close family association (parent, child or brother/sister) who is currently living in Sefton and has done so for more than 5 years;

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relax the locally set criteria, i.e. in relation to household income, local connection, size of home. All of the criteria will be applied for subsequent sales of the home subject to the 3 months marketing requirement.

Discounted Market Homes eligibility

5.7 The Council will apply the same eligibility criteria for discounted market homes as for First Homes, with the exception of the purchaser needing to be a first-time buyer.

6. The need for Affordable and Supported Housing in Sefton

6.1 The Council published its most recent Strategic Housing Market Assessment (SHMA) in 2019. This identified the housing needs, including the need for affordable and supported housing in the Borough. Sefton has a total net affordable housing requirement of approximately 7,432 homes over the period 2017-2036 which is equivalent to about 391 affordable homes a year. The need for affordable homes varies across the different parts of Sefton. The table below sets out the estimated annual net need for new affordable housing in each of Sefton's key settlements.

Affordable Housing Need in Sefton

	Net affordable annual housing need	Net need per 1,000 households
Southport	226	5.4
Formby	60	5.9
Sefton East	77	5.1
Crosby	73	3.4
Bootle	-17	-1.0
Netherton	-28	-1.8
Total	391	3.2

6.2 There is a need for additional affordable housing in many areas of the Borough with Southport showing the highest numeric need (226 units per annum). The area with the highest need by proportion of existing households is Formby (5.9 per thousand households), followed by Southport (5.4 per thousand households) and Sefton East (5.1 per thousand households).

6.3 Both Bootle and Netherton show small surpluses of affordable housing, which is consistent with the relatively large stock of affordable housing along with some of the cheapest housing costs in the Borough. Nonetheless the 2019 SHMA suggests that a target for 15% affordable housing in Bootle and Netherton should be considered to (i) improve the mismatch between the size of social rented accommodation required (particularly 1 and 2 bedroomed dwellings) and anticipated supply and (ii) to provide opportunities for younger (lower income) households to access owner-occupied housing.

6.4 The 2019 Strategic Housing Market Assessment⁴ (section 4) looked at the level need for affordable home ownership homes in Sefton. This suggests that there could be a need of up to 315 affordable home ownership units in Sefton each year.

7. Sefton's Affordable Housing Policy

⁴ https://www.sefton.gov.uk/media/3487/sefton_shma_final_report_oct2019.pdf

7.1 Proposals for 15 (net) additional dwellings or more are required to contribute to affordable housing. In the past we have only applied the affordable housing requirement on schemes that fall under Use Class C3 and not sought an affordable housing contribution on housing accommodation with care (Use Class C2). However, a recent High Court Judgement⁵ indicated that the application of the Local Plan Policy depends on the wording. If the policy states that it only applies to C3 uses, then that is the key factor. However, if it applies to 'dwellings', as is the case in Sefton, then the affordable housing policy will apply to proposals for all dwellings, regardless of whether it falls within a C3 or C2 use. The table below sets out the affordable housing requirement in Bootle and Netherton and the rest of Sefton.

	Development Size	Affordable housing Requirement
Bootle and Netherton	1-14 net additional dwellings	None
	15 or more net additional dwellings	15%
All other areas	1-14 net additional dwellings	None
	15 or more net additional dwellings	30%

7.2 The Local Plan sets out that the affordable housing requirement is measured by bedspaces rather than units or bedrooms. However, following the recommendations of the 2019 Strategic Housing Market Assessment (SHMA) **from January 2020 the Council will use units for the basis of calculating the affordable housing requirement.**

7.3 For the purposes of Local Plan policy and this SPD, Bootle and Netherton is defined as the electoral wards of Derby, Ford, Linacre, Litherland, Netherton & Orrell and St Oswald. This area is shown on the Local Plan policy map and at Appendix A.

7.4 The Council will not permit sites to be artificially sub-divided to avoid the affordable housing requirement. For example, if a site is divided so that two separate applications of 10 homes are received, we will still seek to ensure the full affordable housing requirement is secured on the full 20 homes. This will be secured on the application that takes the total number of homes above the policy trigger. In deciding whether a site is a single planning unit the Council will consider the following:

- Whether the site is, or has recently been, within single ownership
- Whether the site is a single Local Plan allocation or identified in the Strategic Housing Land Availability Assessment as a single site
- Whether the sub-division of the site is based upon robust boundaries, such as main roads, water features (rivers, canals, large brooks etc.), or different existing land uses
- The planning history of the site (i.e. has the site been recently subject to previous applications or pre-application advice)
- The time difference between the applications

8. Tenure Split

⁵ [Rectory Homes Limited v Secretary of State for Housing, Communities and Local Government. Case Number: CO/4682/2019](#)

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8.1 Policy HC1 of the Local Plan set out that the tenure split of affordable housing should be:

50:50 between affordable/social rent and intermediate housing in Bootle and Netherton, and

80:20 between affordable/social rent and intermediate housing elsewhere

8.2 However, changes to the NPPF (specifically paragraph 64), the introduction of First Homes, and the subsequent review of the SHMA requires a change to the tenure split we are applying.

8.3 The amended approach for the tenure splits within affordable housing secured by planning obligation (note – this does not apply to 100% affordable housing schemes, see below) is:

Outside Bootle and Netherton

30% affordable homes

Split by:

67% (minimum) affordable or social rent

25% (minimum) First Homes

8% (maximum) other affordable home ownership homes

Bootle and Netherton

15% affordable homes

Split by:

33% (minimum) affordable or social rent

25% (minimum) First Homes

42% (maximum) other affordable home ownership homes

8.4 Within the 'other affordable home ownership homes' in the table above, additional First Homes can be provided as can other types of homes that would fall within this broad affordable tenure type (such as Shared Ownership).

9. 100% Affordable Housing Schemes

9.1 Whilst the Council has a significant affordable housing need, this is not equally spread throughout the borough. The areas with higher house prices have a much higher affordable need than the areas with lower house prices, i.e. Bootle and Netherton (see above). However, in recent years, Bootle and Netherton have seen many large housing developments that provide 100% affordable housing. Whilst this can help diversify the choice and quality of affordable housing in Bootle and Netherton, and often helps to regenerate derelict sites, it can cause an issue by restricting the provision of market and aspirational homes in these areas. It can also undermine the objective of creating mixed and balanced communities as set out at paragraph 63 of the National Planning Policy Framework.

9.2 Therefore, the Council requires **in the Bootle and Netherton area only** the following will apply –

On schemes of 50 dwellings or more, no more than 50% of the homes provided should be made available for social or affordable rent.

9.3 The remainder of the homes on these schemes can still be affordable housing but must be affordable homes for sale, which could include First Homes, Shared Ownership Homes, Rent to Buy or other homes that provide an affordable route to home ownership. The remaining homes may also be market homes. We will accept 100% affordable housing schemes of any tenure outside Bootle and Netherton.

9.4 On 100% affordable housing schemes the Council will not apply any tenure split requirements other than the above (i.e. the tenure split in section 8 does not apply to 100% affordable housing schemes).

9.5 Due to the need to clarify issues relating to definitions, tenure split, nomination rights, and delivery etc. the Council will require schemes for 100% affordable homes to be secured through section 106 agreements. This is supported by paragraph 8.23 of the Local Plan which states that 'all affordable or special needs housing will be secured through legal agreement'. This also protects the Council if a site secures planning permission for 100% affordable housing, and this is subsequently sold to a private developer. We will work with registered providers, as applicants on funded schemes, to ensure that the content of the section 106 does not contradict funding requirements.

9.6 The Council accepts that the delay in issuing a decision notice may undermine the ability of the Registered (Housing) Provider to secure funding. The Council will consider as a special circumstance, on affordable housing schemes by Registered Providers only, to use a pre-commencement condition to secure the signing of a section 106 agreement. It is the responsibility of the Registered Provider as the applicant to clearly demonstrate this is necessary. It may also be beneficial for a Registered Provider to submit draft 'heads of terms' to support an application to clearly set out what they consider a section agreement should contain. This is likely to make the process of issuing a section 106 quicker. We will work with registered providers, as applicants on funded schemes, to ensure that the content of the section 106 does not contradict funding requirements.

9.7 On a case-by-case basis, the Council will consider some flexibility on the specific clauses that secure affordable housing and how they are applied on the portion of affordable homes provided in excess of the planning policy requirement (as set out in Local Plan Policy HC1 and this SPD). This will have to be justified by the affordable housing provider setting how those clauses would impact on the delivery of those affordable homes or any external funding.

10. Affordable Housing Design Considerations

Part 8b of Policy HC1 states

Affordable and/or special needs dwellings shall be:

'pepper-potted' i.e. there shall be a reasonable dispersal of affordable housing or special needs units within residential developments (i.e. groupings of no more than six units) to promote mixed communities and minimise social exclusion.

The only exception to this will be where it can be demonstrated that the special needs housing has to be grouped together for functional or management purposes.

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10.1 'Pepper-potting' is commonly considered as the dispersal of affordable housing units within residential developments to promote mixed communities and minimise social exclusion. The overriding purpose of pepper-potting is to ensure affordable housing is fully integrated within market housing, to ensure a reasonable distribution throughout the site and that no undue concentration of affordable housing is provided in particular parts of the site.

10.2 Developers are strongly advised to discuss at an early stage, preferably at a pre-application stage, appropriate layout and phasing of development with the Local Planning Authority to ensure that affordable housing is dispersed in an acceptable way throughout the development in order to minimise delays once a planning application is submitted.

10.3 To assist, Policy HC1 of Local Plan has set out that groupings of no more than six affordable homes should be provided. However, this is not the only consideration for pepper-potting to be acceptable. The following are issues that the Council will consider:

- Are the affordable homes clustered in one part of the development?
- Is there a greater proportion of the affordable homes located in the least desirable parts of the proposal, such as next to rail lines, busy roads, employment areas etc.?
- Are groups of affordable homes separated by a small number of market homes to artificially avoid groups of more than six affordable homes?

10.4 The Council do accept in very large schemes (those that secure 50 affordable homes or more), that are expected to provide a significant amount of affordable housing, it may not be possible to fully disperse all the affordable housing into individual groupings of six. We may be prepared, in limited circumstances, to be flexible if the principle of providing mixed communities is clearly being demonstrated.

10.5 The examples below show what distribution of affordable housing would and would not be acceptable. The Council appreciates that each scheme is different, and these broad principles may not always be easily interpreted on site. The Council will assess each site on its merits but will always seek to ensure that the principle of pepper-potting is adhered to.

10.6 In the example below the affordable housing is all clustered in the bottom left and central areas. There are groupings of more than six affordable homes and large sections of the development do not have any affordable homes at all. **This distribution of affordable housing would not be acceptable.**



10.7 In the same example below the affordable homes are distributed across all areas of the proposal. There are no more than six affordable homes in a group. **This distribution of affordable would be acceptable.**



10.8 In addition to these broad principles, on very large schemes the Council will expect a reasonable distribution of affordable across each clearly defined zone or phase. A zone is an area that is clearly defined by a main road, area of open space, water feature etc.

10.9 The Council will also require affordable units to be pepper-potted within flatted schemes. There should be a reasonable dispersal of affordable housing across different blocks of flats and, in some cases, throughout individual blocks. In mixed tenure flats careful

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consideration must be given to how any communal amenity space and parking will managed and RPs should be involved to ensure that what is being proposed is acceptable to them . In some cases, it may not be feasible to have mixed tenure flats due to management purposes. In these cases the Council may accept slightly more than six affordable homes in a single block on a case-by-case basis. However, the Council will not accept all the affordable homes in large single block of flats on a scheme where the market homes are otherwise in dwellings.

10.10 If it is intended to provide flats as affordable homes it is strongly recommended to speak to a Registered Provider (of affordable housing) prior to submitting an application to ensure that what is proposed is acceptable, both in terms of the size and format of the accomodation. In the Council's experience Registered Provider's have very specific requirements in terms of providing affordable housing as part of flatted schemes and these requirements need to be taken into account by developers. The Council wishes to avoid circumstances where schemes are approved with flatted developments containing some affordable housing and then subsequently for the developer to advise the Council that there is no Registered Provider interest in the affordable housing units

Part 8a of Policy HC1 states

Affordable and/or special needs dwellings shall be: 'tenure blind' i.e. there shall be no external visual difference between the affordable/special needs housing and market housing

10.11 The quality of the affordable and market homes should be of the same high standard. Whilst the Council accepts there are likely to be some differences between the house types used for affordable and market homes, each should be of the same standard in terms of materials, build, space, external features, design quality and overall appearance. It should not be possible to walk through a completed scheme and know which are the affordable homes simply by appearance. The Council strongly recommends that a mixture of house types are used for the affordable housing and that the same house types are used for both the affordable and market housing where possible.

11. Permitting off-site affordable housing provision and financial contributions in lieu of on-site provision

Part 10 of Policy HC1 states

Off - site provision of affordable housing, or a financial contribution of broadly equivalent value, will be considered where it can be robustly justified, and where the agreed approach contributes to the objective of creating mixed and balanced communities.

11.1 The overwhelming priority for the Council is to secure the provision of affordable housing on-site as part of larger housing schemes. However, in a limited number of exceptional circumstances the Council may accept either the affordable homes to be provided off-site or accept a financial contribution in lieu of on-site affordable housing. The applicant will have to clearly demonstrate why the provision of on-site affordable homes is not practicable or desirable. Developers must also be able to clearly demonstrate how an off-site financial contribution contributes to the objective of creating mixed and balanced communities.

11.2 The exceptional circumstances that may justify an alternative to on-site affordable could include:

- The site may not be suitable for affordable homes as it is not readily accessible to services and public transport (the Council does not envisage there are many locations in Sefton where this will apply)
- Where there is a demonstrable lack of interest from a Registered Provider (Housing Association) purchasing the affordable housing properties
- The Council considers that the affordable homes would be better provided elsewhere

11.3 In order to demonstrate that there is a demonstrable lack of interest from a Registered [Social Housing] Providers (RPs) the applicant must set out in an affordable housing statement (or similar) the measures that they have undertaken to engage with a wide range of locally active Registered [Social Housing] Providers (RPs) in a timely, rigorous and effective manner. The applicant will have to provide letters from at least three locally active RPs that clearly show that they have legitimate reasons why they would not be willing or able to manage on-site affordable housing. The Council will confirm with each of the RPs their reasons for not being able to manage affordable housing on site.

11.4 Regardless of the argument put forward to justify off-site provision of affordable homes, it is at the discretion of the Council whether it will accept an alternative. Financial contributions in lieu of on-site affordable homes will be subject to same test of viability as on-site affordable housing.

12. Calculating off-site financial contributions in lieu of on-site affordable housing

12.1 In calculating a commuted sum the following approach will be used:

Step A

The applicant must provide details of the different types and sizes of homes within the proposed scheme. The Council, in liaison with the developer, will determine what proportion of each of these house types would be required to be affordable if the Council's affordable housing policy were to be met.

The key consideration should be meeting the overall provision of affordable units [15% in Bootle and Netherton, 30% elsewhere] and the tenure split as set out at section 7 above].

Step B

The applicant must provide details of the open market value [OMV] of the identified affordable homes. This should be based on local evidence of similar schemes and be supported by a valuation prepared by an RICS Registered Valuer.

Step C

The applicant must submit evidence to demonstrate how much an appropriate Registered Provider [RP] would purchase the affordable housing units for on the basis that the dwellings remain affordable units.

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This can be provided as either a) as a cash price for each affordable unit or b) as a % of the OMV for affordable home types (e.g. affordable rent, shared ownership etc) the RP would normally pay [i.e. the RP transfer rate].

The applicant should calculate the 'cost to developer' if the affordable units were to be provided on site. The cost will be equivalent to the difference between the OMV and the price that the Registered Provider would be prepared to pay

e.g. If a house is worth £200,000 on the open market and a registered provider would purchase the property for £120,000 then the 'cost to developer' would be £80,000.

Similarly, if the RP would pay 60% of the OMV for a house the developer would bear the remaining 40% of the value, i.e. the 'cost to developer' would be £80,000.

The evidence we will accept is a letter from three Registered Providers that are active in Merseyside, preferably Sefton. The Council will use the average RP transfer rate to calculate the cost to developer.

In the absence of submitted evidence that has been endorsed by the Registered Providers the Council will use its own evidence to determine the 'cost to developer'. The evidence is likely to be based on recent transactions across Sefton and neighbouring areas.

Step D

Once the total 'cost to developer' is calculated for the scheme the Council will include uplift (see below) to the financial contribution to reflect the fact if the affordable homes are provided off-site, the number of market homes on site increases.

12.2 In calculating this uplift the Council will apply the following assumptions:

$$\text{Total Scheme [TS]} = \text{Market Homes [MH]} + \text{Affordable Homes [AH]}$$

For sites within Bootle and Netherton

$$\text{Market Homes [MH]} = 0.85 \times \text{Total Scheme [TS]}$$

$$\text{Affordable Homes [AH]} = 0.15 \times \text{Total Scheme [TS]}$$

For sites outside Bootle and Netherton

$$\text{Market Homes [MH]} = 0.7 \times \text{Total Scheme [TS]}$$

$$\text{Affordable Homes [AH]} = 0.3 \times \text{Total Scheme [TS]}$$

12.3 In a scheme where the affordable housing is provided on-site then the Total Scheme [TS] is the known factor.

12.4 For example in a scheme (outside Bootle and Netherton) with a total of 100 units the following split between Market Homes [MH] and Affordable Homes [AH] will be required to be policy compliant.

Total Units	100 (known value)
No. of Market Homes	70 (0.7 of total scheme)
No. of Affordable Homes	30 (0.3 of total scheme)

12.5 However, if the Affordable Homes [AH] are to be provided off-site and the application site is to be wholly Market Homes [MH] then the Total Scheme [TS] increases. In this scenario the number of Market Homes [MH] becomes the known factor.

The formula:

Market Homes [MS] = 0.7 x Total Scheme [TS], can be rewritten as
Total Scheme [TS] = Market Homes [MH]/0.7

12.6 Therefore, in the same scheme as above the total scheme will increase as follows:

No. of Market Homes	100 (known value)
Total Homes	143 (i.e. Market Homes/0.7)

12.7 As we know:

Total Scheme [TS] = Market Homes [MH] + Affordable Homes [AH]

The number of Affordable Homes [AH] will therefore be the equivalent of 43 units (i.e. 30% of the total scheme). The financial contribution for off-site affordable housing will have to reflect this.

11.8 If the applicant determines that the final financial contribution would make the scheme unviable they must demonstrate this through a viability statement (see section 14 below). This would have to be appraised by our retained economic viability consultants and the fee for this is borne by the applicant.

13. Spending off-site financial contributions in lieu of on-site affordable housing

13.1 The Council will use the financial contributions to fund projects and initiatives that will increase the provision and availability of affordable housing across Sefton. This will prioritise the provision of affordable homes in the local area if possible, with the fundamental aim being the creation of mixed and balanced communities that accords with Policy HC1 of the Local Plan and paragraph 63 of the NPPF.

13.2 The order of preference for prioritising the spending of section 106 contributions for affordable homes as:

- **First Preference**
The ward in which it was secured
- **Second Preference**
The settlement in which it was secured
- **Third preference**
A settlement adjacent to that in which it was secured
- **Fourth preference**
Elsewhere in Sefton

13.3 This is to ensure that the affordable housing is provided close to where the need arises and continues to provide mixed communities. It provides flexibility to prevent monies being secured without the ability to spend it.

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What it will be spent on?

13.4 The Council will look at the best approach at spending commuted sums in each area to achieve maximum benefits. This may include using any contributions:

- On other sites that the applicant has control over to increase the delivery of affordable homes
- On Council owned site provided either by the Council or in partnership
- To bridge a funding gap on other development sites where the full policy compliant affordable housing can't be met
- To go into a Local Affordable Housing Delivery Fund (or similar) managed by the Council that Registered Providers can bid for, subject to criteria, to deliver affordable homes
- To help bring back vacant homes back into use if they will be subsequently secured for affordable homes

13.5 The Council will identify, on an ongoing basis, subject to separate local consultation, what is the best approach in each local area to maximise the delivery on local affordable housing need. The Council intend to publish these identified local priorities so that local members and residents, developers and social housing providers will know what any financial contributions will be used for.

When it will be spent?

13.6 The aim is to identify projects and spend any section 106 contributions for affordable housing as quickly as possible after receipt. However, it will often be difficult to do this due to (a) a lack of sufficient sites that are ready to be developed with short notice; and (b) in some instances the section 106 contribution may not be large enough to fund any provision on its own. It will often be required to pool⁶ a number of financial contributions to provide a large enough fund to provide a meaningful amount.

13.7 The financial contribution will be identified for spend within 5 years of receipt of the full amount (i.e. when all phased payments have been received). Within this it would be expected that a minimum of three years will be allowed in order to identify projects within the first two preferences areas (as identified at paragraph 12.2 above). After this period projects within the third and fourth preference areas will be considered.

When will the payment be required?

13.8 The Council recognises that a financial contribution secured through a section 106 can impact on the viability of a development if it all has to be paid up front. The Council will therefore allow payments to be staged when the total cost is above £100,000. The Council will implement the following stage payments to be made in relation to section 106 contributions⁷:

<£100,000	All within 60 days of commencement
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⁶ Subject to the section 106 contributions pooling restrictions set out on in regulation 123 of the Community Infrastructure Levy Regulations 2010

⁷ This payment schedule refers to the total amount of section 106 contributions, including other infrastructure improvements, e.g. education, open space.

£100,000 to <£250,000	50% within 60 days of commencement 50% 12 months after commencement
£250,000 to <£500,000	33.3% within 60 days of commencement 33.3% 12 months after commencement 33.4% 24 months after commencement
Over £500,000	25% within 60 days of commencement 25% 12 months after commencement 25% 24 months after commencement 25% 36 months after commencement

How it will be monitored?

13.9 The Council will publish a record of how much it has received in financial contributions for affordable housing (and other contributions) through section 106 agreements. This will be included within the section 106 monitoring report published by December each year. This report will also set out how the contributions have been spent, including how many affordable homes have been secured.

14. Demonstrating a Lack of Economic Viability

Part 9 of Policy HC1 states

Affordable and/or special needs housing will be provided in accordance with this policy unless a robust assessment of a scheme's economic viability confirms that this cannot be achieved.

14.1 Where an applicant seeks to depart from the policy position based upon economic viability, the Council will require a full financial assessment to be submitted by the applicant. It is the responsibility of the applicant to submit sufficient information to clearly and unequivocally demonstrate how the provision of the full affordable housing requirement would impact on the deliverability of the site. In this situation the applicant should clearly indicate either that a proportion of the policy compliant affordable housing can be provided (and what proportion by percentage and dwelling numbers), or if no provision can be made.

14.2 The submitted information will be robustly and independently appraised by the Council's retained economic viability consultants. The applicant will be required to meet the full cost of this work, including any meetings that are required. Once the relevant information has been submitted to the Council a quote for the appraisal will be provided. The Council will only instruct its economic viability consultants to undertake this work once payment has been received.

14.3 Viability assessments submitted by the developer in support of the removal, or the reduction of planning obligations will be published in full on the Council's website, unless exceptional circumstances are justified by the developer and agreed by the Council. This will

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also apply to any appraisal of viability assessments undertaken by the Council's retained viability consultants.

14.4 In the exceptional circumstances where it is agreed not to publish the viability assessment in full, the developer shall be asked to produce two versions of the report, namely one containing agreed commercially sensitive information but not available for public inspection, and a second version of the report with the agreed commercially sensitive information excluded for public inspection. In this regard, the Council's retained viability consultant, in appraising commercially sensitive information, will similarly need to produce two versions of the report (at a cost to the applicant).

14.5 If the Council accepts that a lesser amount of affordable housing is necessary to make the development viable and deliverable, the remaining amount of affordable housing should still meet the tenure split as set out in section 7 above.

14.6 Where the Council accepts that a lesser number of affordable homes due to viability issues, then it will consider granting permission for a two-year period, rather than three years. It will do this on a case-by-case based on the specific circumstances of each proposal.

14.7 In some instances where the Council accept a reduced number of affordable homes, due to viability, the Council will also consider including an overage clause within a section 106 agreement. This will only be considered for large housing developments (i.e. 100 homes or more), or those to be delivered in a phased manner, which would be expected to take a number of years to complete. The overage clause would seek to ensure that if market conditions have improved sufficiently at a specified future point (such as at completion), the affordable housing policy position would be met. This would be secured through a financial contribution and will be subject to an updated viability appraisal, paid for by the applicant/developer. The decision to include an overage clause within a section 106 agreement will be made on a case-by-case basis taking into account issues such as:

- The reduction in the amount of affordable homes
- Whether the proposal has other significant community or regeneration benefits
- The level of affordable housing need in the local area
- Whether there are any other planning obligations secured

14.8 Whilst the delivery of affordable homes has been identified in the Local Plan as a key requirement, there may be other infrastructure requirements that will have to be provided through development. These could be highways, education, health, recreation or environmental improvements. If a lack of viability requires a choice to be made between affordable homes and other infrastructure improvements, the Council will make that decision on a case-by-case basis. The decision will be based on the specific needs of the site and the local area.

15. Vacant Building Credit

Part 5 of the policy States:

Proposals that involve the re-use of a vacant building or where it is demolished and replaced by a new building, will receive a financial credit equivalent to the existing gross floorspace (of relevant vacant buildings) when calculating any affordable housing contributions.

15.1 Vacant Building Credit (VBC) was introduced by the Government with the aim of stimulating the development of vacant buildings on brownfield sites. Vacant Building Credit offers developers a financial credit based on the existing gross internal floor area of any vacant building on the development site. However, this will not apply to a building that has been deemed abandoned.

15.2 In order to qualify as a vacant building, the entire building must be demonstrated to be vacant. Where a building is partly occupied it will be deemed ineligible for the vacant building credit. It is a vacant building credit, not a vacant floorspace credit. The credit is only applicable to relevant vacant buildings; the Council will not accept for example sheds and non-permanent buildings as being relevant for the purposes of calculating a vacant building credit.

15.3 If VBC is being sought a Vacant Building Credit Statement must be submitted alongside the relevant planning application in which a reduced affordable housing contribution is being sought.

15.4 Within this statement the developer will need to submit the following information:

- Evidence that any referenced building is a 'Vacant Building'. A building will not be considered as 'vacant' if the building has been in continuous use for any six months during the last three years up to the date of the planning application is validated. The building must also be vacant at the time of the time the application is determined (the applicant will be required to (re)confirm this at the date of determination or as close as possible to that date).
- Evidence a building on site is not an 'Abandoned Building' or vacated solely for the purpose of redevelopment. The onus will be on the applicant to demonstrate this. The four factors the Council will take into account are:
 - The physical condition of the building;
 - The length of time that the building had not been used;
 - Whether it had been used for any other purposes; and
 - The owner's intentions.
- Information on the existing Gross Internal Floor Area (GIFA) against the proposed GIFA. GIFA is the area of a building measured to the internal face of the perimeter walls at each floor level. We will use the Royal Institution of Chartered Surveyors' (RICS) definition of GIFA for assessing VBC.

15.5 If we deem Vacant Building Credit applies to the proposed site, the information on floor space will inform the reduction in the level of affordable homes.

15.6 The Council will determine on a case by case basis whether a building is vacant or abandoned. As is commonly the case with outline planning applications it may not be clear what the actual number of dwellings, or the size of those dwellings, may be. Therefore it will be difficult to quantify what vacant building credit will be applicable. Where the local planning authority agrees that the VBC may be applicable, the applicant will be expected to enter into a section 106 Agreement at the outline stage to enable the matter to be deferred to a later

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stage when the relevant details of the scheme have been finalized. If the VBC is applicable to the proposed site, the information on floor space will inform the level of affordable housing contributions.

15.7 The Council will apply the following formula for calculating the reduction in affordable homes due to the vacant building credit:

*Proposed gross internal floorspace **minus** Existing gross internal floorspace (= increase in gross internal floorspace) **divided by** the proposed gross internal floorspace **multiplied by** the full affordable housing requirement = new affordable housing contribution*

Worked example of Vacant Building Credit Calculation

Example 1

A development is proposed on the site of a vacant building for a total of 40 homes. Policy HC1 requires 30% affordable housing which equates to 12 affordable homes.

Proposed gross internal area of 40 homes = 4,000m²

Existing gross internal area of vacant building = 1,000m²

Increase in internal area = 3,000m²

Proposed gross internal floorspace [4000] – existing gross internal floorspace [1000] = Increase in internal area [3000] / Proposed internal area [4000] x affordable home requirement [12] = new affordable housing contribution

3,000/4,000 x 12 = 9 Affordable Homes

Therefore, the Vacant Building Credit will reduce the affordable housing on this proposal from 12 to 9.

Example 2

A development is proposed on the site of a vacant building for a total of 70 homes. Policy HC1 requires 30% affordable housing which equates to 21 affordable homes.

Proposed internal area of 70 homes = 8,400m²

Existing internal area of vacant building = 9,000m²

Increase in internal area = NIL (a reduction of 600m²)

Proposed gross internal floorspace [8400] – existing gross internal floorspace [9000] = Increase in internal area [0] / Proposed internal area [8400] x affordable home requirement [21] = new affordable housing contribution

0/8,400 x 21 = 0 Affordable Homes

Therefore the Vacant Building Credit will reduce the affordable housing requirement on this proposal from 21 to nil.

Example 3

A development is proposed on the site of a vacant building for a total of 300 homes. Policy HC1 requires 30% affordable housing which equates to 90 affordable homes.

Proposed internal area of 300 homes = 30,000m²

Existing internal area of vacant building = 3,000m²

Increase in internal area = 27,000m²

Proposed gross internal floorspace [30000] – existing gross internal floorspace [3000] = Increase in internal area [27000] / Proposed internal area [30000] x affordable home requirement [90] = new affordable housing contribution

27,000/30,000 x 90 = 81 in Affordable Homes

Therefore, the vacant building credit will reduce the affordable housing requirement on this proposal from 90 to 81.

15.8 It is important to note that the reduction of the total affordable housing requirement through the implementation of the vacant building will not affect the tenure split the Council will expect within the affordable homes. In Bootle and Netherton this is 50:50 between social/affordable rent and intermediate and elsewhere 80:20 between social/affordable rent and intermediate.

15.9 Prior to the calculation and application of any VBC the Council and the applicant must agree the level of affordable housing that should be provided, including any reduction due to viability. The VBC (if applicable) will then be applied.

16. Content of section 106 agreements

16.1 A Section 106 agreement is a legal agreement between the developer / landowner and the local planning authority, made under Section 106 of the Town and Country Planning Act 1990 (as amended). It is the means by which the local planning authority secures, amongst other things, and controls the affordable function of the housing provided on development.

16.2 The Section 106 agreement will normally cover (but is not limited to) the following points:

- A description of the affordable/specialist units and the property type and tenure mix if appropriate;
- The location (i.e. which units) of the affordable housing and supported housing provision within the site;
- The phasing of on-site affordable housing provision within the overall scheme to ensure that affordable housing units are developed at an agreed rate in relation to the market housing;
- A property marketing mechanism in respect of the affordable units;
- Arrangements for the involvement of Registered Providers or any other appropriate agency;

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- 'Mortgagee clauses' to define the conditions attached to the affordable housing, should the mortgagee exercise their power of sale;
- Occupancy controls;
- Eligibility requirements;
- Any Council nomination rights in respect of rented units / units for sale;
- If appropriate the mechanism to secure and spend a financial contribution towards off-site affordable homes
- A mechanism to assess or change the scope of the S106 Agreement.
- Recycling arrangements where staircasing up to full ownership takes place.
- Contingency arrangements in case of unforeseen issues with securing and retaining a Registered (Social Housing) Provided

16.3 The section 106 agreement may also cover other issues not related to affordable or supported housing.

16.4 Applicants are advised to provide a Heads of Terms with their planning applications to ensure that their application can be dealt with as speedily as possible. The Heads of terms should identify areas that the applicant wishes to amend/clarify.

17. Supported Housing

Parts 6 and 7 of Policy HC1 states:

Special needs housing can be substituted for up to 50% of the site affordable housing contribution on a bedspace for bedspace basis.

Where extra care or sheltered housing is proposed to be substituted for affordable housing, this must meet the tenure requirements set out in parts 2 and 4 of this policy.

17.1 Supported housing (described as special needs housing in the Local Plan) is intended for people with a physical disability, frail elderly people, young vulnerable people, people with a learning disability, a mental health problem or severe sensory disability. It does not include the provision of care homes or housing for elderly people.

17.2 Supported housing may be substituted for up to 50% of the site affordable housing requirement. Whilst the policy stated this would be based on a bedspace for bedspace basis, in line with the recommendations of the 2019 SHMA this will now be based on a one for one basis. The remainder of the affordable housing on the site must meet the tenure split as set out in section 7 above.

17.3 If the Council accepts the substitution of up to 50% of the required affordable housing as supported housing, this will be secured through the Section 106 Agreement. This will ensure that the supported housing is retained as such in perpetuity or, if not, it is made available as affordable housing.

17.4 If an applicant wishes to substitute supported housing for up to 50% of the required affordable housing the application must be supported by a statement that identifies the type of supported housing that is intended to be provided. If the supported housing is to be an affordable product, and an RP is expected to take on the management of this, then the applicant must engage with RPs at an early stage to ensure the accommodation, including communal facilities, is acceptable.

Housing for Older People

17.5 Care homes and housing for older people (generally over 55s) are not classed as special needs housing (unless the residents are also classed as having specialist needs) for the purposes of Local Plan policy HC1 part 6. Therefore, they cannot be substituted for affordable housing. Paragraph 8.18 of the Local Plan sets out that housing for people with a physical disability, frail elderly people, young vulnerable people, people with a learning disability, a mental health problem or severe sensory disability does meet the criteria to reduce the amount of affordable housing on a scheme by 50%.

17.6 Care homes and housing for the elderly are often classed under use class C3 (dwellinghouses) and are subject to the policy to provide affordable housing. The Council expects the same policy approach, in terms of the level of affordable homes, tenure split and mix, to apply to such schemes. Furthermore, a recent High Court Decision⁸ made it clear that, unless specifically expressed in the Local Plan policy, a local authority can apply their affordable housing policy to all schemes that create new dwellings.

17.7 In some instances the format and management of a care home proposal may result in it being considered as within Class C2 (Residential Institution). For the Council to consider such proposals as Class C2 a number of conditions must be met. These are:

- The accommodation must be restricted to households where at least one member is in need of care and, in the case of accommodation for older people, aged 55 years or over;
- Each resident in need of care must commit to a minimum care package that provides the equivalent of at least 2 hours of weekly personal care;
- The proposal should include a number of communal facilities that demonstrate that the development, when taken as a whole, is clearly intended to provide residential accommodation to people in need of care. This may include, but not be restricted to:
 - Communal lounge
 - Kitchen/dining room
 - IT room/library
 - Community room
 - Staff areas and office
 - Treatment rooms
 - Hairdressing salon

17.8 The individual units within the proposal can be self-contained (i.e. have a kitchen, bathroom, separate entrance, lockable front door etc.) as the scheme as a whole will be considered to determine what Use Class it is, taking into account the points above. Accommodation that is determined to fall within Use Class C2, but is self-contained, will contribute to the Council's identified housing requirement. However, just because a unit is classed as C2, it does not negate the need to apply the Council's affordable housing policy. The key test is whether the unit can be described as a dwelling.

Accessible and Adaptable Housing

Part 2 Policy HC2 states:

In developments of 50 or more dwellings, at least 20% of new market properties must be designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'.

⁸ [Rectory Homes Limited v Secretary of State for Housing, Communities and Local Government. Case Number: CO/4682/2019](#)

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17.9 The aim of this policy is to ensure that there is a supply of new dwellings that are able to meet the long-term needs of people who currently have, or may develop during the course of their lifetime, mobility issues. It is preferential to enable people to remain in their own home, subject to adaptations, rather than having to move into specialist accommodation.

17.10 Government guidance⁹ sets out that

‘optional requirement M4(2) will be met where a new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. Reasonable provision is made if the dwelling complies with all of the following:

a. Within the curtilage of the dwelling, or of the building containing the dwelling, it is possible to approach and gain step-free access to the dwelling and to any associated parking space and communal facilities intended for the occupants to use.

b. There is step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey.

c. A wide range of people, including older and disabled people and some wheelchair users, are able to use the accommodation and its sanitary facilities.

d. Features are provided to enable common adaptations to be carried out in future to increase the accessibility and functionality of the dwelling.

e. Wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach.’

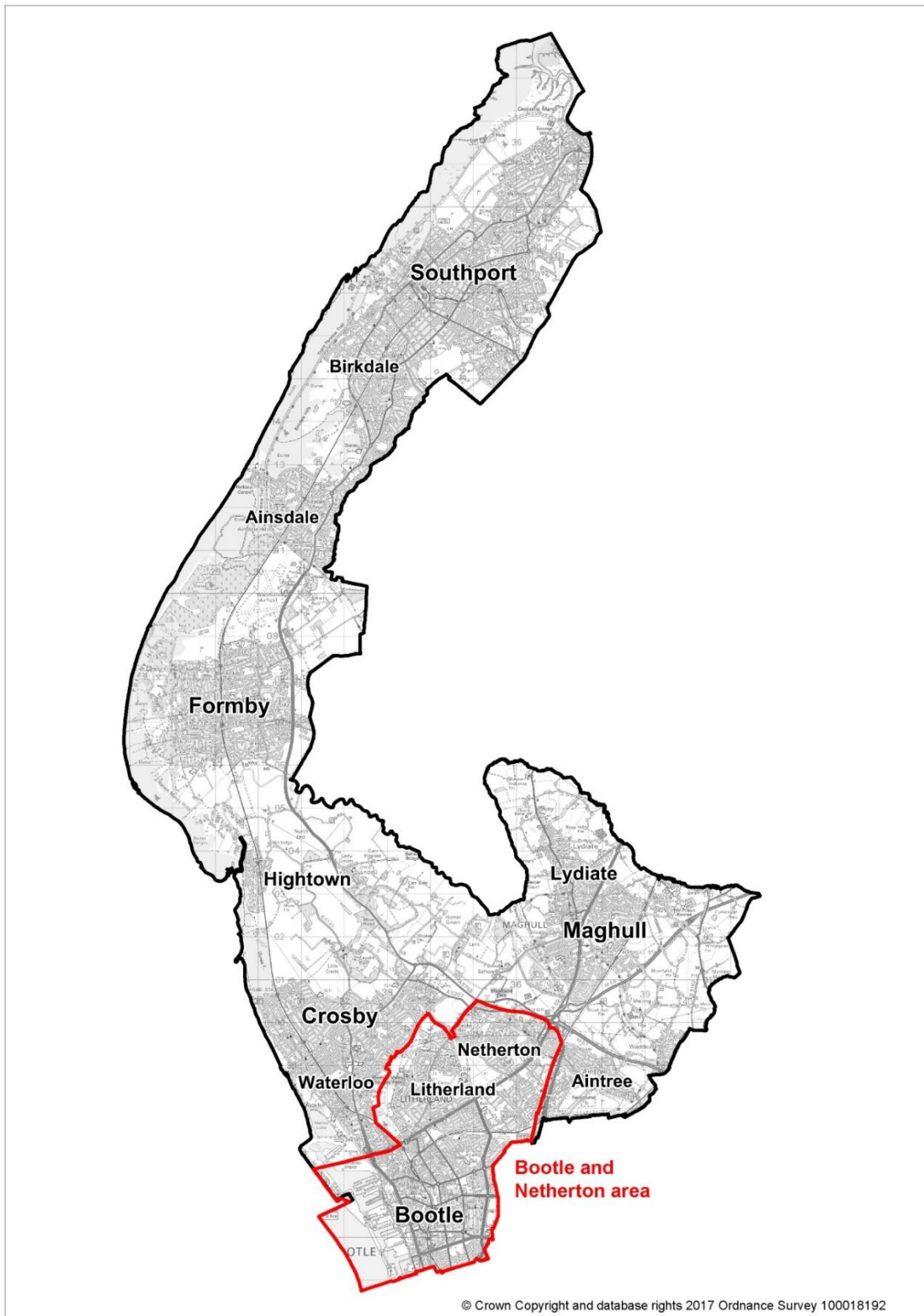
17.11 The guidance sets out detailed technical requirements for how the above points can be met.

17.12 If a proposal requires 20% of the market homes to meet the ‘accessible and adaptable dwellings’ requirement, the applicant should identify, in a design and access statement or similar, which units will meet this requirement. Applicants are advised to submit this information with their application to avoid delays. It is expected that an assessment of a home against these standards will require an appraisal at the planning application stage and post construction.

⁹ The Building Regulations 2010, Access to and use of buildings, Approved Document M – Volume 1 dwellings (HM Government, 2015 incorporating 2016 amendments).

Appendix A

Bootle and Netherton Area for the purposes of Policy HC1 parts 3 and 4



Bootle & Netherton area for the purpose of Policy HC1 – specifically the electoral wards of Derby, Ford, Linacre, Litherland, Netherton & Orrell and St Oswald

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Contributions towards education provision

A guide for developers

Introduced September 2017

Updated May 2023

**Please note this guide provides the costs for 2023/24
and will be updated each year**

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1. Introduction

1.1 In Sefton we are committed in the emerging Local Plan to meeting the diverse needs for homes, jobs, services and facilities as close to where they arise as possible. The housing requirement over the Local Plan period (2015-2030) is calculated at a minimum of 11,520 dwellings. This level of house building will result in increased pressure on local schools, some of which are already full or approaching capacity.

1.2 The Council intends to secure contributions through the section 106 process towards local education provision. Education provision, particularly Primary Schools, was identified, in the Infrastructure Delivery Plan, as one of the key types of infrastructure that is needed to be provided or expanded to support the Local Plan. Furthermore, the provision of [or lack of] primary schools in a local area can be detrimental to the attractiveness of a housing scheme. This note sets out the approach to calculating a proportionate financial contribution towards new education provision from housing developments.

1.3 The government has signalled intention to replace elements of the section 106 process and Community Infrastructure Levy with a new compulsory Infrastructure Levy. At such time the Council adopts an Infrastructure Levy it will revoke this note.

2. Policy background

2.1 Paragraph 95 of the NPPF states 'that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.

2.2 Paragraph 57 of the NPPF states planning obligations should only be sought where they meet all of the following tests:

- Necessary to make development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.3 Sefton Local Plan policy **IN1 'Infrastructure and developer contributions'** sets out the approach to funding additional and improved infrastructure required as a result of new development. The following parts of this policy are relevant to the provision of additional school places:

- Part 1. The Infrastructure Delivery Plan, Appendix 1 [of the Local Plan] and other policies in the Local Plan list the infrastructure required for the implementation of the Local Plan strategy.
- Part 4. Where appropriate, contributions will be sought to enhance and provide infrastructure to support new development. This may be secured as a planning obligation through a legal agreement, through the Community Infrastructure Levy or through other agreements.
- Part 6. Planning conditions or phased legal agreements may be used to ensure infrastructure is provided within appropriate timescales.
- Part 8. The impact of providing or contributing to infrastructure on the viability of development proposals will be considered. Where scheme viability will be affected,

developers will be expected to provide Viability Assessments which will be taken into account as a material consideration in the determination of planning applications. Essential infrastructure is required regardless of viability.

2.4 The Infrastructure Delivery Plan was published by the Council in December 2014. This supported the Local Plan through examination. In relation to education provision the IDP identified that the primary school provision was needed in all areas of Sefton. Whilst it is anticipated that secondary school provision will need to be extended, this need has not yet been identified.

3. What type of schools require funding?

3.1 Financial contributions will be directed towards **primary school provision**. It is not considered that any of our housing allocations are of a size that requires a new school. Increased primary provision will therefore be predominately met through the **extension of existing primary schools**. This is a much better outcome for developers as they do not have to provide land for a new school and existing primary schools will have existing communal areas that may only have to be extended.

4. How is the cost of a financial contribution calculated?

Sefton Local Authority calculates anticipated primary school places arising from new development in the following basis:

17.5 primary school places per 100 homes
This gives a primary pupil yield factor per dwelling of 0.175

These figures have been established through evidence gathering over a number of years across the borough as a whole on the average numbers of additional pupils resulting from new housing development. Local differences in housing size or type are averaged out and accounted for in this figure. There is therefore no need to apply different rates to different size or types of dwelling

The cost of extending a primary school by a single form school is calculated as being £2,478,467 [based at 2017/18 prices]. The breakdown of these costs is provided at Annex A.

A single form primary school extension provides sufficient capacity for an additional 210 pupils [i.e. 7 year groups of 30 pupils each]. Therefore the costs per pupil of a school extension is calculated at **£11,802** [i.e. £2,478,467 divided by 210] based at 2017/18.

Using the primary pupil yield per dwelling of 0.175 this equated to a cost per dwelling for primary education provision of £2065.13 in 2017/18.

Allowing for an inflationary increase the 2023/24 charge is:

£2,595.00 per dwelling

[note this will be increased each year in line with inflation]

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5. What development does education provision apply to?

5.1 **All proposal for residential development that create a net increase of more than 10 dwellings** in all parts of the borough will contribute towards education provision, with the following exceptions:

- Specialist housing for older people or housing that is restricted for occupation to over 55 year olds;
- One bedroom accommodation;

5.2 These exemptions apply as this type of accommodation would not be expected to provide accommodation for school aged children.

5.3 There is an argument to apply a greater cost for larger housing [i.e. four bedrooms or more], and a smaller cost for those with few bedrooms [i.e. 2 bedrooms]. However, the pupil yield that we have used [see section 4 above] accounts for the range of housing developments that has been built in Sefton. Furthermore, on smaller schemes [less than 25 homes] it is difficult to estimate the number of children that will live in each home. For development with a minimum of 25 homes the Local Plan housing mix policy HC2 'Housing type, mix and choice' will ensure a mixture of house size which will result in the pupil yield being evened out. Applying a standard charge for all homes of two bedrooms or more provides a pragmatic approach to secure reasonable contributions to primary school provision.

5.4 Where the developer considers that the application of the education contribution may make a development unviable, the developer can request an independently assessed viability test to ensure that any contributions are reasonable. This is a similar approach that which we take in respect of affordable housing. It will be the responsibility of the applicant to demonstrate that the addition of a financial contribution towards education provision would make the proposal unviable. The Council's retained viability consultants will assess any evidence on viability, for which the applicant will be charged. In assessing viability, the provision of affordable or special needs housing will take precedence over education provision in the calculation.

6. Is the requirement for contributions applied across the whole of Sefton?

6.1 The Infrastructure Delivery Plan that supported the Local Plan identified that there was a need for additional primary school places in many areas of Sefton. The Infrastructure Delivery Plan was published in 2014 and the situation does change over time. The Council's education department provide forecasts, based on registered births, of the anticipated change in primary pupils for a five year period. This helps to demonstrate in which locations there will be shortfall, or over supply, of primary school provision.

6.2 If it can be demonstrated that there is sufficient capacity in local primary schools to accommodate the level of growth proposed in the local area the Council will not seek financial contributions for new education provision. The Council will not look at the application in isolation but will look at the combined impact of the proposed growth in the local area.

6.3 Appendix C sets out the most recent school capacity return figures for each settlement in Sefton. This information is compared against the projected levels of housing growth and the implications this growth will have for primary pupil numbers.

6.4 Based on this information, and an understanding of where the remaining major housing allocations still to be approved are, the Council consider that we only need to secure funding from certain locations. The wards that we will look to apply the need for education contributions for qualifying proposals are:

- Manor Ward in Crosby/Thornton—except for the area in Hightown Parish Council
- Molyneux and Sudell wards in Sefton East Parishes
- Meols and Norwood wards in Southport

6.5 These areas are shown in Appendix D. We will not ask for education contributions in any other area in Sefton.

7. Where will the money be spent?

7.1 The funds will be collected and used to fund increased primary education provision in the local area in which it was derived. Whilst this may not necessarily in the same ward, it is likely to be the same broad settlement. A section 106 will specify the area any contributions should be spent in.

8. When will the contribution be collected?

8.1 The contribution will be liable for payment on commencement of the development. The Council acknowledges for larger development this may impact on the viability of the scheme. Therefore, the following instalments policy is proposed for education contributions:

Financial liability is

<£50,000	All on commencement
£50,000 to £150,000	50% on commencement 50% 1 year after commencement
>£150,000	33.3% on commencement 33.3% 1 year after commencement 33.4% 2 years after commencement

8.2 The Council will consider other instalment policies if it can be demonstrated that the financial contribution will impact on viability.

9. Consultation

9.1 This note was made available for consultation during March to May 2017 and an update from November to December 2022. A summary of comments made during the consultation periods, and the Council's responses, is available to view online at www.sefton.gov.uk/spd. Whilst this note is not a Supplementary Planning Document, it has gone through the same process in its drafting, consultation and approval. The Council therefore considers it should be given similar weight as a Supplementary Planning Document in the decision-making process.

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Appendix A

Cost Information used in the Information Note (2017/18 base date – note a inflationary uplift has been applied to amount asked for per dwelling)

Table A1 How the cost of a primary school extension is calculated.

REF	Cost Item	Cost £	Comments
BUILD COSTS AND ASSOCIATED FEES			
1	Floor area = 860m ² x BCIS cost base £2000/m ² [see table A2 below]	1,720,000	BCIS cost base to 1Q 2017 for Sefton region
2	External works at 15%	258,000	Estimate of cost for external works, drainage and services
3	Sub Total	1,978,000	
4	Contingency at 5%	98,900	Estimate of contingency cost for design development and risk allowance
3	Sub Total	2,076,900	
4	Fees at 11%	228,459	Standard SMBC percentage fee
5	Surveys, legals, charges	25,000	Estimate of statutory, legal, ground investigation, environmental, utility, topographic and other surveys
6	Building Cost	2,330,359	
INTERNALS			
7	Internal Furniture and IT Equipment	30,000	Estimate of costs [see table A3 below]
8	Cost Estimate	2,360,359	
ADMINISTRATION			
9	Administration charge at 5%	118,108	This cost relates to the costs incurred by the Planning Department to negotiate, administer and collect the section 106 contribution.
10	Total Cost - 1FE 210 pupils	2,478,467	
11	Cost per pupil place	11,802	

Table A2 How the primary school extension size is calculated

Use/Activity	Area m2	Number	Total m2	Notes
Classroom	62	7	434	Storage included in corridor
Hall extension	80	1	80	Assume extension of existing facility
Hall Store	18	1	18	
Resources	17	1	17	
Group Room	11	1	11	
Pupil Toilets	36	1	36	
Reception Toilets	20	1	20	
Office extension	12	1	12	Assume extension of existing facility
Staff room/ Toilets	30	1	30	Assume extension of existing facilities
Kitchen extension	22	1	22	Assume extension of existing facility
Kitchen stores	10	1	10	
Plant room extension	15	1	15	Assume extension of existing space
Circulation	155	1	155	Includes stores and cloaks
Total Gross Internal Floor Area			860	

Table A3 How the internal costs are calculated

Qty	Description	Each	Total
30	Chairs	£12.45	£373.50
15	Classroom Table	£46.75	£701.25

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1	Teacher Chair	£45.00	£45.00
1	Teacher Workstation	£97.00	£97.00
1	Under desk 3 drawer pedestal	£153.00	£153.00
1	5 drawer paper storage unit	£385.00	£385.00
1	6 by 4 Compartment Units with clear trays	£209.00	£209.00
1	4 unit clear Bin Storage unit	£275.00	£275.00
1	Interactive whiteboard	£800.00	£800.00
	TOTAL PER CLASSROOM		£3038.75
	COST FOR 7 CLASSROOMS		£21,271.25
31	Laptop computers [shared between classes]	£280.00	£8,680.00
			£29,951.25

Note – whilst these costs are based on actual purchases in Sefton, or information available from equipment providers, these costs should only be considered approximate. The actual costs may be higher or lower than that included but the overall internal furniture and IT costs are considered to be reasonable.

Appendix B

Worked Examples (based date of 2023/24)

Example 1

Proposal for 20 new homes, comprising 10 two-bedroom and 10 three-bedroom homes

The scheme is liable for the financial contribution [i.e. over 10 homes] and all homes are to assume the charge.

20 x £2,595 = TOTAL FINANCIAL REQUIREMENT **£51,900** all to be paid on commencement

Example 2

Proposal for 12 new flats, comprising six one-bedroom and six two-bedroom homes

The scheme is liable for the financial contribution [i.e. over 10 homes] and six homes are to assume the charge [i.e. they have more than one-bedroom].

6 x £2,595 = TOTAL FINANCIAL REQUIREMENT **£15,570** all to be paid on commencement

Example 3

Proposal for demolition of four three-bedroom homes and replacement with 12 new two-bedroom homes

The scheme is not liable for the financial contribution as there is a net increase of 8 homes only.

Example 4

Proposal for 200 homes, comprising 20 one-bedroom homes, 100 two-bedroom homes and 80 three-bedroom homes

The scheme is liable for the financial contribution [i.e. over 10 homes] and 180 homes are to assume the charge [i.e. they have more than one-bedroom].

180 x £2,595 = TOTAL FINANCIAL REQUIREMENT **£467,100**. One third of this is to be paid on commencement; one third 1 year after commencement; and one third 2 years after commencement.

Appendix C

School Returns Data 2021 and projected pupils from new developments (note this will be updated every few years)

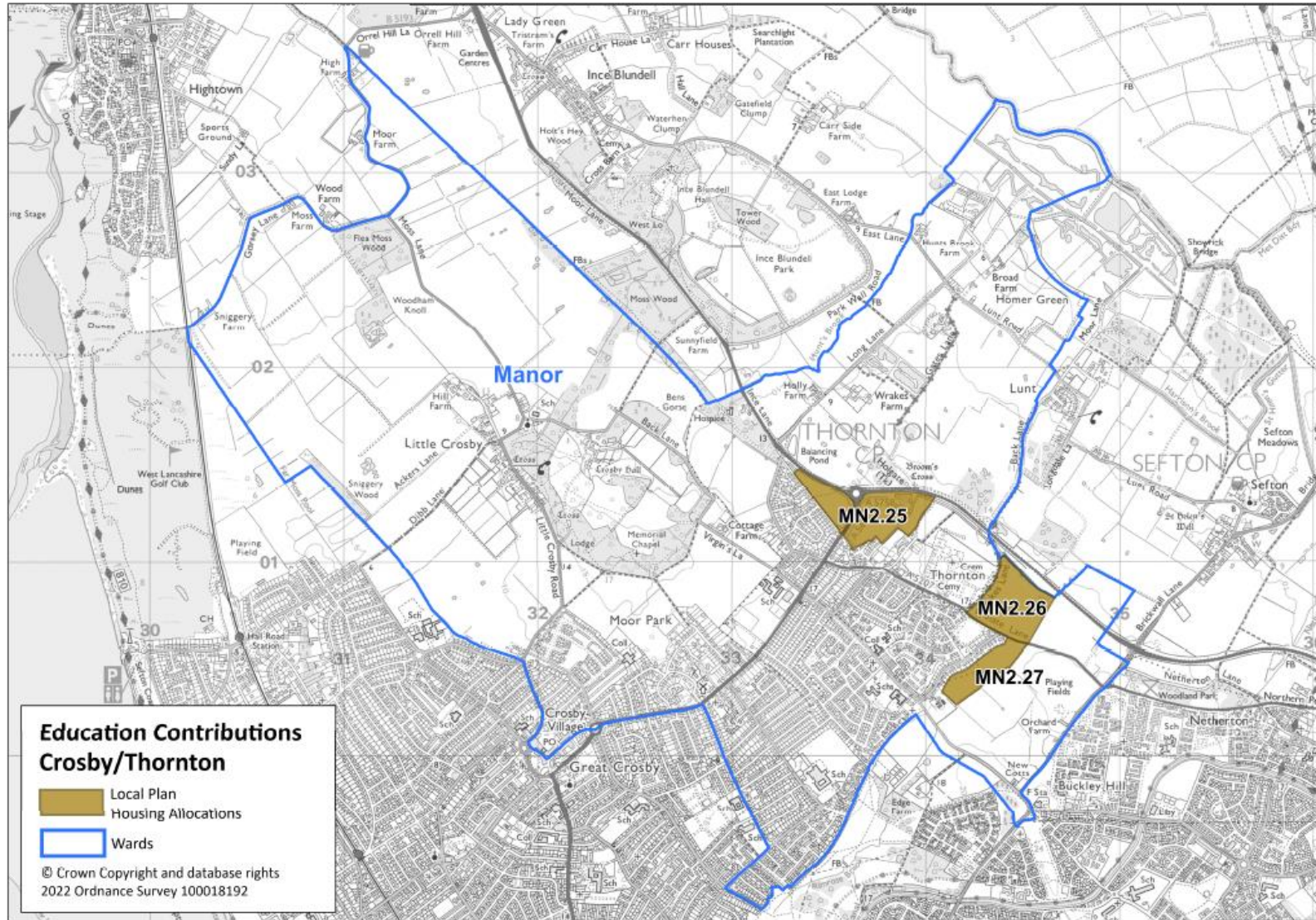
	Current Capacity	Actual Pupils 2020/21	Projected Pupils 2021/22	Projected Pupils 2022/23	Projected Pupils 2023/24	Projected Pupils 2024/25	Projected Pupils 2025/26	Proposed Homes (2021 SHLAA)	Pupils in new homes (17.5 per 100 homes)	Total anticipated pupils (over (+) or under (-) supply)
Bootle and Netherton	6259	5754	5780	5683	5673	5639	5590	1,744	305	5,895 (+364)
Crosby	4081	3872	3847	3880	3859	3846	3801	1,503	263	4,064 (+17)
Formby	1784	1717	1698	1675	1683	1694	1679	1,081	189	1,868 (-84)
Sefton East Parishes	3443	3328	3337	3266	3274	3286	3287	2,547	446	3,733 (-290)
Southport	6789	6188	6139	5939	5746	5596	5489	4,019	703	6,192 (+597)

Notes:

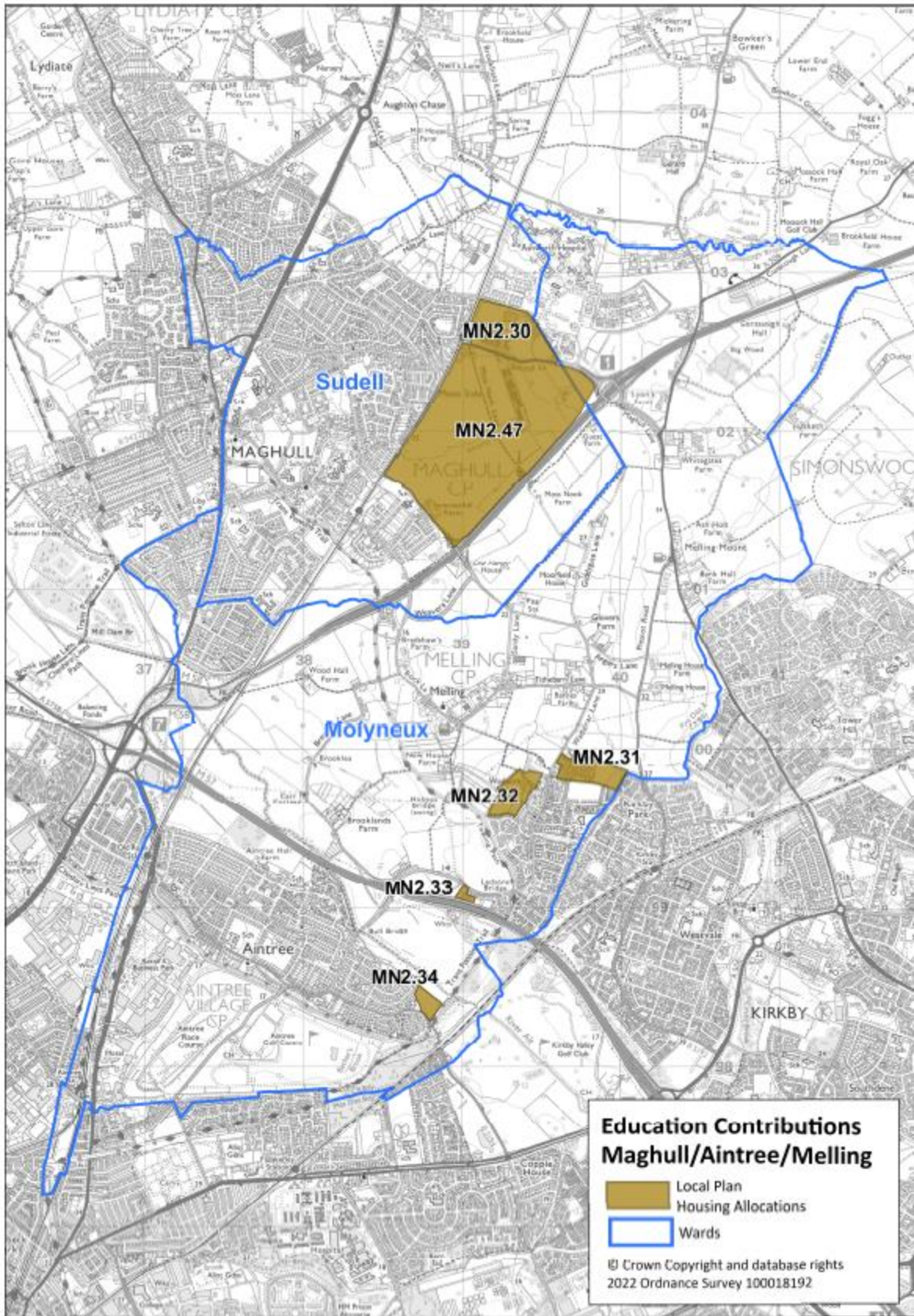
- Whilst Southport is showing a large notional over supply in primary places, many of these are not close to the large housing allocations. It is proposed that in the future contributions are only secured in the wards of Meols or Norwood and for schemes of 10 or more homes (see Appendix D)
- Whilst Crosby is predicted to have a small surplus of primary school places, much of the capacity is in schools in the west and south of the town. It is proposed that in the future contributions are only secured in Manor ward (excluding Hightown Parish) and for schemes of 10 or more homes. Hightown children predominantly go to Formby schools (see Appendix D)
- The Maghull school capacity will increase by 210 for Summerhill once expanded and by up to 105 for Melling Primary. Once these are accounted for Maghull is not anticipated to have a under supply of places overall. However, much of the excess supply is in the Lydiate/West Maghull area. It is proposed that in the future contributions are only secured in the wards of Molyneux or Sudell and for schemes of 10 or more homes and these contributions will help finance the Summerhill and Melling Primary works (see Appendix D)

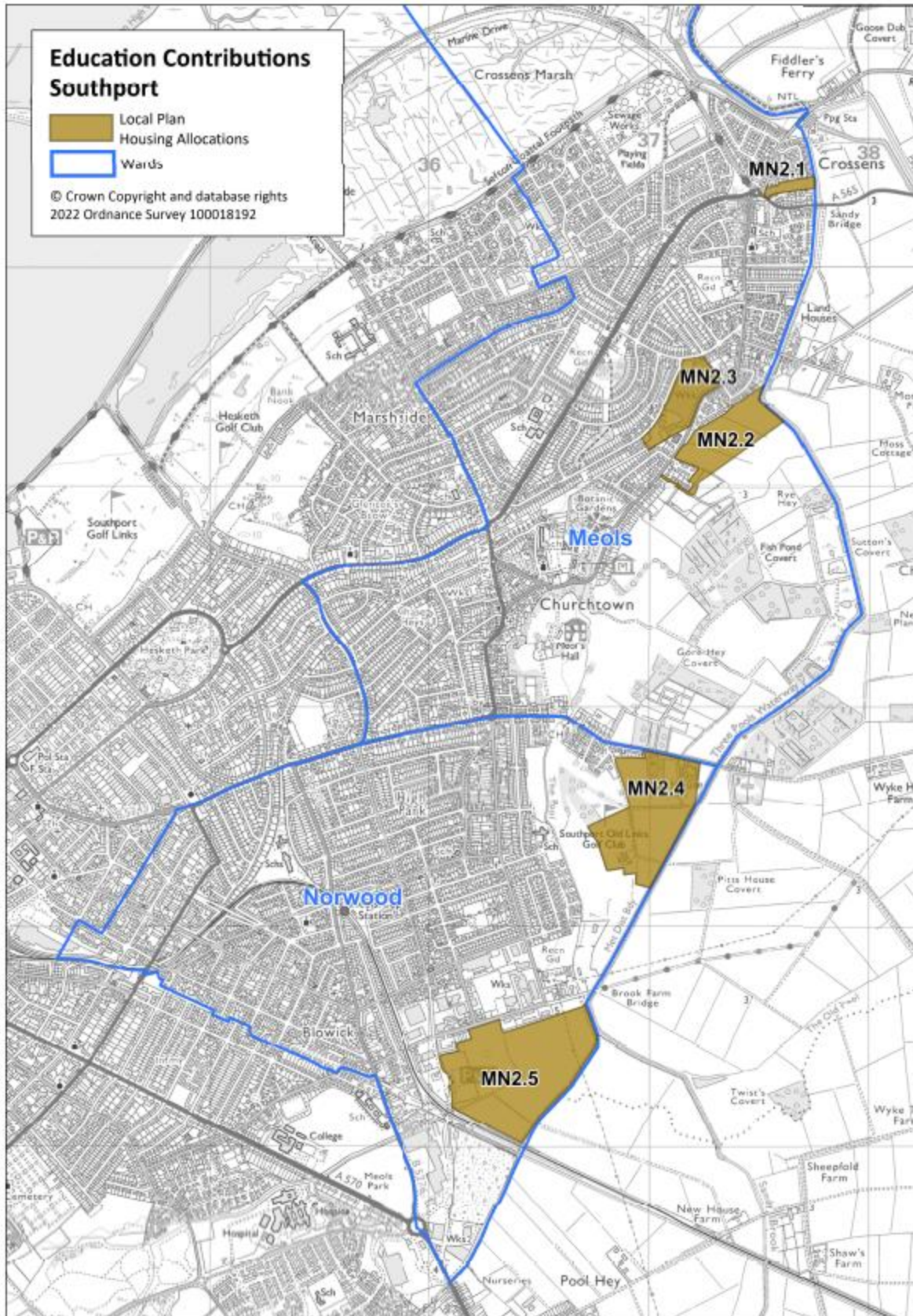
Appendix D

Locations where the education contribution for Additional Primary School Places will be sought



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Appendix E **Further information**

Pre-application advice:

[Pre-application advice on development proposals \(sefton.gov.uk\)](https://www.sefton.gov.uk/pre-application-advice-on-development-proposals)

Applying for planning permission:

[How to make a planning application \(sefton.gov.uk\)](https://www.sefton.gov.uk/how-to-make-a-planning-application)

Sefton Local Plan (2017):

<https://www.sefton.gov.uk/media/1133/a-local-plan-for-sefton-for-adoption-final.pdf>

Schools and admissions policies

<https://www.sefton.gov.uk/schools-learning/school-admissions.aspx>

National Planning Policy Framework (2021) and Guidance (online):

[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92142/nppf-2021.pdf)

Building Cost Information Service (BCIS)

<http://www.rics.org/uk/knowledge/bcis/#>



Conversions to Flats and Houses in Multiple Occupation

Supplementary Planning Document

May 2023

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1. Introduction

1.1 The main purpose of a Supplementary Planning Document (SPD) is to provide further detail to existing policies in the adopted Local Plan. It does not have Development Plan status, but it will have some weight as a material planning consideration in the determination of planning applications.

1.2 Flats and Houses in Multiple Occupation provide small, affordable, and flexible accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and also unemployed people on housing benefits and are therefore an important part of the housing market. They can also offer temporary accommodation for people who are saving to purchase a home.

1.3 Houses that provide accommodation for at least 3 people who are not all members of the same family (or 'household'), are known as 'Houses in Multiple Occupation' (HMOs). HMOs are created through the conversion of buildings, either currently residential or other uses (such as public houses, shops etc). Many conversions to Houses in Multiple Occupation require planning permission for the change of use. The exception is a conversion from a dwellinghouse to a House in Multiple Occupation that has 6 or fewer occupants. However, Sefton has restricted this exception in parts of Southport and South Sefton (see para 2.6 below).

1.4 Poorly designed Flats and HMOs can lead to problems, both for the occupants and for neighbours, due to the large number of people living within relatively small places. These issues can include, noise, disturbance, loss of privacy and inadequate living accommodation. Similarly, an over-concentration of HMOs, or those that are poorly located, can be detrimental to residential amenity and harm the character of the area.

1.5. This document sets out how the Council intends to manage the development of Flats and HMOs and will be used in the determination of any planning application for the development of these properties within Sefton. The work involved in a conversion of a house to flats or to an HMO, will also require Building Regulations approval. Please note that this is a totally separate requirement to Planning consent.

2. Policy Context and Background

National

2.1 The National Planning Policy Framework sets out a need to provide a mix of housing supply to provide for current and future generations and to 'create sustainable, inclusive and mixed communities'.

2.2 The definition of what constitutes an HMO primarily relies on legislation concerning the private rented sector i.e. Housing Act 2004. In simple terms, an HMO is defined as a property where occupants share one or more basic amenities (i.e. a toilet, personal washing facilities or cooking facilities), and is occupied by 3 or more people who do not form a single household

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and occupy the property as their only or main residence. There is also a requirement that rent is payable by at least one occupant of the property.

2.3 For planning purposes, HMOs are identified within the Town and Country Planning (Use Classes) Order 1987, as amended, as “*use of a dwelling house by 3-6 residents as a “house in multiple occupation”*” (Use Class C4) or a large HMOs (more than 6 people sharing) (Sui Generis). HMOs are not defined within the Order, which instead relies upon the definition given within the Housing Act 2004.

2.4 In October 2010 permitted development rights were amended to allow changes of use from dwelling houses (Class C3) to houses in multiple occupation (Class C4) without the need for planning permission. This allowance still stands in many parts of Sefton, although we have removed this right in parts of Southport and South Sefton (see below). This SPD only considers with conversions to flats or Houses in Multiple Occupation that require planning permission, though it could be use to provide good practice for conversions that can be done without planning permission.

Local - Planning

2.5 The Local Plan for Sefton was adopted on 20th April 2017. This sets out how the Council will manage development in the borough to ensure it meets housing need and secures sustainable development’. Policy HC4 (part 2) of the Local Plan states that:

Development involving the conversion of buildings to Houses in Multiple Occupation or flats will be permitted where it will not cause harm to:

- a. *The character of the area*
- b. *The living conditions for either the occupiers of the property or for neighbouring properties.*

2.6 On September 20th 2017 the Council issued an Article 4 Direction to remove the permitted development rights to convert a residential property into a small HMO (C4) in parts of Bootle, Seaforth, Waterloo and Southport. The area covered by the article 4 direction is shown in appendix A. This came into force on 20th September 2018.

Local - Housing

2.7 In September 2017, the Council approved the designation of a selective licensing scheme for all privately rented properties within parts of Bootle.

2.8 Selective licensing requires landlords who privately rent out properties in the designated area to obtain a licence from the Council. Landlords will be required to meet a range of licence conditions, and show that they have appropriate management arrangements in place.

2.9 On the same date, the Council approved the designation of an ‘Additional (HMO) Licensing’ scheme for all privately rented Houses in Multiple Occupation within parts of

Seaforth, Waterloo, Brighton-le-Sands and Southport. Additional licensing requires landlords who privately rent out Houses in Multiple Occupation within designated areas to obtain a licence from the Council. Additional (HMO) licensing will be applicable to all types of HMO situated within the designated licensing area (with the sole exception of those that fall within the remit of the current national 'Mandatory HMO Licensing' regime).

2.10 Both these designations came into effect in **March 2018** and will last for a period of 5 years up until 28th February 2023. Consultation on the proposal to extend Sefton's 'Selective' and 'Additional (HMO) Licensing' schemes in certain areas of the borough, for a further five years (i.e. March 2023 to February 2028) is currently underway, and will remain open until 31st July 2022. For further information on the consultation please see <https://www.sefton.gov.uk/housing/private-housing/selective-and-additional-hmo-licensing-scheme-consultation/>

2.11 It is important to note that if a proposal does not require planning permission, this does not mean that a selective or additional licence will not be required. Furthermore, the granting of planning permission does not automatically mean that a licence will be granted. You should check the requirements for a licence separately with the Housing Standards Team (see Appendix C).

2.12 Conversions to flats that have not been carried out in accordance with current Building Regulations, may constitute an 'HMO' under section 257 of the Housing Act 2004. If situated in a designated licensing area, such premises will therefore require an 'Additional (HMO) Licence'.

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3. Conversion to Flats

3.1 This section of the guidance deals with conversions to flatted accommodation that is self-contained and falls within Class C3 of the Use Class Order. This guidance also applies to self-contained flats situated within premises that contain a mix of self-contained and non-self-contained accommodation.

Room Sizes

3.2 To ensure that self-contained flats are large enough to provide suitable accommodation for residents the following minimum size standards should be met¹:

Minimum gross internal floor area for flats (m²)

	Total size of accommodation	Minimum main bedroom size ^{3 & 4}	Minimum secondary bedroom size ⁴
Studio flat ²	25	n/a	n/a
1 bedroom flat	37	10.5	n/a
2 Bedroom flat	61	10.5	8.5
3 Bedroom flat	74	10.5	8.5

² A studio flat is accommodation which has all the living accommodation (bedroom, kitchen, living room) within a single room/space. ³ A main bedroom is the only bedroom in a one bedroom flat or the largest bedroom in flats with two or more bedrooms. ⁴ The minimum bedroom floor areas exclude any en-suite bathroom, shower or toilet facilities.

3.3 In flats that have two or more bedrooms it is considered that at least one of the bedrooms should be a double (i.e. able to accommodate a double bed or two single beds).

3.4 The space within the flat can be used flexibly so that new flats can be designed to meet local market needs or conversions can take account of existing layouts. However, rooms should be of sufficient size for their purpose and the internal arrangement of rooms within the flat (or multi-roomed bedsit) should avoid 'inner room' situations. This is where escape from a bedroom (in the event of a fire) is only possible, by passing through an area of higher fire risk such as a living room or kitchen.

Outlook, Prospect and Privacy

3.5 In flats, each habitable room² should have at least one window with a reasonable outlook and prospect. There should be a minimum distance of 12 metres between a main window in a habitable room on the ground floor and a blank wall (or a wall with a window of a non-habitable room) of a property opposite. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window of a habitable room in a property opposite.

¹ These standards are based on the Technical Housing Standards – nationally described space standards (DCLG, March 2015)

² That is a room where residents will spend a lot of time, such as a bedroom, living room, dining room or kitchen

3.6 In many urban parts of Sefton these standards may not be achievable in conversion schemes as the existing buildings were built at a time when higher densities were more commonplace. In these instances, we will consider the outlook and prospect of the accommodation as a whole. We will also consider the previous use of the rooms with a conversion scheme and determine whether the proposal will have any greater harm, for example if a room was previously a habitable room. However, if new windows are proposed to be added we will be less flexible. We will assess each case on its merits.

Ground Floor Bedrooms

3.7 Many homes in Sefton, particularly the older parts of Bootle, Litherland, Seaforth, Waterloo and Southport, have little or no front garden space. In such cases the front living space fronts directly onto, or very close to, the public highway. When this room is used as a living room, dining room, or home office, this does not cause an issue. However, if these rooms are used as a bedroom within a flat conversion (or HMO see below) it can result in unsatisfactory living accommodation due to noise from the street from passing pedestrians and traffic.

3.8 Therefore, to protect residential amenity for future residents, the Council will not permit the use any room on the ground floor (or basement) as a bedroom that fronts directly onto a public highway, unless there is a front garden space of at **least 3m** that separates the room from the public highway.

Basement Accommodation

3.9 In most cases basements are unlikely to be considered acceptable for conversion to habitable rooms.

3.10 For basements, we will only grant planning permission where there is a reasonable outlook from all habitable room windows. We will also only grant planning permission where there is no known flood risk, or where flood risk has been managed to the satisfaction of both the Environment Agency and the Council.

3.11 When considering whether there is a reasonable outlook from a window in a habitable room in a basement, the Council will consider the function of the space to which it looks onto. For example, it would not be considered appropriate if the window looks directly onto a bin storage area or where cars will be parked. The Council would expect a minimum distance of 3m from a habitable window to an area of bin storage or car parking.

3.12 More generally, internal floor levels should not be more than 1 metre below the existing ground level from outside (it will not be acceptable to excavate land at the front of the property to provide a reasonable outlook, but this may be possible at the side or rear of a property subject to design considerations, flood risk issues, impact on a heritage asset, amount of amenity space that is left and residential amenity issues). This is to prevent accommodation from being dark, gloomy and damp. Basements can be used for bathrooms, storage, laundry rooms, bicycle storage or other uses. This restriction on excavation to

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provide a reasonable outlook from a basement applies especially to 'heritage assets' as additional excavation can affect the appearance of the building.

Roof Space Accommodation

3.13 The same principles apply to roof space accommodation as to other accommodation in the main building.

3.14 When calculating the floorspace of rooms or flats in a roof space the Council will not include space that has a floor to ceiling height of 1.5m or less. It is considered that these spaces would not provide useable accommodation, although they would be suitable for storage space. Applicants must identify on submitted plans the floorspace area that has a floor to ceiling height of 1.5m or more.

3.15 Habitable rooms within the roof space area must provide a reasonable outlook. Roof lights that only face the sky are not considered to provide a reasonable outlook and prospect. If a roof light is providing the main outlook in a habitable room, it must be positioned at a minimum of 1.5m from the floor level.

3.16 Rooms within the roof need will need to be thermally insulated from excess cold or heat

3.17 Developers should be aware that large numbers of roof lights can spoil the appearance of a building, especially where the building is a heritage asset, and such proposals are unlikely to be acceptable.

Private Outdoor Space

3.18 It is important that residents have access to an area of private outdoor amenity space. This space should not be accessible to the public. For flats this is usually provided as a communal area that is available for all residents of the flats to use. This space should be designed to provide an area for residents for informal recreation, gardening, drying clothes and socialising.

3.19 The minimum standard for outdoor amenity space for flats is as follows:

Amenity Space Required
20m ² per flat

3.20 The amenity space (if communal) must be accessible to all residents directly from the property (i.e. residents should not have to leave the property and enter the space from a public highway or otherwise) and be of high quality. The total amount of amenity space to be provided should account for all flats that have access to it even if some of those already exist. The standard can be met either by provision of a communal area, such as:

- a rear garden, or
- a communal roof terrace (subject to no harmful effect on neighbours), or
- a private space (such as a balcony, subject to no harmful effect on neighbours) or
- a combination of these.

3.21 Areas to the front of a building that are not private, and areas intended for parking and bin stores will not be included in the calculation. Narrow spaces (typically less than 2.5m wide) will not be included in a calculation of available amenity space as they are not considered to provide useable space.

3.22 Applicants must take all opportunities to provide at least the minimum amenity space requirement within the proposals. This may include the removal of existing extensions and outbuildings and/or the inclusion of appropriate roof terraces (where this does not result in detrimental harm to the living conditions of neighbouring residents or the character of an area). The Council will not permit insufficient amenity space if **all** opportunities to maximise the amount of space have not been taken. Extensions to properties to increase accommodation will not be permitted if this would result in an inadequate amount of amenity space.

3.23 Furthermore, if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of units provided within the proposal.

3.24 If all measures to address the amenity space standards have been adequately demonstrated, and they still cannot be met the Council may be prepared, in exceptional circumstances, to accept a lower amount. Appendix B sets out how the Council will assess planning applications for conversions to flat or HMOs in relation to private outdoor amenity space.

3.25 If the proposal is not providing the full outdoor private amenity open space standard, it is the responsibility of the applicant to clearly demonstrate why a lower standard should be accepted addressing the points in the flowchart at Appendix B. This should be demonstrated in a statement submitted with a planning application. It should not be assumed that the Council will accept a shortfall in the amount of amenity space, and it is the responsibility of an applicant to demonstrate to the Council's satisfaction that a shortfall of amenity space would, on balance, still achieve in a high quality and sustainable development.

3.26 The flowchart at Appendix B refers to proximity to 'main parks' as a potential route to a reduced amount of outdoor private amenity space. Main parks are defined in the Open Space Supplementary Planning Document (SPD). If there is a deficit of private amenity open space, and the shortfall is being considered due to the proposal being within 200m of a main park, the applicant will be expected to make a financial contribution to the improvement of that park. This will be set at the rate set out in the Open Space SPD, currently £2,328.00 for every 40m² of shortfall.

3.27 If an applicant is relying on a regeneration benefit to justify a shortage of amenity space, the benefits must be to the wider regeneration area and not be restricted to the immediate property. We are unlikely to accept re-using a vacant property in a regeneration

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area as a sole justification for deficient amenity space. Applicants should look at the objectives of the relevant regeneration area and seek to link any benefits to these.

3.28 Notwithstanding the flexibility we may apply in the circumstances set out in the flowchart at Appendix B, we will not accept no outdoor amenity space as all residents need at least some outdoor space, for example to dry clothes. We will not accept the argument that having a tumble dryer negates the need for external space to dry clothes, particularly given issues with fuel poverty.

Bin stores

3.29 A suitable space for refuse and recycling bins must be provided, for all of the occupants of the building. The bin storage area must be within 25m of a publicly accessible pavement for ease of collection. Where possible, the bin store should be to the side or rear of the property out of public view and where it will not be a nuisance. Where it is necessary for bins to be stored at the front of the property, the bin store should be designed to fit in with the street scene. Bin stores should not create dark recessed areas which could encourage misuse, vandalism or pest control problems.

3.30 Where a development affects a heritage asset, the bin store should, where possible, be out of sight from the road.

Access and parking and cycling

3.31 The Applicant will need to consider how many car parking spaces, if any, are required, and provide a plan of the site showing the layout of the spaces as part of any planning application.

3.32 The Applicant must also include secure cycle parking facilities within the site unless the developer demonstrates to the Council's satisfaction that this is not possible. One secure cycle parking space should be provided for every flat within the proposal, plus one additional visitor cycle parking space for every ten units. Details should be provided as part of any planning application.

3.33 Car parking areas can spoil the appearance of heritage assets, particularly where they are at the front of buildings. Where this is unavoidable, car parking should be sensitively designed and kept to the minimum in line with the Sustainable Travel and Development SPD.

3.34 Conversions to flats, particularly those situated above existing commercial premises, should not be accessed from the rear via 'alley gated' alleyways. Such access can be long and circuitous, with obstructions such as bins and domestic refuse, over poor surfaces and with inadequate lighting, all of which may constitute various hazards. It is also a security risk. Access to multi-occupied flats should therefore only be through a dedicated accessway, direct from the street, at the front or side of the building and should not be via external staircases.

4. Conversions to Houses in Multiple Occupation

4.1 This section sets out how the Council intends to manage the provision of HMOs within the borough, so that they adhere to Policy HC4 of the Local Plan.

4.2 An HMO can broadly be defined as:

A house occupied by unrelated individuals, some of whom share one or more of the basic amenities. Shared amenities include: bathrooms, toilets, shower rooms and kitchens and living rooms.

4.3 A building defined as an HMO may consist entirely of bedsit unit type accommodation (where some or all amenities are shared) or a combination of both bedsits and fully self-contained flats.

4.4 Applications for HMOs are defined by the number of residents that will occupy the property. **When submitting an application for the conversion to a House in Multiple Occupation, the application description must specify the maximum number of occupants that will occupy the HMO, rather than the number of units. For example; ‘six person HMO’.**

Amenity of Future Occupiers of HMOs

Room Sizes

4.5 To ensure that Houses in Multiple Occupation are large enough to provide suitable accommodation for residents, the following minimum room size standards should be met:

Single Room Bedsit (HMO) Accommodation¹ – Minimum internal room sizes

	Accommodation that has access to a communal living room/lounge area		Accommodation that does not have access to a communal dining room or lounge area	
	Single Person	Two Person	Single Person	Two Person
Single room bedsit without kitchen facilities	10m ²	12.5m ²	15m ²	18.75m ²
Single room bedsit with integral kitchen facilities	13m ²	16.25m ²	19.5m ²	24.4m ²

¹ These areas can include en-suite bathrooms, toilets or shower rooms as long as the bedroom/living space does not fall more than 3m² below the standards above and the main room size is no less than 8.5m² in any case.

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4.6 A self-contained flat within a HMO must meet the standards under section A on flats.

4.7 It is recommended that all residents in HMO schemes have access to communal areas in which they can spend time to relax, socialise, eat meals etc. This is particularly important as residents will otherwise only have one room to spend the majority of their time. However, if the rooms are provided are spacious (i.e. all bedsits meet the standards in the right-hand column above) then the Council recognises that communal rooms may not be required as residents will have sufficient private space. It is considered this provides a flexible approach that will allow applicants to best use the available accommodation.

Multi Room Bedsit Accommodation

4.8 A HMO bedsit unit will occasionally have more than one private room for the use of the occupier. These additional rooms should also meet minimum standards as set out below.

4.9 The main room should meet the standards as set out above. Any additional room must meet the standards below depending on its function:

Separate Bedroom – two people sharing	10.5m ²
Separate Bedroom – single person occupant	8.5m ²
Living room	9m ²
Combined living room/kitchen	11m ²
Kitchen	5.5m ²

Shared Facilities

4.10 Typically HMOs will share one or more key amenity, usually a kitchen, dining room, living room or bathroom. Shared bathrooms should be no more than one floor up or down from the bedsit units that they are intended for. Shared kitchens should be no more than one floor up or down from bedsit units they are intended for unless they include a dining area (provided it meets to room standard below), or a separate dining room is provided nearby. If bedsit accommodation is provided within a separate building or annex to the main building, these residents must have access to a suitably located bathroom and kitchen within that building. No resident will be expected to go outside or into another building, in order to access a bathroom or kitchen.

4.11 Shared facilities, where residents may be expected to socialise for a period of time, such a communal lounge or dining room (essentially rooms that have seating), should be located to minimise the impact on bedrooms, both within the building and adjoining properties. These typically may be best located on the ground floor.

4.12 The table below sets out the minimum size of the communal rooms if these are provided.

Separate Kitchen	7m ²
Lounge or Dining Room	11m ²
Multi use communal area (e.g. kitchen/dining room or kitchen/lounge)	14m ²
Bathroom/wc	No set standard – however must have a suitable internal arrangement to allow residents to use the facilities safely without resulting in a slip / trip/ collision or entrapment hazard.

4.13 The space standards above, and the level of shared amenities will increase depending upon the number of occupants they are intended to serve. A sufficient number of kitchens, bathrooms and toilets will need to be provided, for the number of persons sharing those amenities. In the case of Mandatory or Additionally Licensed HMOs, specific levels of amenities are required by law. Therefore the number of occupants should be specified in an application, rather than the number of units (see paragraph 4.4 above).

4.14 Communal rooms, where residents would be expected to spend periods of time (kitchen, lounge etc.) or circulation areas (including stairwells), should be avoided where they would share a party wall with a bedroom in a neighbouring property. Communal rooms and circulation areas should therefore be located, to cause minimal nuisance to both future and existing residents. In any case, all bedrooms in an HMO should be provided with good sound proofing to reduce noise disturbance from the comings and goings that inevitably occur in a multi occupant residence.

4.15 The internal arrangement of rooms within a multi-roomed bedsit (or flat) should avoid 'inner room' situations. This is where escape from a bedroom (in the event of a fire) is only possible, by passing through an area of higher fire risk such as a living room or kitchen.

Outlook, Prospect and Privacy

4.16 In HMOs each bedsit should have at least one window with a reasonable outlook and prospect. Similarly, at least one window in communal habitable rooms should have a reasonable outlook and prospect. There should be a minimum distance of 12 metres between a main window in a habitable room on the ground floor and a blank wall (or a wall with a window of a non-habitable room) of a property opposite. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window in a habitable room of a property opposite.

4.17 In many urban parts of Sefton these standards may not be achievable. In these instances, we will consider the outlook and prospect of the accommodation as a whole,

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including communal habitable rooms. We will also consider the previous use of the rooms and determine whether the proposal will have any greater harm. However, if new windows are proposed to be added we will be less flexible. We will assess each case on its merits.

Ground Floor Bedrooms

4.18 Many homes in Sefton, particularly the older parts of Bootle, Litherland, Seaforth, Waterloo and Southport, have little or no front garden space. In such cases the front living space fronts directly onto, or very close to, the public highway. When this room is used as a living room, dining room, or home office, this does not cause an issue. However, if these rooms are used as a bedroom within an HMO conversion (or within a flat, see above) it can result in unsatisfactory living accommodation due to noise from the street from passing pedestrians and traffic.

4.19 Therefore, to protect residential amenity for future residents, the Council will not permit the use any room on the ground floor (or basement) that fronts directly onto a public highway as a bedroom, unless there is a front garden space of at least 3m that separates the room from the public highway.

Basement Accommodation

4.20 In most cases basements are unlikely to be considered acceptable for conversion to HMO accommodation.

4.21 For basements, we will only grant planning permission where there is a reasonable outlook from windows in each bedsit and each habitable room within the basement. We will also only grant planning permission where there is no known flood risk, or where flood risk has been managed to the satisfaction of both the Environment Agency and the Council.

4.22 When considering whether there is a reasonable outlook from a window in a habitable room in a basement, the Council will consider the function of the space to which it looks onto. For example, it would not be considered appropriate if the window looks directly onto a bin storage area or where cars will be parked. The Council would expect a minimum distance of 3m from a habitable window to an area of bin storage or car parking.

4.23 More generally, internal floor levels should not be more than 1 metre below the existing ground level from outside (it will not be acceptable to excavate land at the front of the property to provide a reasonable outlook, but this may be possible at the side or rear of a property subject to design considerations, flood risk issues, impact on a heritage asset, amount of amenity space that is left and residential amenity issues). This is to prevent accommodation from being dark, gloomy and damp. Basements can be used for storage, laundry rooms, bicycles or other uses. This restriction on excavation to provide a reasonable outlook from a basement applies especially to 'heritage assets' as additional excavation can affect the appearance of the building.

Roof Space Accommodation

4.24 The same principles apply to roof space accommodation as to other accommodation.

4.25 When calculating the floorspace of bedsits and communal rooms in a roof space, the Council will not include space that has a floor to ceiling height of below 1.5m. It is considered that these spaces would not provide useable accommodation. Applicants must identify on submitted plans the floorspace area that has a floor to ceiling height of 1.5m or more.

4.26 Habitable rooms within the roof space area must provide a reasonable outlook. Roof lights that only provide a view of the sky are not considered to provide a reasonable outlook and prospect. If a roof light is providing the main outlook in a habitable room, it must be positioned at a minimum of 1.5m from the floor level.

4.27 Rooms within the roof need will need to be thermally insulated from excess cold or heat.

4.28 Developers should be aware that large numbers of roof lights can spoil the appearance of a building, especially where the building is a heritage asset, and such proposals are unlikely to be acceptable.

Outdoor Amenity Space

4.29 It is important that residents have access to an area of private outdoor amenity space. This is usually provided as a communal area that is available for all residents of the HMO to use but should not be accessible to the public. This space should be designed to provide an area for residents for informal recreation, gardening, drying clothes and socialising.

4.30 The minimum requirement for amenity space for Houses in Multiple Occupation is **10m² per occupant**.

4.31 The amenity space (if communal) must be accessible to all residents directly from the property (i.e. residents should not have to leave the property and enter the space from a public highway or otherwise) and be of high quality. The total amount of amenity space to be provided should account for all HMOs (or flats) that have access to it even if some of those already exist. The standard can be met either by provision of a communal area, such as:

- a rear garden, or
- a communal roof terrace (subject to no harmful effect on neighbours), or
- a private space (such as a balcony, subject to no harmful effect on neighbours) or
- a combination of these.

4.32 Areas to the front of a building that are not private, and areas intended for parking and bin stores will not be included in the calculation. Narrow spaces (typically less than 2.5m

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wide) will not be included in a calculation of available amenity space as they are not considered to provide useable space.

4.33 Applicants must take all opportunities to provide the minimum amenity space requirement within the proposals. This may include the removal of existing extensions and outbuildings and/or the inclusion of appropriate roof terraces (where this does not result in detrimental harm to the living conditions of neighbouring residents or the character of an area). The Council will not permit insufficient amenity space if **all** opportunities to maximise the amount of space have not been taken. Extensions to properties to increase accommodation will not be permitted if this would result in an inadequate amount of amenity space.

4.34 Furthermore, if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of occupants expected to be accommodated.

4.35 If all measures to address the amenity space standards have been adequately demonstrated, and they still cannot be met the Council may be prepared, in exceptional circumstances, to accept a lower amount. Appendix B sets out how the Council will assess planning applications for conversions to flat or HMOs in relation to private outdoor amenity space.

4.36 If the proposal is not providing the full amenity open space standard, it is the responsibility of the applicant to clearly demonstrate why a lower standard should be accepted addressing the points in the flowchart at Appendix B. This should be demonstrated in a statement submitted with a planning application. It should not be assumed that the Council will accept a shortfall in the amount of amenity space, and it is the responsibility of an applicant to demonstrate to the Council's satisfaction that a shortfall of amenity space would, on balance, still achieve in a high quality and sustainable development.

Bin stores

4.37 A suitable space for refuse and recycling bins must be provided, for all of the occupants of the building. The bin storage area must be within 25m of a publicly accessible pavement for ease of collection. Where possible, the bin store should be to the side or rear of the property out of public view and where it will not be a nuisance. Where it is necessary for bins to be stored at the front of the property, the bin store should be designed to fit in with the street scene. Bin stores should not create dark recessed areas which could encourage misuse, vandalism or pest control problems.

4.38 Where a development affects a heritage asset, the bin store should, where possible, be out of sight from the road.

Access and parking and cycling

4.39 The Applicant will need to consider how many car parking spaces are required, and provide a plan of the site showing the layout of the spaces as part of any planning application.

4.40 The Applicant must also include secure cycle parking facilities within the site. This is especially important due to the low levels of car ownership associated with HMOs. Unless the developer demonstrates to the Council's satisfaction that this is not possible, one secure cycle parking space should be provided for every HMO bedsit unit or self-contained flat within the building. Details should be provided as part of any planning application.

4.41 Car parking areas can spoil the appearance of heritage assets, particularly where they are at the front of buildings. Where this is unavoidable, car parking should be sensitively designed and kept to the minimum.

4.42 Conversions to HMOs, particularly those situated above existing commercial premises, should not be accessed from the rear via 'alley gated' alleyways. Such access can be long and circuitous, with obstructions such as bins and domestic refuse, over poor surfaces and with inadequate lighting, all of which may constitute various hazards. It is also a security risk. Access to HMOs should therefore only be through a dedicated accessway, direct from the street, at the front or side of the building and should not be via external staircases.

Need for a separate licence

4.43 It is important to note that a licence may be required (under a separate consent process) even if planning permission is not required. Furthermore, the granting of planning permission does not automatically mean that a licence will be granted. You should check the requirements for a licence separately with the Housing Standards Team (see Appendix C). The requirements for a licence would likely include consideration of room sizes (against licence standards if they are different to planning requirements), heating, kitchen and bathroom facilities, fire precautions, housing health & safety, security and the storage / disposal of household waste. Whilst these are not planning considerations, applicants are strongly advised to ensure all licensing requirements can be met before planning permission is sought.

Management Plans

4.44 The Council will require the submission of a management plan as part of the planning application for an HMO. The agreed management plan will need to be adopted by the landlord, and the use of the property as an HMO implemented in accordance with the agreed details. The management plan will be expected to cover matters such as:

- The arrangements for the management and maintenance of all communal areas within the building.

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- The arrangements for the management and maintenance of the garden/outdoor space within the curtilage of the property, which includes the maintenance of garden walls and fences
- How nuisance and annoyance to other occupiers of the house, or residents in neighbouring properties and the local area, is avoided, reduced by preventing anti-social behaviour from occupiers of and visitors to the property, and by effectively dealing with complaints made to the landlord directly or via the Council or Police. In this regard the Council's guide for landlords to managing anti-social behaviour - sefton_landlord_asb_guide – should be considered. A contact should also be provided for the reporting of complaints.
- The keeping of records of complaints about antisocial behaviour which will be provided to the Council on request.
- The management proposals for the servicing and the storage, transfer and collection of waste ensuring that appropriate arrangements are made.
- Preventing the premises to be used by more tenants than the approved number
- Commitment to securing relevant licences as required by Sefton Council This will ensure that there is a visible statement provided as part of the planning application process that provides greater clarity / detail about the arrangements in terms of the management of the property. This should not prove onerous for good landlords and will allow them to highlight good management practices. The implementation of the approved management plan will be secured by condition.

5. Local impact of converting buildings to Flats and HMOs

5.1 Permitting the conversion of a building into Flats or a House in Multiple Occupation can help bring back into viable use an otherwise vacant property. Furthermore, the re-use and adaptation of such buildings reduces the consumption of resources, can contribute to local character, assist regeneration and support local services through the increase of residents. They can also contribute to the Council's housing requirement. However, they also have the potential to cause a nuisance to existing neighbouring residents. Additionally, an over proliferation of conversions to Flats and HMOs in a local area can have a negative impact on residential amenity and change the character of the area for the worse.

Limiting the Impact of Conversions of Flats and HMOs on a local neighbourhood

5.2 In some parts of Sefton, the impact of conversions to HMOs (but also flats) was considered to be having a significant detrimental impact, and so an Article 4 direction was implemented.

5.3 The Council has implemented an article 4 direction for small HMOs in two areas in Sefton (Southport and South Sefton). In these areas the Council has removed the permitted development rights to convert a dwellinghouse (C3 use) to a House in Multiple Occupation for up to 6 occupants (C4 use). In these areas, planning permission is now required for all HMOs. Elsewhere, permission is only required if the HMO is to have 7 occupants or more. The article 4 areas cover Bootle, Seaforth, Waterloo and central Southport. These areas are identified in appendix A.

5.3 The rationale for the setting of an article 4 in these areas is set out in supporting evidence to the article 4 direction (available at www.sefton.gov.uk/article4hmo). This document identifies the social, environmental and economic issues that are prevalent in these areas that make them more susceptible to problems caused by an over-concentration of HMOs, which affect the character of the area. These have been identified as high deprivation, high unemployment, higher crime, more homes in poor condition, low demand, low value housing, greater prevalence of environmental issues and higher instances of anti-social behaviour. As a result, the Council considers it necessary to restrict the total number of HMOs (and conversion to flats) within these areas, particularly where there are concentrations in local neighbourhoods. This will help to restrict significant harm to the character of the area and the living conditions of residents in neighbouring properties.

5.4 Similarly, an overconcentration of conversions to flats can have similar negative impact, resulting in the same issues as conversions to HMOs. This is particularly a problem in areas where there is already a high concentration of converted flats, making it difficult for residential amenity to be maintained. The Council periodically review whether permitted development rights need to be restricted and it may consider additional Article 4 directions in the future.

5.5 To reduce the impact of too many conversions to Flats or HMOs on a neighbourhood within the article 4 area (see Appendix A), the Council will apply maximum concentration of conversions to Flats or HMOs to 10% of the properties in a local area. The Local Area will be defined as being within a 100m radius of a proposal for conversion to flats or HMOs. **Note –**

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this policy, on a maximum concentration of conversions, does not apply to areas outside of the article 4 direction area.

If there are fewer than 40 buildings in the local area (100m radius) – **maximum 3 conversions to flats or HMOs allowed**

If there are 40 or more buildings in the area – no more than **10% of the total number of properties are allowed to be converted to flats or HMOs**

5.6 Flats or HMO conversions that would lead to or increase an existing over-concentration of conversions to HMOs within a defined 100 radius will be considered inappropriate. The above limits apply to the number of flat and HMO conversion combined. It is not acceptable to have 10% conversions to flats and 10% conversions to HMOs.

5.7 This cap only applies to proposals for conversions to HMOs and flats and does not apply to new build flats. This is because new build flats are designed for that purpose and should provide sufficient space for parking, bins, outdoor amenity etc as part of the overall proposal. It also only applies to proposals for conversions to Flats and HMOs that require planning permission (and not those that can be done under a prior approval process). For example, it does not apply to dwellings outside of the article 4 areas that can be converted to small HMOs under permitted development rights or accommodation above shops that can be converted to flats under permitted development rights. However, properties converted through permitted development rights will still be used when calculating how many HMOs are in a local area, and therefore if there is an over concentration of Flat and HMO conversions in an area.

5.8 The above restriction will not be applied to proposals for conversion to flats and HMOs within one of the Council's defined Town, District or Local centres (as shown on the Local Plan policy maps). This is because centres are an excellent place to have a large number of people living, due to the concentration of services and facilities.

5.9 Furthermore, proposals to convert a listed building or non-listed heritage asset to flats will also be exempt from the 10% 'over concentration' restriction. However, the restriction to convert a listed building or non-listed heritage asset to an HMO, will be subject to the restriction set out above.

5.10 In determining whether there is or will be an overconcentration of conversions to Flats or HMOs the Council will undertake the following approach:

- **Step 1** - plot a 100m radius from the application property using the address point of the property, as defined by the Council's Local Land and Property Gazetteer (LLPG). Properties, including the curtilage of the property, that are within the 100 metre radius buffer zone will be identified. This is demonstrated in an example below. Identify the total number of properties in the defined area noting that a property converted to flats will be counted as a single property.



- **Step 2** - Identify the total number of existing properties that have been converted to Flats or HMOs (either through the planning application process or through permitted development rights) within the defined area. This will be determined using the following sources of information:
 - information on licensed Flats and HMOs
 - previous planning permissions
 - Previous prior notification approvals
 - enforcement information
 - other Flats and HMOs declared to the Council
 - information from residents

5.11 It is important to emphasise that it may not always be possible to ascertain a complete and accurate record of all properties that have converted to Flats or HMOs as many properties may have been converted under permitted development rights and the Council may not be aware of these. The Council will only be able to apply this limit using the information that it has.

- **Step 3** - Determine whether an over-concentration of conversions to Flats or HMOs already exists in the defined area, or the proposal would result in an over-concentration.

5.12 In the example above there are 272 properties (light red) that are identified as being within the 100m radius (dotted circle) of the application property (dark red). In this case, if there are already 27 or more properties that have already been converted to flats or HMOs

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within the identified area, the Council will not grant planning permission to anymore. It must be remembered that the above does not restrict proposals that are allowable under permitted development rights.

Limiting the impact of Conversions to Flats or HMOs on immediate neighbours

5.13 In addition to the impact on the local area, the conversion of a dwelling into flats or an HMO, has the potential to adversely impact on its immediate neighbour, if that remains as a single dwelling. This is due the potential increase in comings and goings, parking issues, refuse disposal and other residential amenity issues that could occur. It could also introduce shared living spaces, such as kitchens and living rooms, next to a bedroom in adjacent property.

5.14 Therefore, the Council will not permit a single dwelling to be 'sandwiched' between two converted Flats or HMOs (or one of each). This restriction applies across the whole borough for proposals to convert to Flats or HMOs that require planning permission. Conversions to Flats or HMOs that do not require planning permission cannot be controlled by the Council and are not subject to this restriction.

5.15 In the example below the proposed conversion to a Flat or HMO (at number 22) would result in a neighbouring residential property (number 20) being sandwiched between two converted Flat or HMO. **This would not be acceptable.**

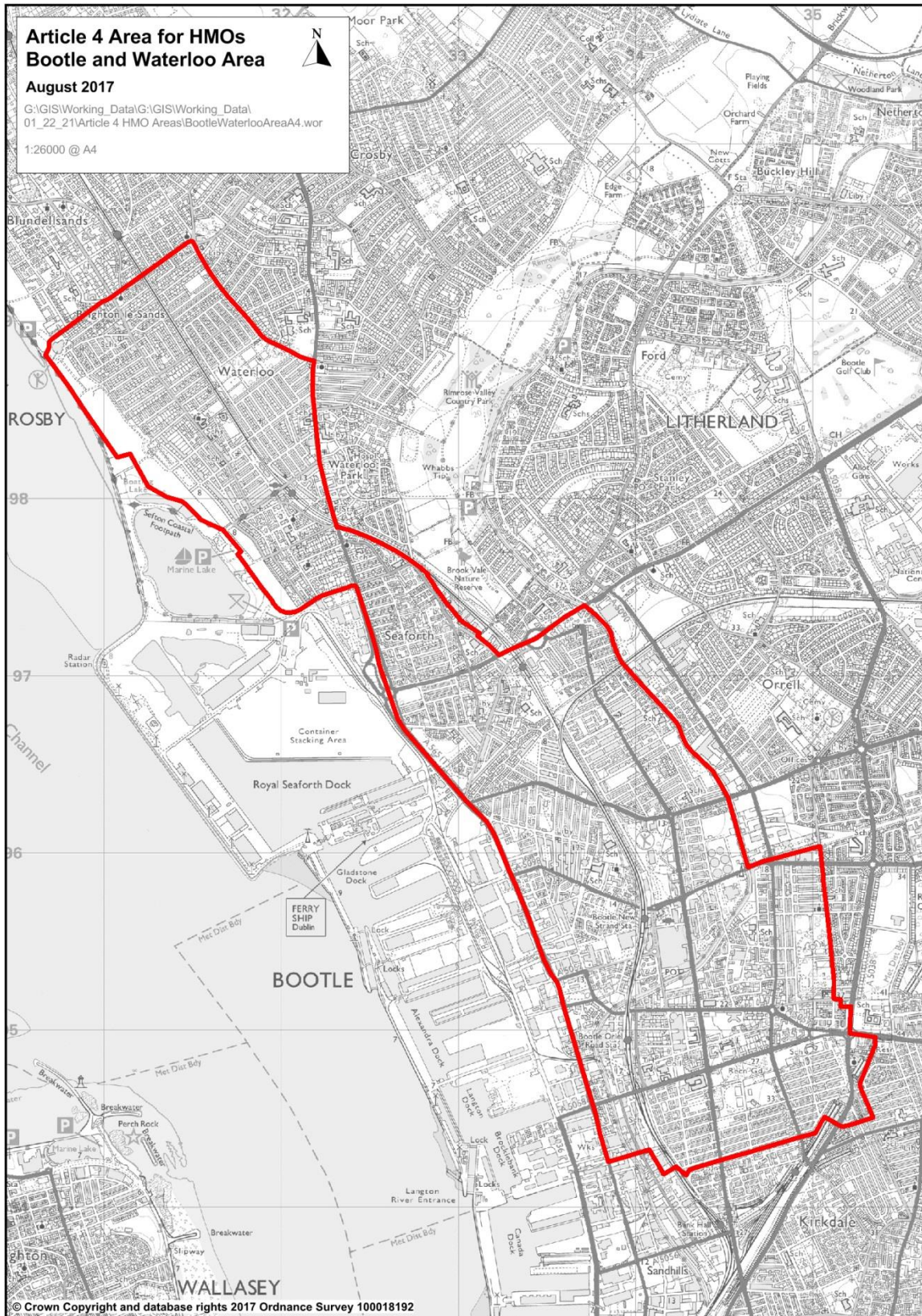


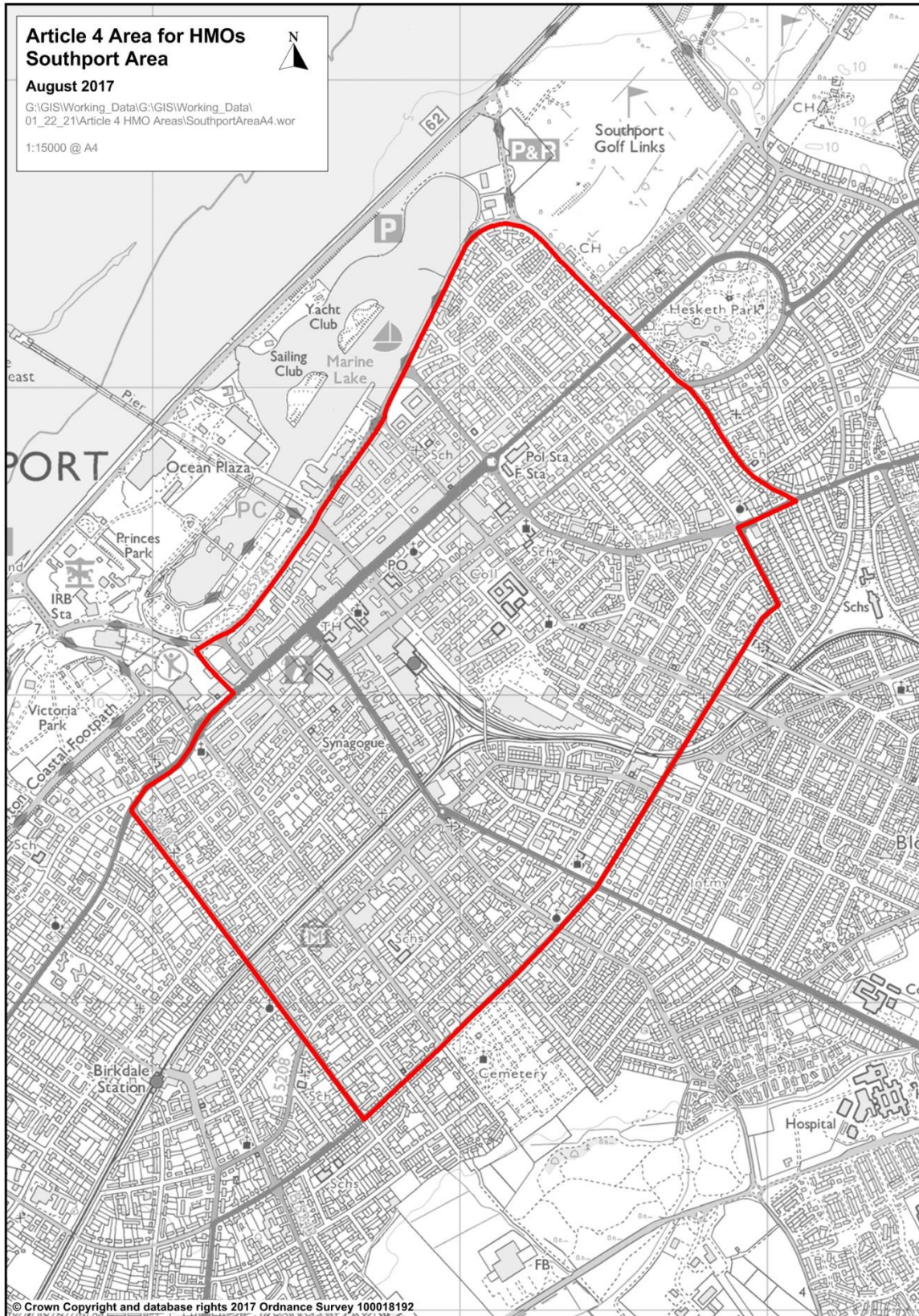
5.16 This restriction applies to all dwelling types, including terraced, semi-detached and detached properties. These restrictions will not apply if the properties (including the curtilage) are separated by a road (minimum of 5.5m) suitable for vehicles or an area of

undeveloped land (that is at least 5.5m wide).

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Appendix A

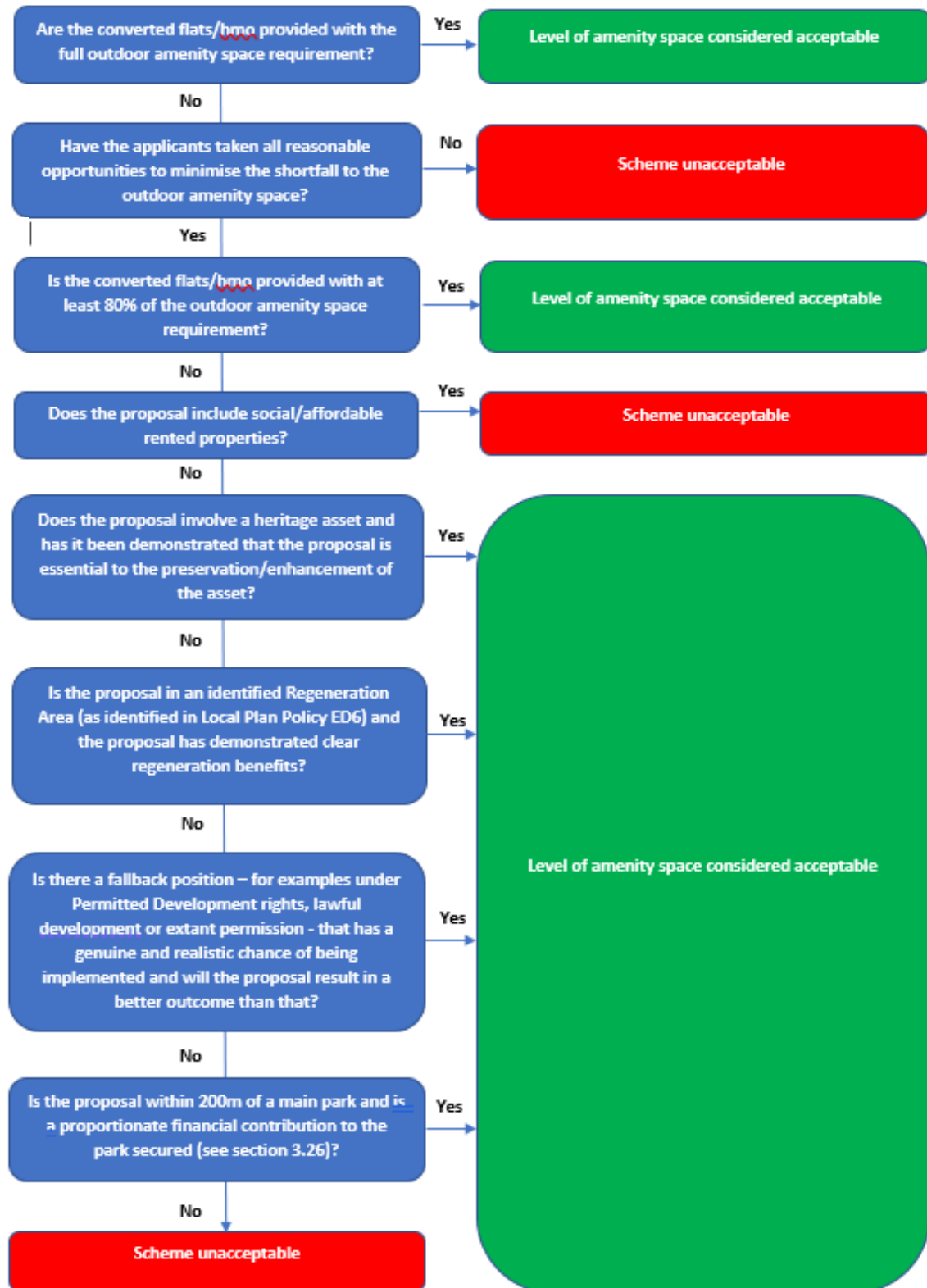




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Appendix B

Flow chart to determine if the level of private outdoor amenity space for a flat or HMO conversion is acceptable



Appendix C

Useful contacts/information

Planning Department Pre-Application service

<https://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/pre-application-advice-on-development-proposals.aspx>

Email: planning.department@sefton.gov.uk

Building Control

Web: <https://www.sefton.gov.uk/planning-building-control/building-control.aspx>

Email: building@sefton.gov.uk

Housing Standards

Web: <https://www.sefton.gov.uk/housing/private-housing.aspx>

Email: private.housing@sefton.gov.uk

Highways Development and Design

Web: <https://www.sefton.gov.uk/parking,-roads-travel/highway-development-and-design.aspx>

Register of Housing licences

[Search Public Register - HMO Sefton](#)

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House Extensions

Supplementary Planning Document

May 2023



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1. Introduction

- 1.1 This is a guide for homeowners, applicants and their agents, neighbours and other members of the public as to how we will deal with planning applications for house extensions and related household development.
- 1.2 Sefton has numerous residential districts with a large variety of characteristics, layouts and features. This guidance cannot cover every possible scenario. It explains what we will consider when judging whether an application is acceptable. In some instances, there may be reasons that allow for a departure from this guidance, for example where an innovative design solution is put forward.
- 1.3 This guidance provides further detail to the policies in the Local Plan for Sefton. It does not have Development Plan status as the Local Plan does, but it will be given weight as a "material planning consideration" when we determine planning applications.
- 1.4 Applications for extensions to dwellings will be assessed against this guidance, the Sefton Local Plan, the National Planning Policy Framework and relevant Neighbourhood Plans. In particular, Local Plan policy HC4 "House extensions, Houses in Multiple Occupation and Flats" will be used alongside this guidance in the determination of household applications.
- 1.5 It is important that you do not read each section of this document in isolation as the guidance will be applied as a whole.
- 1.6 While the document relates mostly to extensions to residential properties, the principles will still apply to development of non-residential properties located within residential areas.
- 1.7 If any application fails to meet our guidance, it is important that this is explained as part of the application.

Speaking to your Neighbours

- 1.8 We encourage you to discuss your proposal your neighbours before you make an application. Not only will your neighbours feel that you have made an effort to keep them informed, it will also avoid them being surprised when they receive a letter from us about your planning application. It will also give you an opportunity to consider changes to address their concerns before you submit your planning application.
- 1.9 Should any part of your extension, including footings, gutterings, overhanging roof or openable windows encroach onto your neighbour's land, you will be required to let them know. If you don't do this correctly it is likely to result in delays to your

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application being determined. If you are encroaching on their property you will be required to sign a certificate to say you do not own all the land.

- 1.10 While not a material planning consideration, extensions and walls that are built right up to the property boundary can often cause problems. In many cases you will need the consent of your neighbours. If you intend to carry out work on, or close to, your neighbour's boundary or party walls, you will need to consider the requirements of the Party Wall Act 1996. This is designed to resolve disputes which may arise between neighbours when building work is carried out. You can find more information and guidance by visiting the GOV.UK website and searching 'Party Walls' or visit the Planning Portal.

<https://www.gov.uk/party-walls-building-works>

Making a Planning Application

- 1.11 Information on how to apply for planning permission is available at the following webpages:

- <https://www.sefton.gov.uk/planning-building-control/apply-for-permission/how-to-make-a-planning-application>
- <http://planningguidance.planningportal.gov.uk/blog/guidance/making-an-application/>

Planning Enforcement

- 1.12 If you don't apply for planning permission when this is required we may take enforcement action. We will act where it is practical, reasonable, and necessary to do so in the wider public interest.

Neighbourhood Plans

- 1.13 Formby and Little Altcar, Maghull and Lydiate have adopted Neighbourhood Plans. Neighbourhood Plans are statutory development plans for their relevant area. We encourage you to check any Neighbourhood Plan covering your area before you make an application as:

- a) It may contain additional policies your development will have to adhere to.
- b) It may provide a character appraisal for your area.

- 1.14 Information on Neighbourhood Plans adopted within Sefton can be found at:

<https://www.sefton.gov.uk/neighbourhoodplanning>

Pre-Application Service

- 1.15 We encourage you to use our pre-application service to obtain advice from our planning officers on your proposed extension. By discussing your project with us

before you apply for planning permission, we can help you put together a successful application that meets Sefton Council requirements and avoids delays.

1.16 There are significant benefits in using our pre-application service before you make your application:

- We will let you know whether planning permission is required.
- We will tell you whether we think your scheme is likely to get permission.
- We will identify a need for specialist input (e.g. in relation to listed buildings or trees) before you make your application.
- We will point out potential issues and reduce the chance of you applying for something which is likely to be unacceptable.
- We may indicate that a proposal is completely unacceptable, saving you the cost of making a formal application.
- We will let you know what information you should provide with your application, reducing the chance that you will make an invalid application.

1.17 There is a charge for this service. Details of our preapplication service can be found here:

[Sefton Council: Pre-application advice on development proposals](#)

2. General design principles

2.1 We expect proposals for house extensions and alterations to adhere to the key general design principles set out below.

Local character and street scene

2.2 The character and identity of the local area and street scene will be a significant factor in determining the appropriate form, scale and design of house extensions and alterations. You should take account of the character of the area in preparing your

General design principle 1: Local character and street scene

Extensions and alterations to residential properties should be in keeping with the appearance, scale, design and character of the local area and the street scene.

proposal.

2.3 The following considerations should help ensure proposals are appropriate to the local character and street scene:

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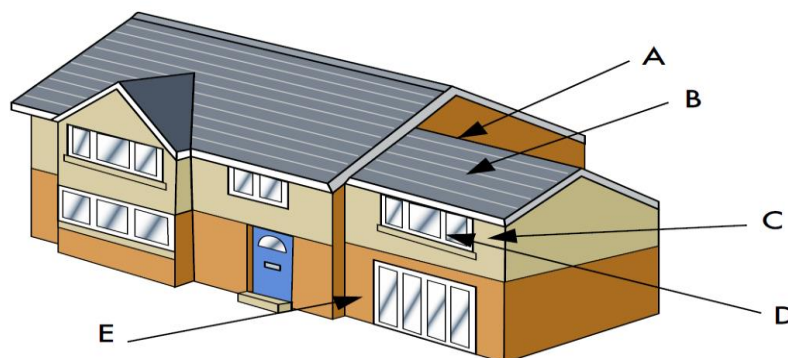
- **Terracing effect-** Extensions to detached or semi-detached homes should not create a 'terraced' effect by giving the impression that one home is linked to the next where this is out of character with the local area (see section 4). If your house is situated within a group of buildings similar in appearance and significance to the character of surrounding area, the extension to your home should take account of the appearance of the group, as well as your own house.
 - **Building line-** Where a street or group of buildings have a clearly defined building line this should be retained. Extending forward from the street's building line will only be appropriate in certain circumstances and will be assessed on the merits of the particular proposal.
 - **Local Character-** Extensions should be in keeping with the existing character or appearance of the local area and street scene. This can include the use of materials, window form, position and size, architectural style and roof pitch. Any deviation away from the local character will require justification and be considered case by case.
 - **Enhance appearance-** Where practical, opportunities should be taken to improve the appearance of existing buildings, particularly by the removal or replacement of existing unsightly extensions or alterations.
- 2.4 Contemporary designs and high-quality modern interpretations of distinctive and significant local characteristics will be permitted where they are appropriate to the site context and make a positive contribution to the wider environment. In some cases, applicants may wish to develop proposals which do not conform to the street scene. We will assess these schemes on merit. Where you propose an innovative architectural approach, we ask you to provide a rationale for the approach and to justify why the scheme would enhance rather than detract from the character and street scene of the area.

The existing house

- 2.5 We expect proposals for extensions to be proportionate to the existing building. Two-

General design principle 2: Impact on the existing house

We expect the design of a house extension to complement the existing building. Extensions should not dominate or be larger than the existing house and should be in keeping with the existing building in terms of scale, materials and detail. Two storey extensions should integrate with the existing roof and should be designed with a roof in keeping



- A. Lower ridge line to reduce impact of extension.
- B. Roof materials to match.
- C. Materials to match existing.
- D. Window form to match existing.
- E. Extension set back to avoid bonding of old with new brickwork.

storey extensions should be set down from the ridge line, set back from the front elevation and generally be small in footprint. The materials, design, roof pitch and detailing should match the existing house. This includes two storey extensions to the rear where the extension is visible from surrounding houses.

Figure 1-Key features of an extension.

- 2.6 Where extensions seek to differ from the existing materials, design, roof pitch or detailing, or present a scale that would not be subordinate to the main house, we will consider proposals case by case. We will take account of the character of the area and street scene and other material considerations.
- 2.7 We will support innovative and modern design approaches which are high quality and appropriate to the local context. The scale and proportion of elevations and the quality of contemporary materials and detailing will be important. You should provide reasons to support such a design approach.

Neighbouring Properties

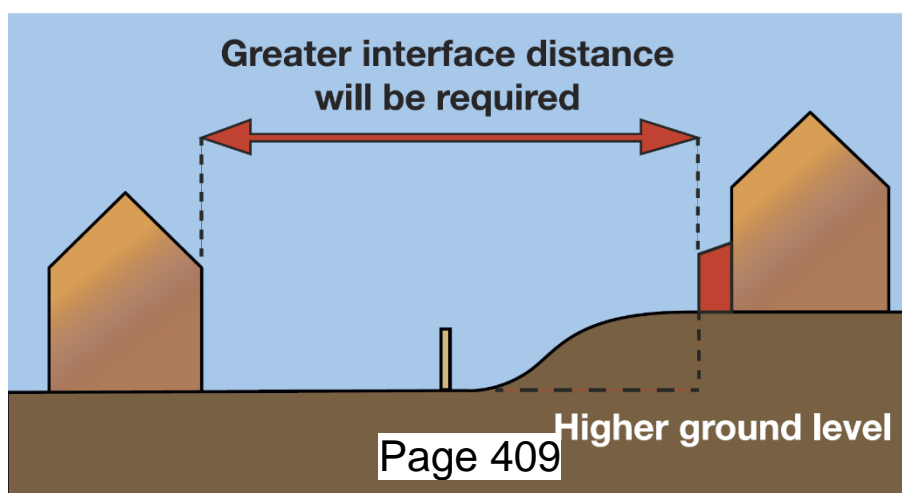
- 2.8 Extensions or alterations should be designed so they do not significantly impact on the living conditions of neighbours.

General design principle 3: Privacy

Extensions and alterations should be designed to achieve reasonable levels of privacy for inhabitants, future occupants and neighbours.

- 2.9 Extensions which significantly overlook neighbouring homes and gardens will not be permitted.
- 2.10 In some instances there may be a significant difference in ground levels between your extension and neighbouring homes. Where this is the case, we may not approve your extension even if it meets our usual requirements. We will expect increased distances if there are significant differences in land levels and / or additional floors above two storey (see paragraph 3.8 below).

Figure 2- Ground level change



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- 2.11 Obscure glazing can help avoid harmful overlooking. We will generally allow obscure glazing when used in non-habitable rooms but is unacceptable for primary windows serving a habitable room. Appropriate screening at ground floor level, such as boundary treatment (e.g. fence, wall, shrubs and trees), can also protect the privacy of neighbouring properties.
- 2.12 We consider light and outlook to be of greater importance to some rooms than others. We will give significant weight and protection to rooms in which most people spend much of the day, known as habitable rooms. Limited weight will be given to protecting the amenity of non-habitable rooms.

General design principle 4: Habitable rooms and side windows

Extensions and alterations should consider the design and layout of habitable and non-habitable rooms both on the proposal and neighbouring properties to reduce harm to neighbouring properties relating to loss of privacy, light and outlook.

- 2.13 In some cases, a neighbouring property may have a habitable room with secondary windows on the side of the house. In these circumstances, development may be allowed closer to the secondary window. Where neighbouring properties have primary windows on the side of their house, we seek to ensure appropriate distances are maintained so the proposal does not impact on such windows.

Habitable rooms

- Kitchens
- Living rooms
- Dining rooms
- Bedrooms
- Studies
- Conservatories

Non-habitable rooms

- Bathrooms
- Toilets
- Stairways
- Landings
- Small porches
- Garages

Primary Window- A primary window is the main or only window through which light illuminates the room and provides the main outlook for the room.

Secondary Window- A secondary window is usually a smaller, subordinate, window which serves the same room as a primary window.

- 2.14 Side windows should not be included in proposals where they would unacceptably overlook neighbouring gardens or otherwise constrain the development potential of adjoining land. If you think side windows are necessary, you should consider using obscure glazing. In order to protect privacy of neighbours, any openings to side windows should be at a minimum height of 1.7m above floor level.

General design principle 5: Overshadowing/loss of light

Extensions and alterations should not affect the amount of natural light enjoyed by a neighbouring property.

- 2.15 Extensions should not result in significant overshadowing to neighbouring homes or gardens. If an extension is likely to significantly reduce the amount of sunlight entering a habitable room or overshadow a major part of a neighbour's garden planning permission will not be granted.

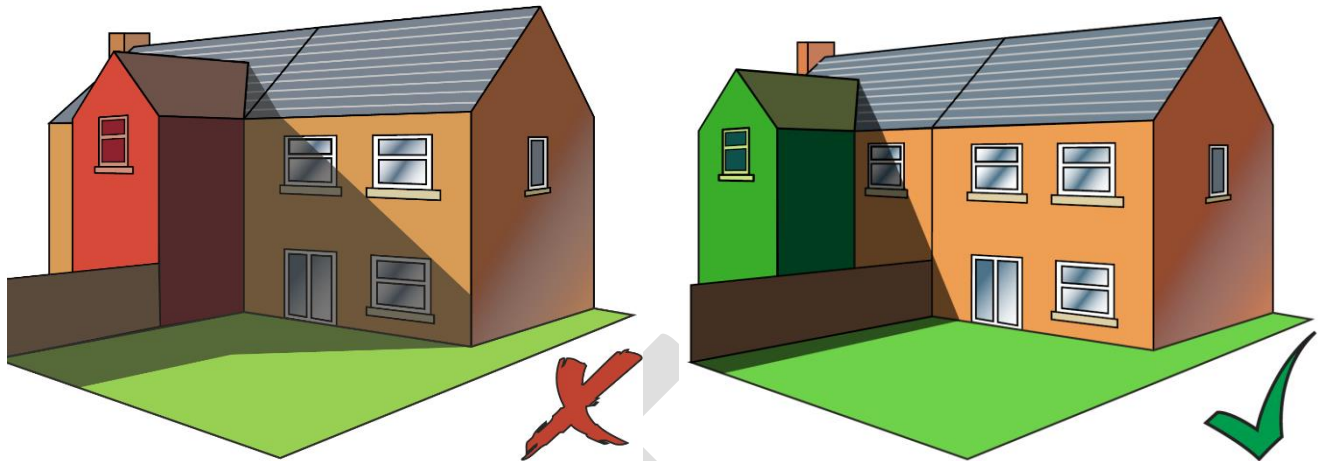
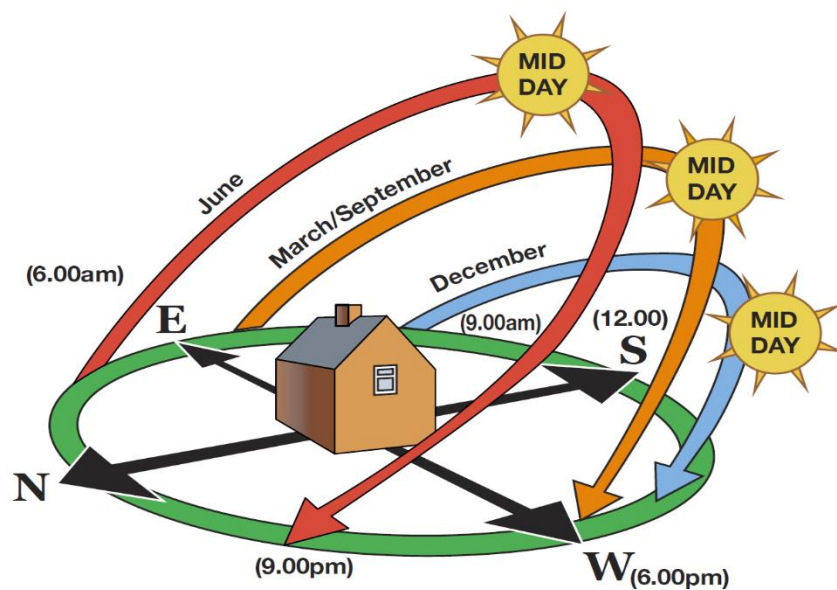


Figure 3a-Unacceptable overshadowing.

Figure 3b-Appropriate level of sunlight.

- 2.16 We will apply the '45-degree guideline' as a starting point to assessing overshadowing to neighbouring properties. The '45 degree guideline' is set out at Annex 1 of this document.
- 2.17 We will consider the position of the extension in relation to the sun's path and the likely effect at different times of day and year when considering the impact on neighbouring properties.



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Figure 4-Sun path and orientation.

- 2.18 We will expect there to be a minimum distance of 12 metres between a window of a habitable room that faces a blank wall of two storeys or more. The blank wall could either be part of what you are proposing or part of the neighbouring property. Extensions that do not meet or retain this standard are unlikely to be acceptable but will be decided case by case.

General design principle 6: Outlook and overbearing / over dominant effect

Extensions and alterations should not unduly reduce the outlook from a neighbouring property.

- 2.19 Your extension should not have an overbearing or over dominant effect on nearby properties. This occurs when the physical presence of an extension (size, height and form) results in a significant impact on the living conditions of neighbours and/or their usable garden space. We will apply the '45-degree guideline' as set out at Annex 1 as a starting point to assessing whether an extension is likely to have an overbearing or over dominant effect on neighbouring properties or have a significant impact on their outlook.

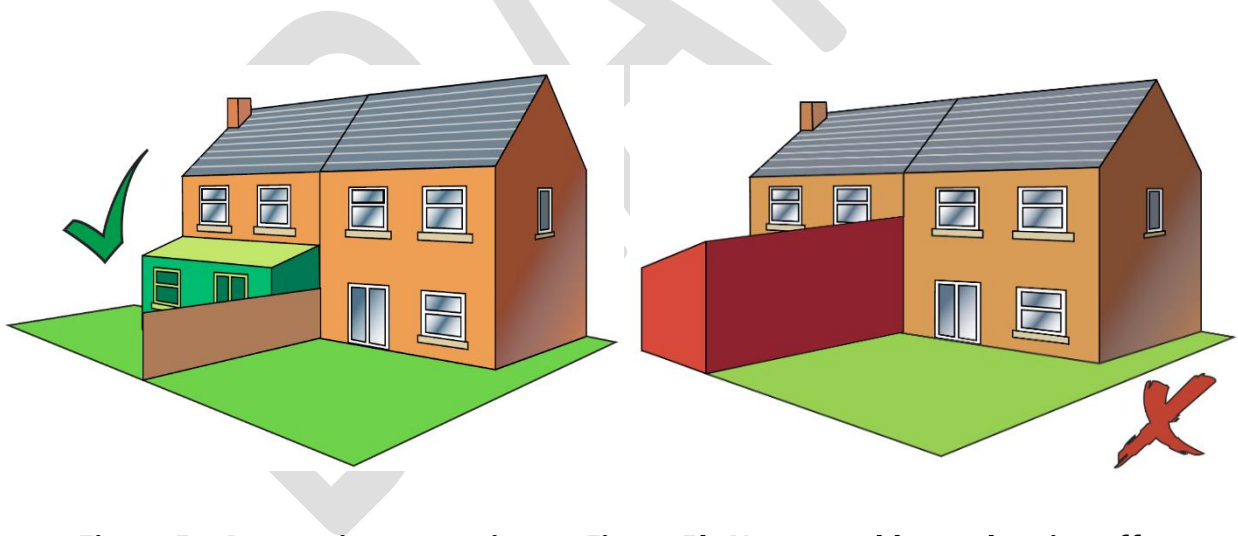


Figure 5a-Appropriate extension

Figure 5b-Unacceptable overbearing effect.

- 2.20 You can avoid poor outlook through maintaining space and key distances from neighbouring habitable rooms and gardens or reducing the scale of your extension. The extension can also be designed to reduce the impact on neighbours such as sloping roofs away from boundaries.
- 2.21 A standard distance of at least 12 metres is required from blank walls of two storey extensions to the habitable rooms of nearby homes opposite the blank gable. We

may require further distance if the extension has more than two storeys or if there are significant changes in land levels.

- 2.22 When assessing the impact that an extension or alteration may have on outlook, we will take account of the established character of an area and the existing feeling of openness.

General design principle 7: Outdoor space

Extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.

- 2.23 Extensions should be proportionate to the size of the plot within which the house sits. An extension that takes up too much of the plot may result in the site being over-developed. Therefore, extensions should ensure the remaining garden size reflects the character of the surrounding area and is not reduced to an unacceptable size. Extensions should ensure at least 50% of garden space is retained.

3. House extensions to the rear

- 3.1 Rear extensions should not have a significant impact on the living conditions of neighbours. The proximity of an extension to the boundaries and windows of adjacent homes will be considered. We will use the 45-degree guideline within Annex 1 to check if your proposal is acceptable in principle.
- 3.2 Where the 45-degree guideline is not complied with, we will only allow extensions where you can justify that there will be no significant harm to neighbouring homes and the character of the existing building. The orientation of the façade on which the extension is proposed will be taken into account when considering if it is acceptable.
- 3.3 If a neighbouring home has itself been previously extended, an extension of the same depth or further may be acceptable. We may restrict extensions to the same depth as neighbouring extensions if we consider that a larger extension will have a significant impact on the living conditions of neighbours or the character of the property or the wider area.
- 3.4 Rear extensions should keep an acceptable amount of garden space and should ensure at least 50% of garden space is retained.

Two Storey (+) rear extensions

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- 3.5 Two storey+ rear extensions have a greater potential to cause significant impact to neighbouring homes and should comply with the 45-degree guideline outlined in Annex 1.
- 3.6 A joint extension with your neighbour may be an option to reduce the impact of a two-storey rear extension (see figure 6). However, a condition may be attached to the planning permission to ensure that both extensions are constructed at the same time, or within a short time frame of the adjacent extension being completed.

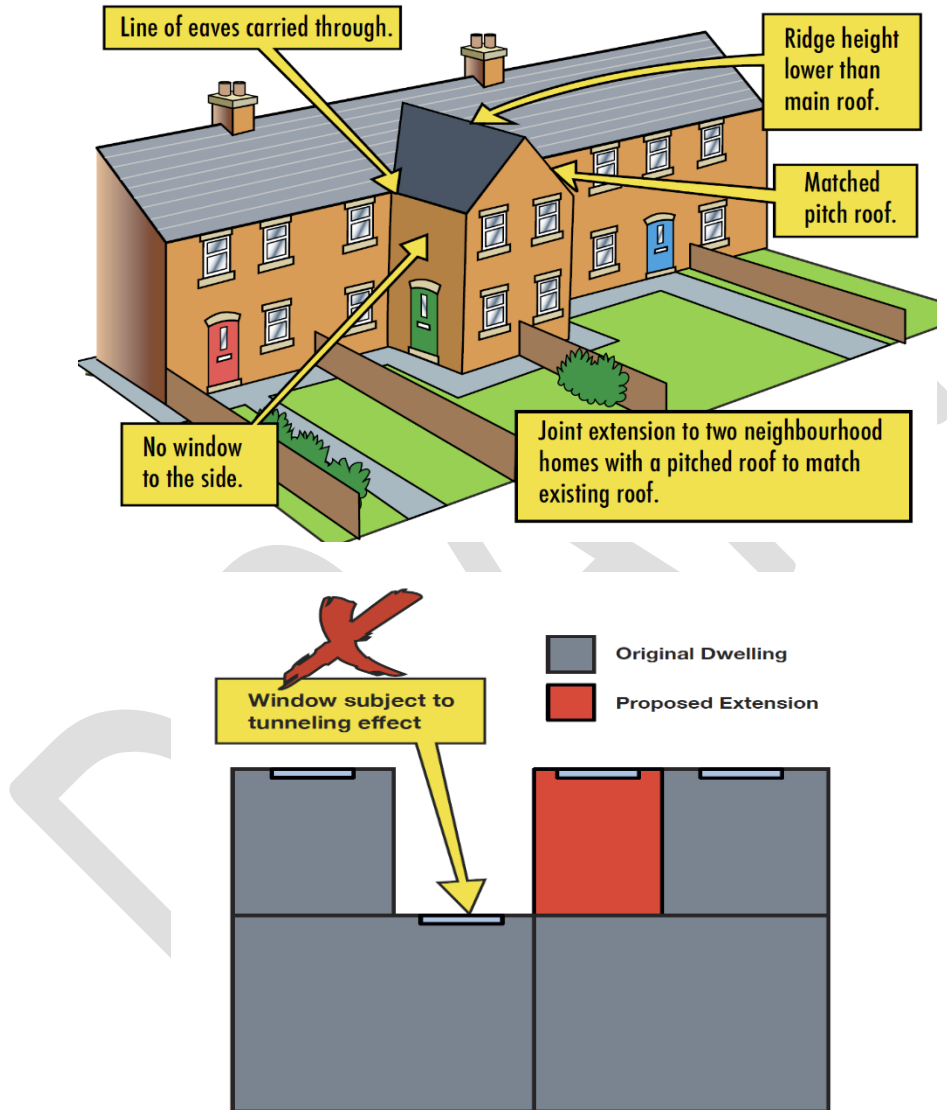


Figure 6- Acceptable rear extension and key principles.

- 3.7 Extensions close to the boundary with neighbouring homes are particularly sensitive; extensions should not have a harmful impact on habitable room windows. Two storey extensions which create a 'tunnelling effect' on a habitable room window will not be permitted (see figure 7). Extensions should avoid creating a 'tunnelling effect', where

light into a habitable window is reduced from two sides.

Figure 7 – Tunnelling effect

- 3.8 Extensions should avoid creating a poor outlook or overlooking of neighbouring homes. Two-storey rear extensions should retain 12m where a habitable room window would face a blank wall. There should be a minimum 7m distance between habitable room windows within the extension and the boundary fence/wall of the property opposite. These distances should be increased by 3m for each additional storey and / or 1m for each metre of difference in land level. If an extension does not meet this standard, we will assess the character of the area and the existing levels of privacy when determining the planning application.

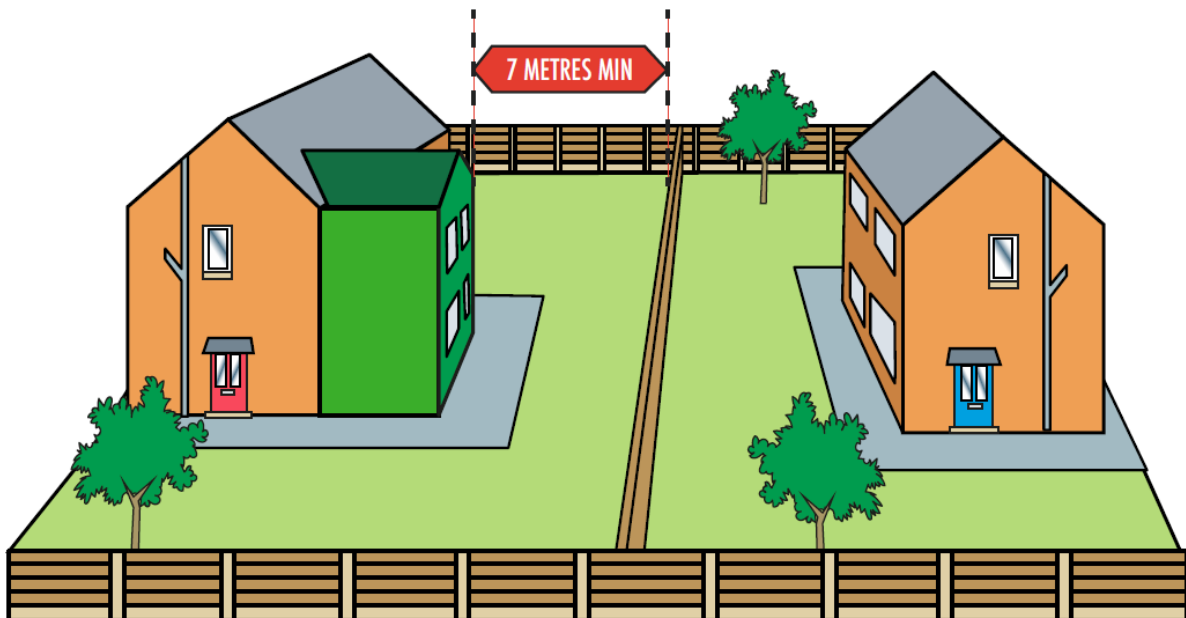


Figure 8- Minimum interface distance between a rear extension and opposite boundary.

4. House extensions to the side

- 4.1 Side extensions should be designed to match to the design of the existing house and respect the character of the surrounding area. This includes preserving gaps between buildings to avoid creating the appearance of linking properties or a “terracing effect”.
- 4.2 Single storey side extensions should be set back from the main front wall by at least one course of brick. Extensions of more than one storey should be set back from the front main wall by at least 1 metre (at first floor level) unless:
- The line of buildings is staggered by at least two metres.

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- The direction your property faces is significantly different to neighbouring homes, or
- The extension is set in from the side boundary by at least one metre and/or would not give the appearance of linking properties or result in a terracing effect.

4.3 If the building line is significantly staggered, we will use the 45-degree guideline outlined in Annex 1 to check if your side extension is acceptable in principle having regard to the living conditions of neighbouring residents.

4.4 If your neighbour has a window on their side elevation, facing your extension, we will carefully consider the outlook of this window, particularly if this is the only window in a habitable room.



Figure 9a-Acceptable side extension.



Figure 9b-Unacceptable side extension.

4.5 Side extensions should not result in an unacceptable loss of parking.

Corner Plots

4.6 Corner plot extensions can be particularly prominent due to their visibility from two streets. A corner plot extension should be carefully designed so that it respects the character of both streets and does not appear more dominant in either street than the existing property.

4.7 Your extension should not encroach beyond the established building lines on either street (see figure 10). Side extensions on corner plots where the extension projects towards a highway should not normally occupy more than half the available width between the side of the house and the highway, unless:

- Corner plots in the area are characterised by a lesser distance, and
- The reduction would not impede the visibility of pedestrians, cyclists and motorists.
- The reduction would not harm the appearance of the street scene.

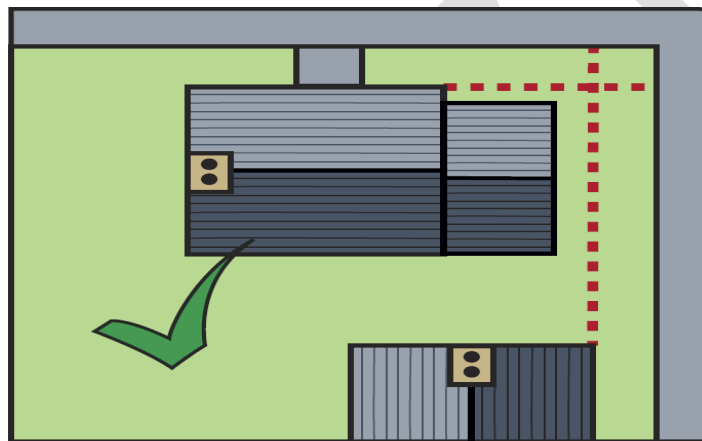


Figure 10- Acceptable corner plot extension.

4.8 Extensions that do not meet the above guidance will not be permitted.

5. House extensions to the front

5.1 Front extensions should be of high-quality design and compatible with the character and appearance of the existing building. We will expect front extensions to be set well back from the street or well screened. We encourage the roof pitch of the extension to reflect the pitch of the original building. The design and features of a front extension should match that of the existing house.

5.2 The extension should be in keeping with character of the surrounding area. This includes respecting existing building lines and the character of other properties in the area. The front extension should be small or subservient to the existing building.

5.3 Extensions should ensure no adverse impacts on neighbouring homes. In instances where your front extension could impact neighbouring homes, we will apply the principles of the 45-degree guideline (see Annex 1).

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- 5.4 Extensions should ensure no adverse impact on highway safety or result in an unacceptable loss of car parking space. A gap of 5.5m should be retained between the front of a garage door and the public footpath if a car parking space is to be retained.

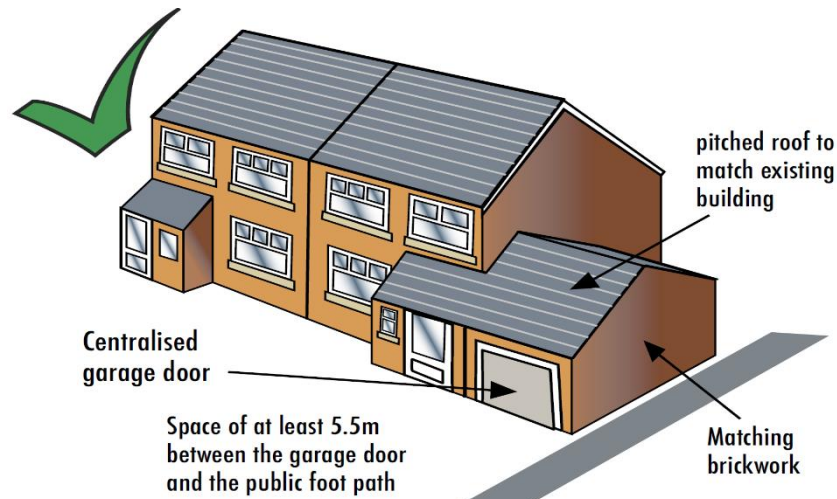


Figure 11- Acceptable front extension.

6. Roof alterations

Dormer extensions

- 6.1 Dormer extensions should be positioned to minimise the impact on the existing property, neighbouring properties and the character of the area. Dormer extensions should not cause harm to the character of the area. We encourage you to place new dormers on the back of properties to minimize the impact on the character of the street.
- 6.2 Dormers should not exceed the height of the ridge of the roof. They should be pitched unless flat roofs are prevalent within the area.
- 6.3 We would expect a number of smaller individual dormer windows in preference to a large continuous one. Dormer windows should be vertically aligned with existing windows if practicable. Dormer extensions should be constructed in similar external materials to the existing home.

Front and side dormer extensions

- 6.4 Front dormer extensions are generally considered unacceptable. In instances where they will be permitted (e.g. if front dormers are characteristic of the immediate area) they should be of a high quality design, not create a dominant 'top heavy' appearance which is out of proportion with the rest of the building, and not wrap around the side

ridge of a hipped roof. Dormer windows should be aligned with windows on the main frontage of your home.

- 6.5 The face of the front dormer should be at least 1 metre back from the front main facade of the existing house (excluding bay windows). The sides of the front dormer should be at least 0.5 metres from the side of the roof. A single front or side dormer extension should take up no more than 20% of the roof face.
- 6.6 Front and side dormer extensions should have pitched roofs unless there is a prevalence of front or side flat-roofed dormer extensions within the immediate area.



Dormer set back 1 metre from main front wall and 0.5 from the side of the roof. Dormer windows should be aligned with windows on main frontage of home.

Figure 12-Acceptable front dormer extension.

Side Dormers are acceptable if there is no adverse effect on the street scene or neighbouring properties.



Figure 13-Acceptable side dormer extension.

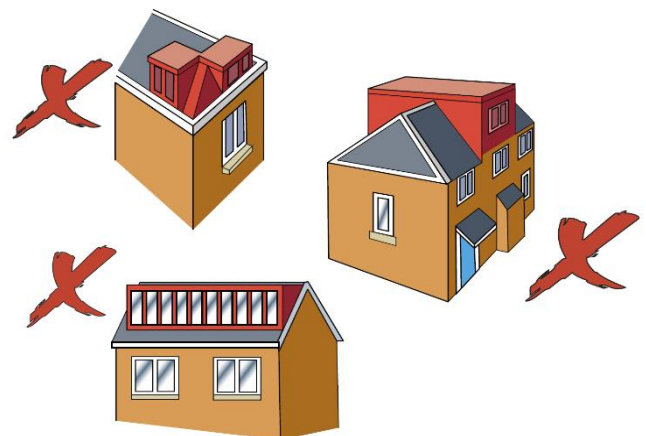


Figure 14-Unacceptable dormer extensions.

Balconies and roof terraces

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- 6.7 Poorly designed and positioned balconies and roof terraces can significantly impact a neighbour's privacy. They should be carefully designed to avoid having a significant impact on the living conditions of adjacent properties.
- 6.8 Balconies and roof terraces that compromise the privacy of windows of habitable rooms in neighbouring homes or an otherwise private neighbouring garden will not be permitted. Obscure glazing screens may be used on balconies and roof terraces to prevent loss of privacy, provided this would not harm the neighbours' outlook or result in unacceptable levels of overshadowing.

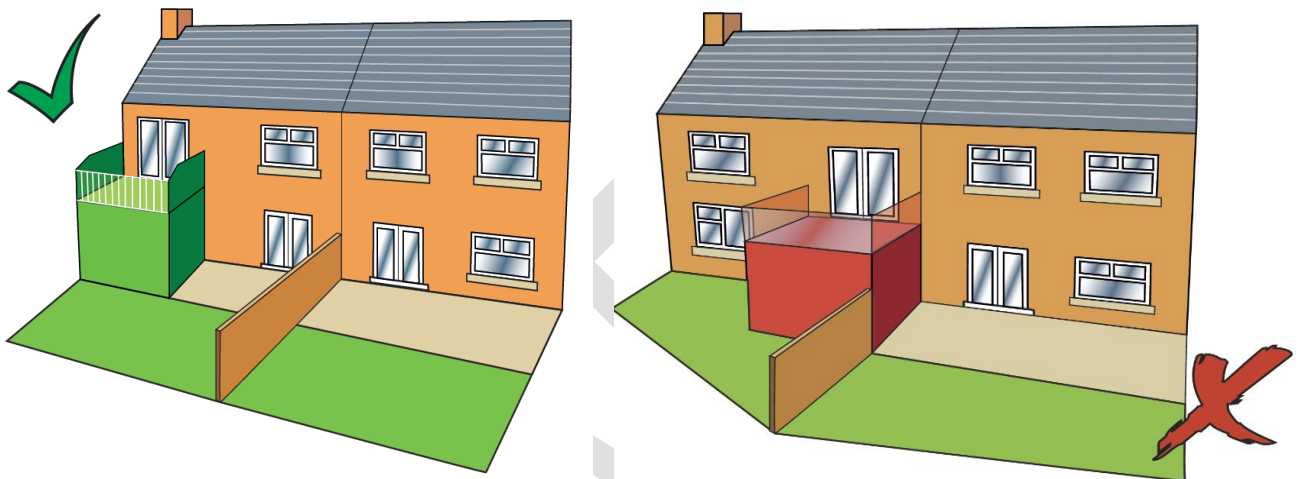


Figure 15a-Acceptable roof terrace.

Figure 15b-Unacceptable roof terrace.

7. Chimneys, flues, antennas and satellite dishes

- 7.1 The installation, alteration or replacement of a chimney or flue will generally be considered acceptable if the height of the chimney or flue does not exceed the highest part of the roof by 1 metre or more. If the chimney or flue would exceed this height, we will consider design and the character of the area when determining whether it is appropriate.
- 7.2 Similarly an antenna should not exceed 1 metre in length.
- 7.3 We discourage homes from having multiple antennas or satellite dishes.
- 7.4 If you propose to install, alter or replace a chimney or flue and your home is within a conservation area, you should ensure it is in keeping with the existing house and the wider area.

8. Outbuildings

- 8.1 Detached garages and other outbuildings should be designed to respect the character of your property and area and minimise effects on neighbouring properties and road safety. We will assess this in terms of location, size, style and materials. Garages or outbuildings should not appear too high, bulky or disproportionate in relation to your and your neighbours' homes.
- 8.2 Detached garages and other outbuildings should not cause loss of light to or overbear your neighbours' homes and gardens.
- 8.3 Detached garages and other outbuildings should not be built in front of established building lines. The garage should not be forward of the main building unless the site is well screened by trees or a front wall. The garage should allow sufficient room for parking both within and between the garage and pavement.

For guidance on self-contained annexes for relatives see paragraph 11.7.

9. Parking and hardstanding

- 9.1 Applicants are always encouraged to drain any new or replacement hardstanding to a permeable surface, such as gravel, permeable concrete block paving or porous asphalt. Any new hard surface should also direct rainwater to a lawn or border to drain naturally. If you do not do this and your hardsurface exceeds 5 square metres, you may be required to apply for planning permission.
- 9.2 Extensions should not have a negative impact on road safety and should not be built where they obstruct the views of pedestrians, cyclists or motorists. All garages should be at least 5.5 metres back from the pavement or service strip to ensure that your car does not obstruct the pavement.
- 9.3 Where you need to provide or retain off-street parking, we will normally ask you to show that sufficient space could be adapted for car parking if required. You should follow the car parking standard guidelines as set out in Sefton Developers pack-Street Design Guide.

<https://www.sefton.gov.uk/parking-roads-travel/highway-development-and-design/>

10. Permitted Development and Prior Notification

- 10.1 Planning permission is not required for some household extensions and developments. This is known as 'Permitted Development'. Large single storey rear extensions have to obtain approval from the Council before work can start (otherwise known as an application for 'prior approval'). If you have started an extension before getting prior approval, you will need to apply for planning permission.
- 10.2 What you are entitled to build as Permitted Development is explained in detail within the following webpages:

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[Permitted development rights for householders: technical guidance document](#)

[Planning Portal: Extensions](#)

[Planning Practice Guidance: When is permission required?](#)

- 10.3 Some Permitted Developments are subject to an Article 4 Direction. This restricts the scope of permitted development rights either in relation to a particular area or site, or a particular type of development anywhere in the authority's area. Some Permitted Development rights can also be removed by a condition attached to a planning approval. For more information please see the following webpage:
[Sefton Council: Planning Constraints](#)
- 10.4 If you are unsure whether your proposed development requires planning permission or wish to receive confirmation in writing that an existing development is lawful, you can apply for a certificate of lawful development. More information on lawful development certificates can be found within the following webpages:
[Planning Portal: Lawful Development Certificates](#)
[Planning Practice Guidance: Lawful Development Certificates](#)
- 10.5 The regulations relating to permitted development are complex. We recommend that you clarify whether your extension is permitted development through our pre-application service.
[Pre-application advice on development proposals \(sefton.gov.uk\)](#)

11. Other Considerations

House extensions in the Green Belt

- 11.1 We will only allow extensions within the Green Belt where they are relatively small scale and proportionate to the original home. Proposals which increase the volume of the original home by more than one third, either individually or cumulatively with other extensions, are considered inappropriate in the Green Belt. Any previous extensions or outbuildings that are within 5 metres of the main home that are not original will be counted as part of the one third increase to the original home. If you provide calculations of the volume as part of your application we will be able to determine your application more quickly.
- 11.2 Any extension that exceeds one third of the original home will only be approved in 'very special circumstances', as set out in the National Planning Policy Framework. It is your responsibility to show how your proposal constitutes 'very special circumstances'.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 11.3 In rare cases we may take the context of your area into account. We may consider there are 'very special circumstances' if your extension is in a village 'washed over' by

the Green Belt. The purpose of the extension will also be considered, for example if your proposal is to bring an unimproved small home up to modern standards, then a larger extension may be justified as 'very special circumstances'.

- 11.4 The size, form and materials of an extension should be in keeping with the original home and its setting.
- 11.5 Extensions creating a separate unit of accommodation will be treated the same way as applications for a new home in the Green Belt and will only be permitted in 'very special circumstances'. Extensions of a garden onto agricultural land will only be permitted in 'very special circumstances'.
- 11.6 We will not treat outbuildings as extensions to your house. Unless allowed under permitted development rights, outbuildings will normally be considered inappropriate and only permitted in 'very special circumstances'.

Extra accommodation for relatives

- 11.7 Applications for extra accommodation for residents should consider the following:
 - a) The extra accommodation should be linked to the existing home rather than form a separate building.
 - b) Substantial evidence should be provided to demonstrate why the existing home, or a minor extension cannot be used to accommodate the relative.
 - c) Where the extra accommodation cannot be linked to the existing home and you propose a separate building, steps must be taken to prevent the building becoming a self-contained home and ensure it can be used over the long term as part of the main home (e.g. as a garage, playroom etc).
 - d) The extra accommodation should not have a harmful effect on any neighbour's living conditions.
 - e) The extra accommodation should ensure acceptable outlook, privacy and living conditions for the occupiers of both the existing property and the extra accommodation.
 - f) If we do grant planning permission, we will probably attach a condition outlining that the extra accommodation will be ancillary to the existing home and will not be occupied or sold off separately as an independent unit of accommodation.

Extensions and extra accommodation for individuals requiring additional need

- 11.8 We may apply our guidance more flexibly where an individual with a specific additional need outweighs the impact on neighbouring homes. In addition to the

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requirements set out in paragraph 11.7 you must provide appropriate evidence of the additional need and a written statement justifying why we should make an exception.

- 11.9 The extension or extra accommodation should be no greater than the additional need that the individual requires.

Extensions affecting heritage assets

- 11.10 Heritage assets (e.g. listed buildings, buildings in conservation areas and non-designated heritage assets) are more sensitive to changes than a typical residential building or areas. Some extensions that may be acceptable within a normal residential area may not be an acceptable development if it affects a listed building, non-designated heritage asset or is within a conservation area. In these cases, you should submit a heritage statement with your application.
- 11.11 Any changes to a heritage asset must be sympathetic in their design, form, layout and materials in order to make them acceptable and minimise harm. We recommend you appoint an accredited professional who has experience in working with heritage assets if you are working up proposals which might affect a listed building or conservation area.
- 11.12 We also recommend you seek pre-application advice before you make an application affecting a heritage asset. Please contact [Pre-application advice on development proposals \(sefton.gov.uk\)](https://www.sefton.gov.uk/pre-application-advice-on-development-proposals)
- 11.13 Extensions or alterations to a listed building will need listed building consent, even if planning permission is not required.
- 11.14 You can find more details on Sefton's Conservation and Heritage at: <https://www.sefton.gov.uk/planning-building-control/conservation-and-heritage.aspx>

Trees

- 11.15 You should position your proposed extension to avoid harm to existing mature trees and hedges. You can do this through:
- Providing adequate distances between your extension and mature trees and hedges.
 - Adopting construction methods that reduce the potential impact on trees.
- 11.16 If your extension is likely to affect a tree, you should include a survey which assesses the impact on the tree with your planning application.
- 11.17 You must replace any trees lost as a result of your development at a ratio of 1:1 within the site.

11.18 Some trees are protected by a Tree Preservation Order (TPO). It is an offence to cut down, lop, uproot, wilfully damage or wilfully destroy a tree covered by a TPO without the permission of the Local Planning Authority (except for specified exemptions). For more information on TPO'S please see the following webpage:

<https://www.sefton.gov.uk/planning-building-control/apply-for-permission/tree-preservation/>

Sustainability

11.19 We encourage you to take the opportunity to incorporate sustainable design in your extension. For example:

- a) Extensions can incorporate larger windows to the south than to the north in order to maximize sunlight entering the house and minimize heat loss.
- b) Habitable rooms can be positioned to the south and non-habitable rooms to the north to maximize warmth in habitable rooms.
- c) Garage and greenhouse extensions attached to houses should not be heated.
- d) Extensions can present an opportunity to install renewable energy such as wind turbines and solar panels, or electric vehicle charging points.
- e) Extensions can use recycled materials to save resources.
- f) A water butt can be installed to save money spent on watering the garden.
- g) Reduction of surface water run-off and flood risk (see the Council's [Information Note](#) on this)

Building Regulations

11.20 In addition to Planning Permission, house extensions require Building Regulations consent. You are advised to contact our Building Control Team as early as possible to discuss your proposals.

11.21 Further information on this and on how to make a Building Regulations Application is available on the following webpage.

<http://www.sefton.gov.uk/planning-building-control/building-control/making-a-building-regulations-application.aspx>

Considering water and wastewater assets

11.22 Prior to preparing the detail of designs for your extension (including any replacement trees – see above), you should obtain an extract of the map of public sewers and water mains to confirm whether there are water mains or sewers in the area where you plan to extend or work. United Utilities will not allow building over or in close proximity to a water main.

11.23 Also, United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by

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case basis by either by a building control professional or following a direct application to United Utilities. For further details see United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>). If you do not do this, you may not receive building control approval for your proposed extension which would have implications for you when you sell your house.

- 11.24 You will also need to carefully consider your landscaping proposals in the context of any utility assets. This is because the roots of trees can cause damage to water mains and sewers. For example, they can cause a blockage inside a sewer which then increases the likelihood of flooding to your house and your neighbours.
- 11.25 In some instances, your right to extend your property under permitted development rights may have been removed as a result of a water main or sewer being near to your house. This would have been done via a condition on the original grant of planning permission. You will need to check whether this is case in instances where there is a sewer or water main in the curtilage of your house.

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Further Sources of Information

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015

<http://www.legislation.gov.uk/uksi/2015/596/contents/made>

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.

<http://planningguidance.planningportal.gov.uk/>

Plain English Guide to the Planning System

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

Planning Portal

<http://www.planningportal.gov.uk>

Department for Communities and Local Government: Permitted development for householders Technical Guidance

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

Contact details

Planning Department Email planning.department@sefton.gov.uk

Pre Application Service [Pre-application advice on development proposals \(sefton.gov.uk\)](http://sefton.gov.uk/pre-application-advice-on-development-proposals)

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Annex 1 The '45-Degree' Guideline

The Council will use the '45-degree' guideline to establish whether your proposal is acceptable in principle. It provides a clear guide to what is considered acceptable in principle, however, on occasion we may consider an extension to be unacceptable even if it complies with the 45-degree guideline.

Comply or Justify

If your proposal breaks the 45-degree line set out it is likely to be considered unacceptable unless a full justification is provided with the application as to why the extension will not cause harm to neighbour living conditions. The applicant should provide this justification at submission of the application. Mitigating factors which may make an extension which does not comply with the 45-degree guidelines acceptable include:

- The width of the window on the neighbouring property (for example large patio doors which span the entire rear elevation).
- The number of windows that serve the closest habitable room in the neighbouring property.
- The degree of transparency on proposed conservatories, including its roof.

Assessing the depth of the extension

In assessing if the depth of your extension is acceptable, the following procedure will be followed:

- The nearest main window of a habitable room on the ground floor of a neighbouring property will be identified.
- A line will be drawn from the point of this window closest to the proposed extension at a 45° angle (see below).
- On a bay window or conservatory, the point of measurement is the point where the window leaves the perpendicular from the elevation of the dwelling – see figure 16b and 16c below

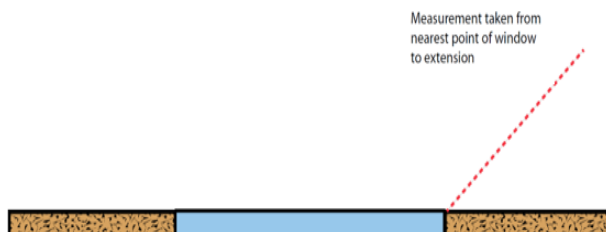


Figure 16a Measurement point on window flush with house elevation

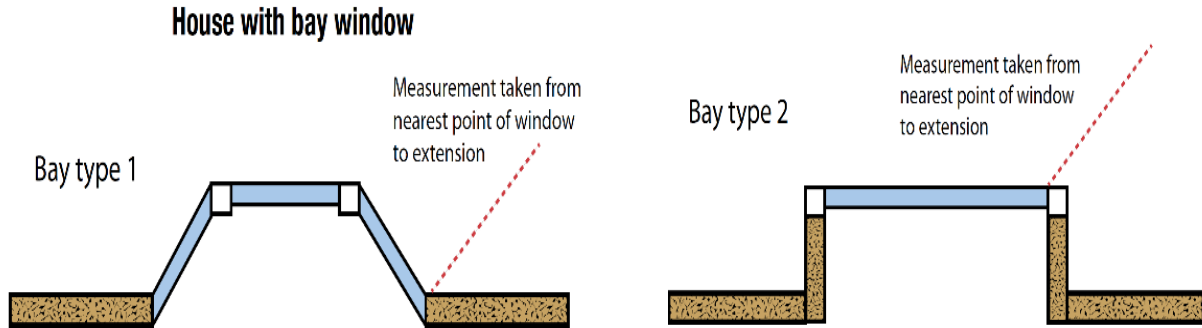


Figure 16b Measurement point on bay windows.

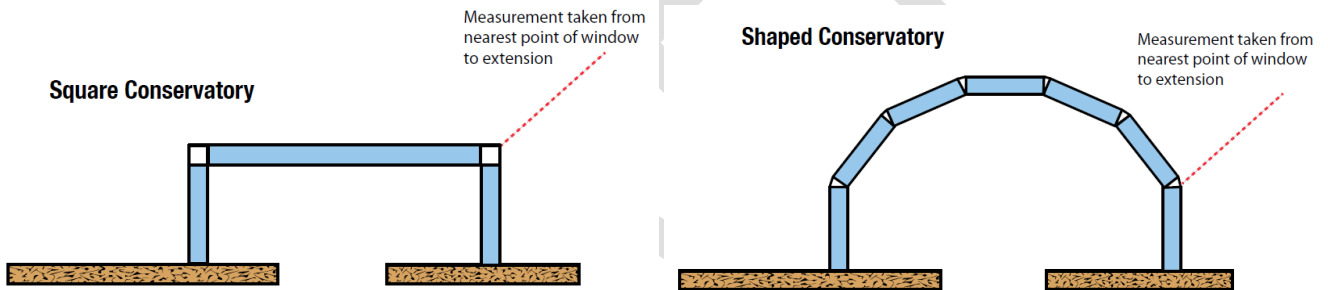


Figure 16c Measurement point on conservatories.

45-Degree guideline for single storey extensions

If a proposed single storey extension breaks this line by more than 3m then the extension will be considered unacceptable unless it can be demonstrated that the proposal will not result in unacceptable harm to residential amenity.

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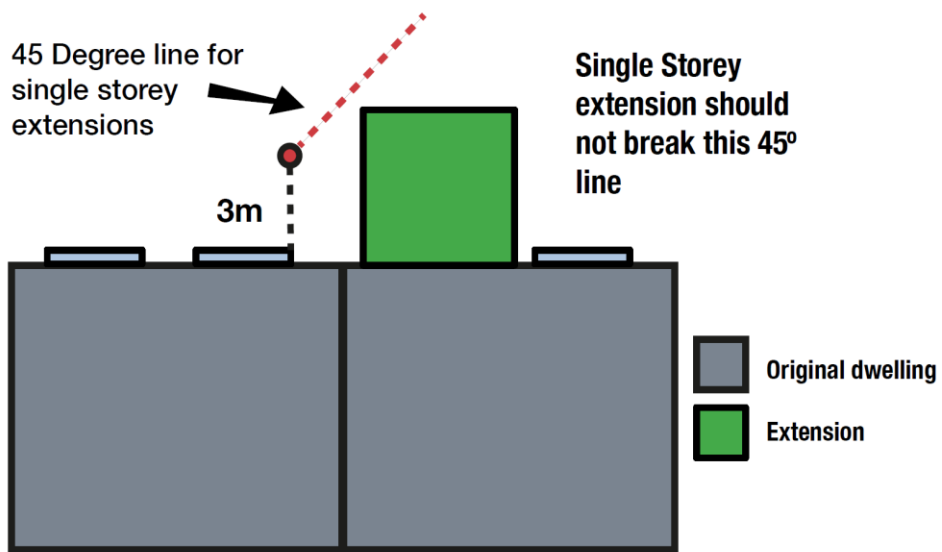
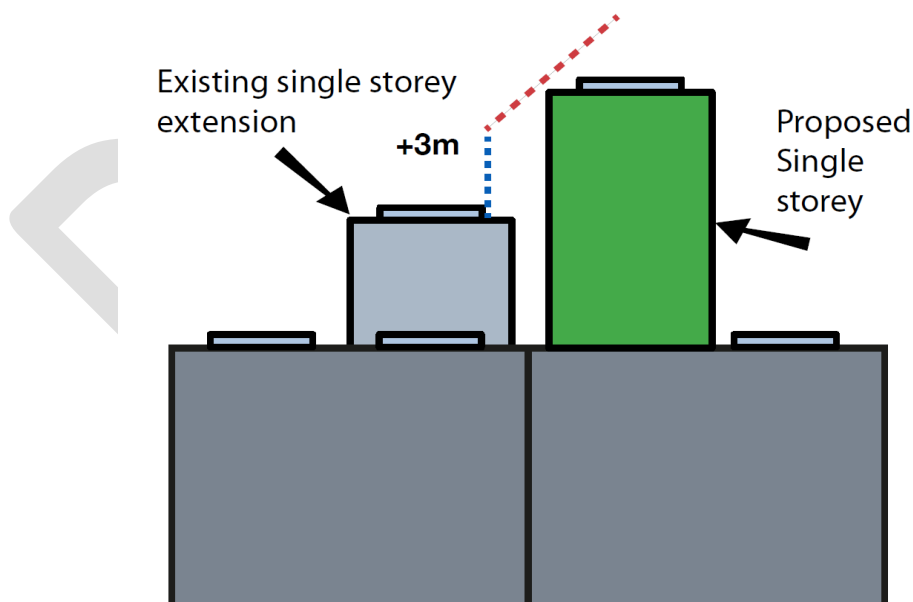


Figure 17 - 45-degree guideline for single storey extension.

If the proposed extension is adjacent to a neighbour's existing extension, then this will influence the size of the extension that we would likely permit. The following figure outlines how we will assess your extension in situations where your neighbour has already extended

Proposed single storey extension with neighbour with existing single storey extension



near the closest shared boundary.

Figure 18 - Single storey extension where the neighbour has a single storey extension.

A similar approach will be applied when there is an irregular building line.

Irregular building lines (single storey extension)

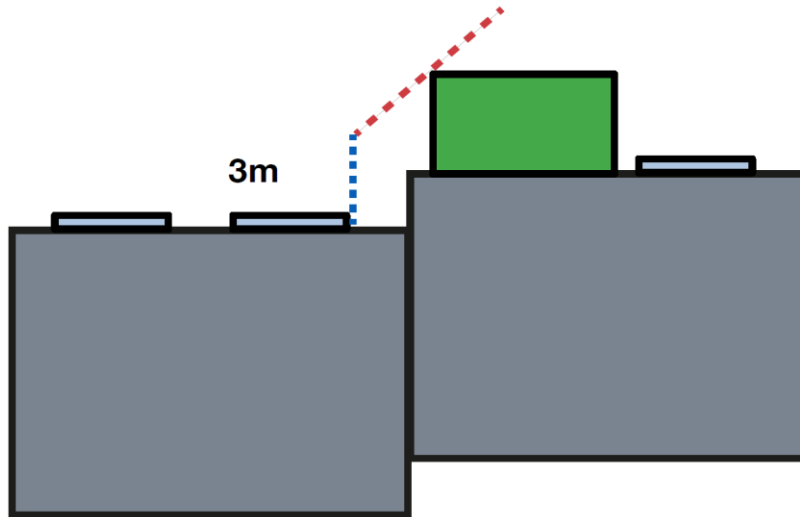


Figure 19 - Proposed single storey extension where there is an irregular building line.

45-Degree guideline for two storey (or higher) extensions.

If a proposed two storey (or higher) extension breaks the 45-degree guideline the extension will be considered unacceptable unless it can be demonstrated that the proposal will not result in unacceptable harm to residential amenity.

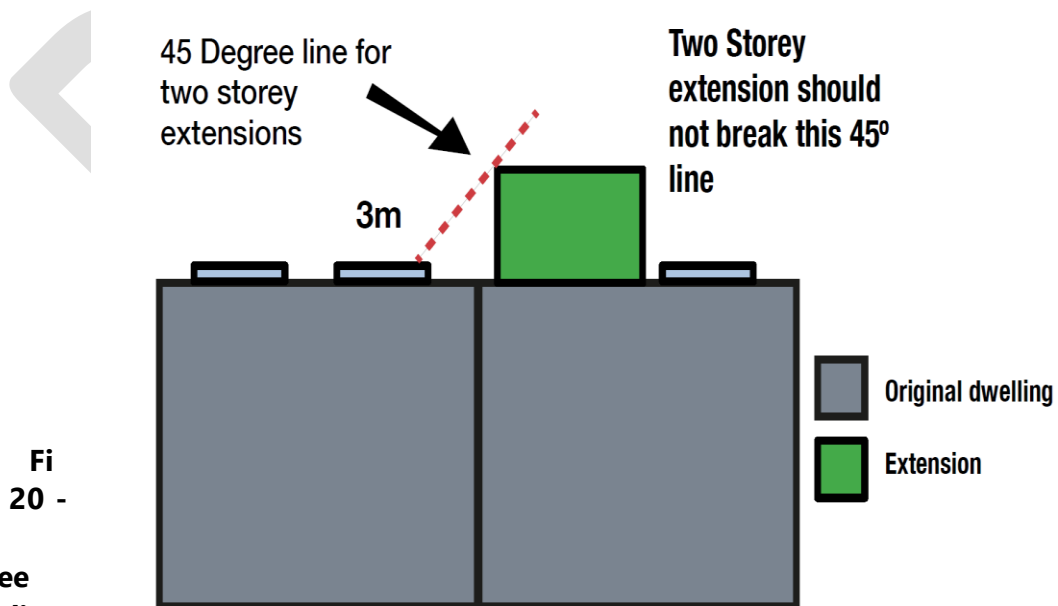


Figure 20 - 45-degree guideline for two storey extension.

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If you are proposing a two-storey extension and your neighbour has an existing single storey extension then we will take a measurement from both the neighbours nearest ground and first floor window. Both would have to be within the 45-degree measurement to be considered acceptable.

On the ground floor, take the measurement from the window within the existing extension nearest the proposed extension (see below). The proposed two storey extension should not break the 45-degree line.

Proposed two storey extension with neighbour with existing single storey extension

Take measurement from ground floor window nearest proposed two storey extension

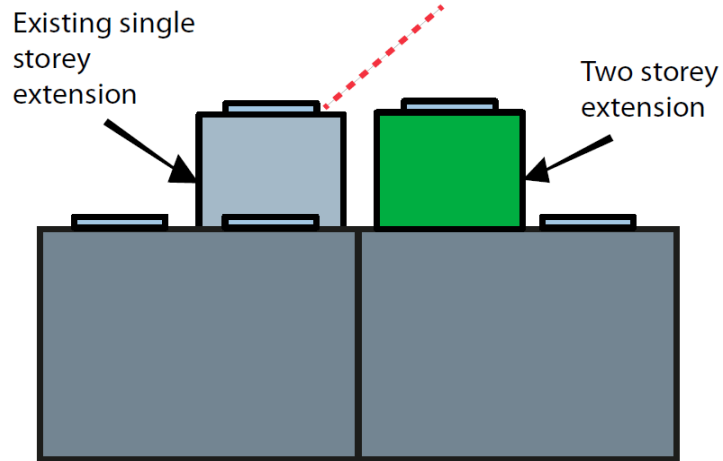


Figure 21a - two storey where the has single extension

Secondly, take the measurement from the first-floor window nearest the proposed extension (see below). The proposed two storey extension should not break the 45-degree line by more than 3m.

Take measurement from first floor window nearest proposed two storey extension

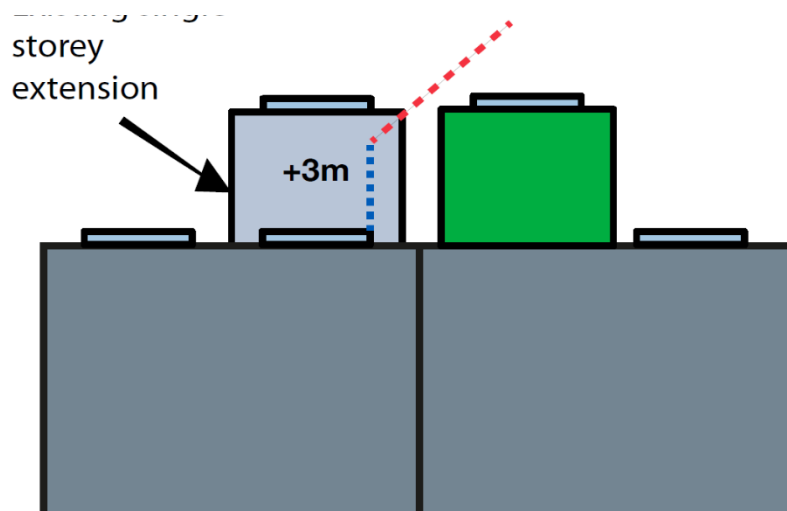


Figure 21b - Proposed two storey extension where the neighbour has single storey extension.

If the neighbour has an existing two storey extension and a two-storey extension is proposed then the proposed extension should not break the 45-degree line when measured from the nearest ground floor neighbour's window on the property (i.e. in the existing extension).

Proposed two storey extension with neighbour with existing two storey extension

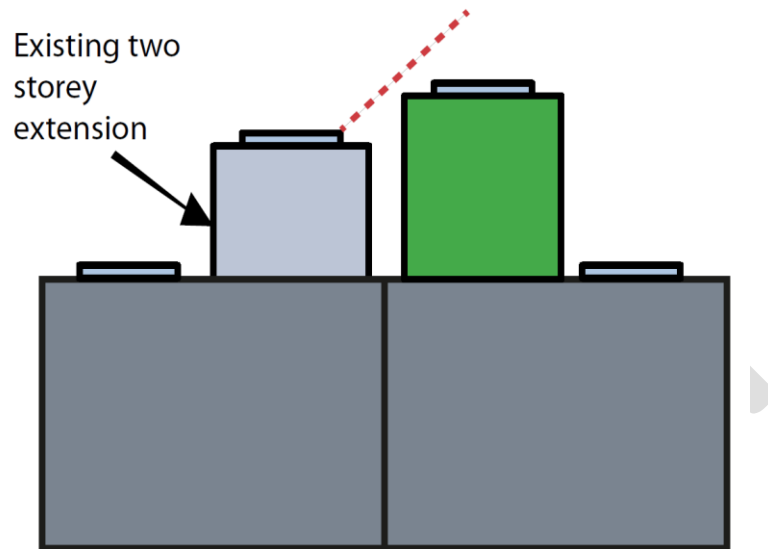


Figure 22-Proposed two storey extension where neighbour has two story extension.

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**New Build Homes
Supplementary Planning Document**

May 2023

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1. Introduction

1.1 The purpose of the New Homes Supplementary Planning Document (SPD) is to provide guidance for housebuilders, applicants and their agents, neighbours and other members of the public on how the Council will deal with planning applications for **new build** homes, flats and various residential and care developments. The SPD will help guide the Council when making decisions on applications for those developments. This SPD does not cover proposals for conversions to flats or Houses in Multiple Occupation. These are covered in a separate SPD.

1.2 Sefton has numerous residential neighbourhoods and settlements, many with distinct characteristics and architectural features. This guidance does not, and cannot, cover every possible scenario. This SPD explains the factors the Council will consider in judging whether an application is acceptable or not. In some instances, there may be reasons that allow for a departure from these factors or where an innovative design solution is put forward.

1.3 This SPD provides further detail to policies in the Local Plan and, where applicable, a Neighbourhood Plan. It does not have Development Plan status, but it will be given weight as a 'material planning consideration' in the determination of planning applications. It is important that each section of this document is not read in isolation and the SPD is read as a whole.

1.4 For all proposals for new homes, we encourage you to use the Council's pre-application service to obtain early advice from planning officers on your proposed application. By discussing your project with us before you apply for planning permission, we can help you to put together a successful application that meets our requirements and avoid delays.

1.5 There are significant benefits in using our pre-application service:

- we will tell you whether your proposal is likely to be given permission or not
- we will tell you whether you need specialist input (e.g. if your proposal is likely to have an impact on listed buildings, conservation areas, trees, ecology, etc) before you submit your application
- we identify potential issues and reduce the chances of you putting in a proposal which is not going to be acceptable
- We will tell you if your proposal is completely unacceptable, and so will be able to save you the cost of putting in a formal application.
- We will tell what information you need to include with your application, reducing the chances of you making an invalid application, and improving how quickly we can deal with your application.

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- We will set out potential financial contributions required under a 'planning obligation', so you can factor these in to any cost analysis.

1.6 There is a charge for this service. Details of our preapplication service can be found on the following webpage

[Sefton Council: Pre-application advice on development proposals](#)

1.7 We highly recommend for all schemes of 10 or more new homes, and all new build flat schemes, care homes and sheltered accommodation, that you consult with the local community before making your application. You should take account of the results of this in developing your scheme. You can find advice on making your planning application, including speaking to neighbours, at <https://www.sefton.gov.uk/planning-building-control/apply-for-permission/how-to-make-a-planning-application.aspx>

4

2. General Principles

2.1 New homes must be designed to:

- provide high quality accommodation for future occupiers, in relation to both inside and outside space
- be adaptable to meeting changing needs of residents
- protect and enhance the character of the area and, where this has been eroded by poor quality developments, make sure that this is not repeated
- protect the living standards and amenity of neighbouring properties

In addition to the above, new homes must be built to meet national and local requirements in relation to energy efficiency, environmental health, flood risk, access and building safety (note – these are not covered in detail in this document).

2.2 Some of these issues will be addressed with this SPD. Others will be addressed more fully in other SPDs, policies and guidance. Other relevant SPDs include:

- Design
- Sustainable Travel
- Affordable and Special Needs Housing
- The Sustainable Drainage Systems (SuDS) and Flood Risk Information Note.

These can be viewed at www.sefton.gov.uk/SPD.

2.3 Some areas in Sefton have neighbourhood plans that provide planning policy for their areas. Neighbourhood Plans have been made in:

- Formby and Little Altcar
- Lydiate
- Maghull

Neighbourhood Plan policies have precedence where they conflict with advice within this SPD. These can be viewed at www.sefton.gov.uk/neighbourhoodplanning.

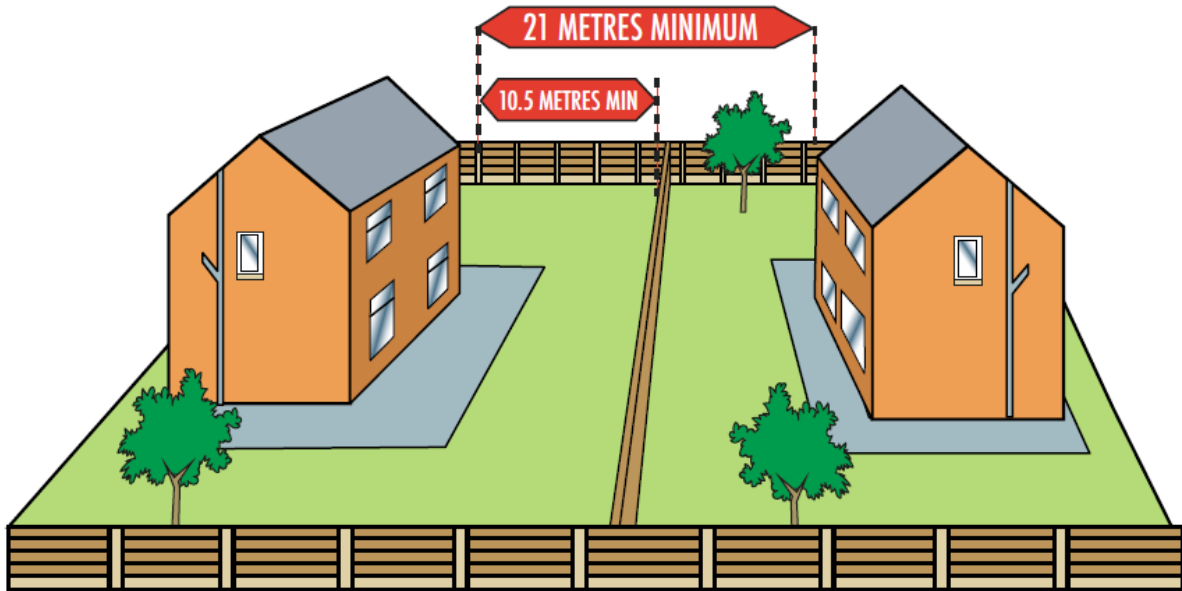
3. Living conditions for neighbouring properties and future occupants of new homes (including flats).

3.1 To be truly sustainable, new homes will need to respect the living conditions of neighbouring properties (existing and proposed) from any unacceptable harm.

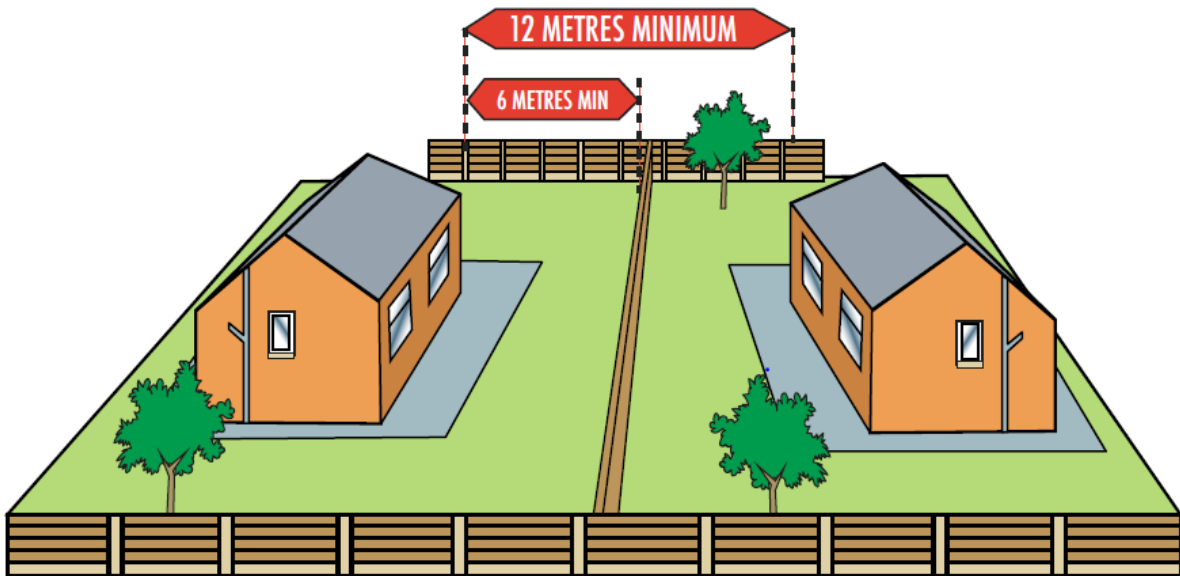
Interface Distances

3.2 The following interface distances are intended to protect residential amenity and living conditions by preventing unacceptable harm from matters such as overlooking, loss of privacy/outlook or being over-dominant. These interface distances may have to be increased if there is a significant difference in ground levels between the properties.

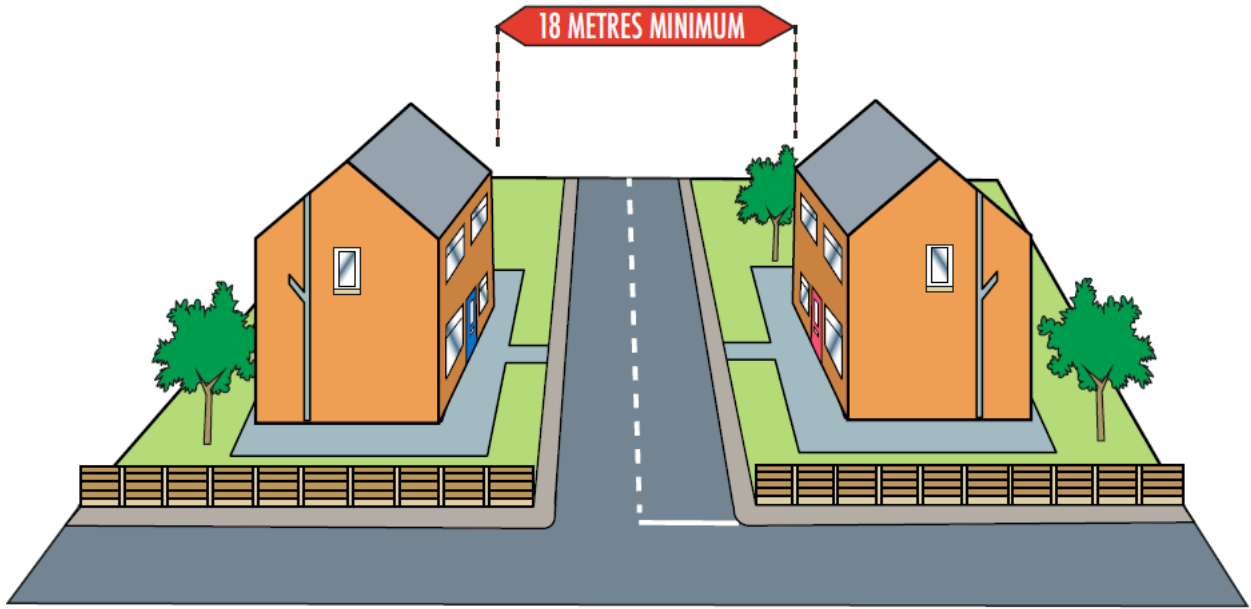
From	To	Minimum Distance
Habitable room window	A habitable room window on an elevation that does not front onto a road or public footpath.	12 metres between two ground floor windows. Otherwise 21 metres.
Habitable room window	A habitable room window on an elevation that fronts onto a road or public footpath.	18 metres
Habitable room window	The rear garden of a neighbouring property.	6 metres for single-storey 10.5 metres for two-storey 15 metres for three or more storeys
Ground floor habitable room window	A two-storey blank wall (or a two-storey wall that only includes non-habitable room windows).	12 metres
A bedroom window on ground floor or in basement	The public highway (including public footpaths or public car parks).	3 metres



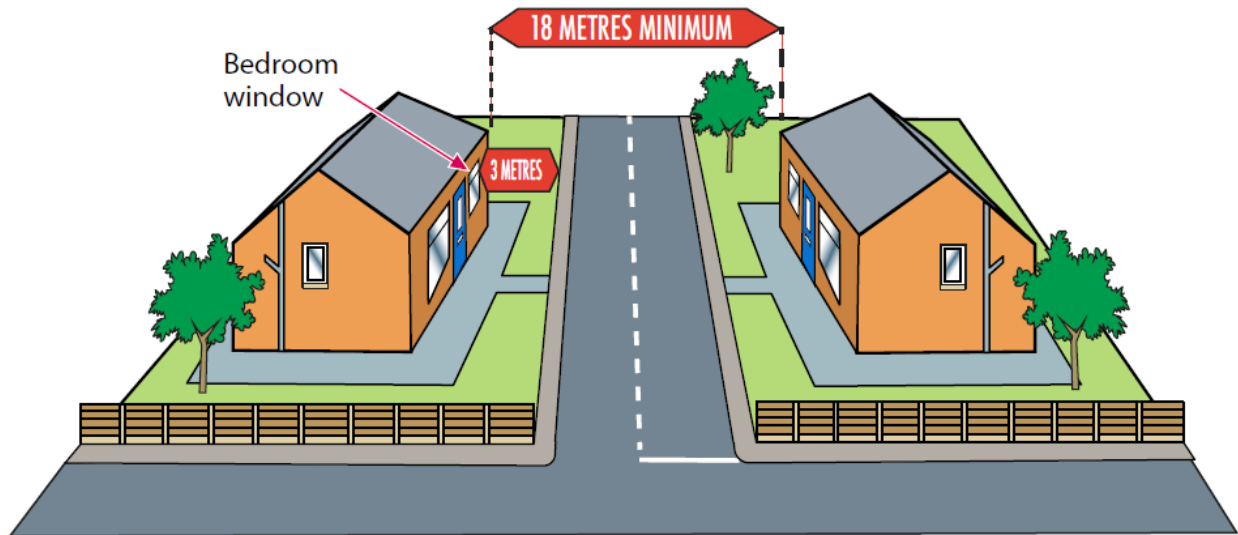
Interface distances between two storey habitable windows and neighbouring properties.



Interface distances between single-storey habitable windows and neighbouring gardens.



Interface distances between two-storey dwellings



Interface distances between single-storey dwellings

3.3 The lower interface distance for elevations facing a street reflect the fact that those elevations are going to experience less privacy due to comings and goings of pedestrians and vehicles. The lower interface distances between two ground floor windows that do not face the

public highway (i.e. usually across rear gardens) is to reflect the fact that these will be separated by a garden fence or wall.

3.4 If the development is unable to meet these standards, you will need to show why your application should be allowed. Circumstances where this might be considered acceptable may include:

- i. The local area is characterised by lesser distances between properties and it is not possible to meet the interface distances.
- ii. No significant harm to existing or future living conditions would result.
- iii. Where there would be significant harm to living conditions, appropriate measures are proposed to reduce the negative impact to an acceptable level. This may include bespoke window design.

3.5 Habitable room windows are very important for amenity, whether for privacy, outlook or for light. A habitable room is a room that people are more likely to spend time in. It is also important to understand the difference between a primary window and a secondary window. The table below sets this out:

Habitable rooms	Non-habitable rooms
<ul style="list-style-type: none"> • Kitchens • Livingrooms • Dining rooms • Bedrooms • Studies • Conservatories 	<ul style="list-style-type: none"> • Bathrooms • Toilets • Stairways • Landings • Small porches • Garages
<p>Primary Window- A primary window is the main or only window through which light illuminates the room and provides the main outlook for the room.</p>	<p>Secondary Window- A secondary window is usually a smaller, subordinate, window which serves the same room as a primary window.</p>

Privacy

3.6 The minimum 3m interface distance requirement between a bedroom on the ground floor or basement (for example in a bungalow or ground floor flat) and the public highway is to

ensure there will not be an unacceptable loss of privacy for residents. This is to prevent residents having to leave curtains or blinds shut or by having outside plants providing privacy but denying natural light and/or outlook to the room.

3.7 A loss of privacy can in some instances be overcome by appropriate planting or boundary treatment (e.g. hedge, wall, fence). This may particularly apply to ensuring ground floor windows are private. However, if such boundary treatment or planting results in a significant loss of light or outlook for a habitable room, it will not be acceptable

Avoiding overshadowing, being over dominant and causing a poor outlook for neighbouring properties.

3.8 A new dwelling can have a considerable impact upon neighbouring properties through being over-dominant and causing a loss of light and/or causing a loss of outlook. It is important that the size, scale and positioning of a new property does not result in an unneighbourly development for either other new or existing neighbouring properties.

3.9 New homes should not result in significant overshadowing of neighbouring homes or gardens. If an extension is likely to significantly reduce the amount of sunlight entering a habitable room in a neighbouring property, or overshadow a major part of a neighbour's garden, planning permission may not be granted. The orientation of the new home will be considered in relation to overshadowing.

3.10 Development should not have an overbearing or dominant effect on nearby properties. This occurs when the physical presence of a building (size, height and form) results in a serious impact on the living conditions of neighbouring homes.

3.11 Avoiding poor outlook can be achieved through achieving interfaces distances as set out above.

Internal and External Space Standards

3.12 It is important for all of Sefton's households to live in accommodation that is safe and adaptable for a decent standard of living. Accommodation that is too cramped or small can be harmful to people's physical and mental health. Furthermore, smaller rooms and outdoor space can restrict how residents use the accommodation and can be too inflexible for their changing circumstances, such as a growing family. Therefore, Sefton has minimum standards for both indoor and outdoor space for new build houses and flats.

3.13 On schemes of over 50 homes or flats, the Council requires 20% of the homes for sale to be designed to meet 'M4(2) Accessible and Adaptable Dwellings' standards, and therefore, in the homes intended to meet this requirement, the standards below may not be sufficient. Applicants are advised to check these standards separately.

Internal Space Standards – New Build Flats

3.14 To ensure that self-contained flats are large enough to provide suitable accommodation for residents, the following minimum size standards should be met¹:

Minimum gross internal floor area for new build flats (m²)

	Total size of accommodation	Minimum main bedroom size ^{3 & 4}	Minimum secondary bedroom size ⁴
Studio flat²	25	n/a	n/a
1 bedroom flat	37	10.5	n/a
2 Bedroom flat	61	10.5	8.5
3 Bedroom flat	74	10.5	8.5

² A studio flat is accommodation which has all the living accommodation (bedroom, kitchen, living room) within a single room/space. ³ A main bedroom is the only bedroom in a one bedroom flat or the largest bedroom in flats with two or more bedrooms. ⁴ The minimum bedroom floor areas exclude any en-suite bathroom, shower or toilet facilities.

3.15 At least one of the bedrooms in every new build flat should be able to be counted as a 'double' (i.e. able to accommodate a double bed or two single beds).

3.16 Otherwise, the space within the flat can be used flexibly so that new flats can be designed to meet local market needs. However, rooms should be of sufficient size for their purpose and able to accommodate basic furniture for the use of that room, e.g. a bedroom must be large enough to accommodate a bed and basic bedroom furniture.

Internal Space Standards – new build Houses

3.17 We recommend that new homes are built to a good size so that they are adaptable and should be large enough for modern needs including storage. The standards below are minimum internal standards set out in the nationally described space standards (DCLG, March 2015). Note that the floor space does not include attached or integrated garages. Whilst these standards are not mandatory and can only be made so through a justified Local Plan policy, they nevertheless provide a baseline against which a scheme can be compared to if the decision

¹ These standards are based on the Technical Housing Standards – nationally described space standards (DCLG, March 2015)

maker considers that the new homes are too small. In this respect the specific sizes in the table below won't be strictly enforced but may be used as part of an overall assessment of residential amenity.

Minimum gross internal floor area for houses (m²)

	Total gross floorspace		
	Bungalows	Two-storey dwelling house*	Three-storey dwelling house
1 bedroom	50	58	n/a
2 bedroom	61	70	n/a
3 bedroom	86	93	99
4 bedroom	99	106	112
5 bedroom	112	119	125
6 bedroom	125	132	138

*including bungalows with first floor dormer accommodation

The figures are based on the Technical Housing Standards².

Outdoor private amenity space

3.18 Having usable private outdoor amenity space is important for all residents for physical and mental health. Green areas (grass, trees, plants) also have a role to play in making space for nature and reducing surface water flood risk as well as these health benefits. The design and proposed layout for new build homes must take into account the need for private outdoor amenity space. New build properties provide a perfect opportunity to provide sufficient outdoor amenity usable spaces unlike conversions, which may be limited due to the existing site area. Minimum standards for private outdoor amenity space are:

Development type	amenity space per unit
New Housing (1 or 2 bedrooms)	50m ²
New housing (3+ bedrooms)	60m ²

² Technical Housing standards (March 2015)

Extra care or sheltered housing – self-contained accommodation (per unit)	20m ² and a minimum overall of 80m ²
Nursing or care homes – not self-contained housing (per resident)	10m ² and a minimum overall of 80m ²
Flats/Apartments (per unit)	20 m ² with a minimum overall of 80m ²

3.19 All new housing (rather than new flats) must provide individual private garden space for each house. The standard above is for a private garden at the rear of the property (on occasion, normally on a corner plot, at the side of the property). The space must be genuinely usable in shape, size and function and it is up to you as the developer to demonstrate that you have achieved this. Where the proposal is for a new dwelling, or dwellings, within the curtilage of an existing dwelling house, which is to be retained, it is expected that the existing property would still retain the minimum outdoor amenity space standards as well as the new dwelling(s).

3.20 The outdoor amenity space for flats, sheltered accommodation and care units will often be provided in shared communal space, although they may have some private space, such as a separate balcony or garden area. The communal amenity space for must be accessible to all residents and be of high quality. The standard can be met by provision of a communal area, such as:

- a rear garden, or
- a communal roof terrace (subject to no harmful effect on neighbours), or
- a private space (such as a balcony, subject to no harmful effect on neighbours) or
- a combination of these.

3.21 Balconies can reduce privacy for neighbouring properties; can be affected by noise and poor air quality (especially if on a busy road); and their design may not be suitable in all locations. However, where it is possible to avoid these issues, a balcony can be a good way of providing flatted accommodation with some private outdoor space. We therefore encourage balconies in appropriate circumstances. To count as part of the private amenity space, they will need to be large enough to accommodate a small patio table, an appropriate number of chairs and circulation space.

3.22 Areas to the front of a building that are not private, and areas intended for parking and bin stores, will not be included in any calculation of amenity space. Long narrow spaces, i.e. narrower than 2.5m, will not be included in a calculation of available amenity space as they are

not considered to provide useable space. The amenity space should be designed to provide an area for residents for informal recreation, gardening, drying clothes and socialising.

3.23 The quality of outdoor amenity space for sheltered accommodation and care facilities should also take into account the specific needs of the residents. This may include how it is designed with the mobility of the expected residents in mind; quality of landscaping for those who cannot move far; well-being and safety of residents; and access to nature. We require you to include a statement in your application to explain how you expect the open space to function.

3.24 If you cannot meet the required amount of amenity space for any development, we will insist that you consider a range of options (including reducing the number of units to be provided) to meet any shortfall.

3.25 If you attempt a range of ways to meet the amenity space standards, show you have done this, and you still cannot meet the standards, the Council may be prepared, in exceptional circumstances, to accept a lower amount. Appendix A sets out how the Council will assess planning applications for dwelling houses in relation to private outdoor amenity space and Appendix B sets this out for new build flats.

3.26 If your proposal does not meet the full amenity open space standard, it is your responsibility to clearly demonstrate why a lower standard should be accepted addressing the points in the flowcharts in Appendix A and B. You should show this in a statement submitted with your planning application. You should not assume that the Council will accept a shortfall in amenity space, and it is your responsibility to clearly demonstrate to the Council's satisfaction that a shortfall of amenity space would, on balance, still achieve a high quality and sustainable development.

3.27 The Council recognises that new build flats in our Town and District Centres³ will often have little opportunity to provide enough private outdoor amenity space due to limited available space. However, the new flats in these centres will often provide good quality accommodation that will be highly sought after because there is easy access to employment, shops, public transport links, leisure and cultural activities. Increasing the number of residents in our town and district centres also helps support our shops and services in these centres. The Council therefore supports the principle of new flats in our town and district centres. However, providing access to amenity space remains important. Please see Appendix B for how we will consider proposals for new flats and the level of outdoor private amenity space.

3.28 Nonetheless, the Council would still expect you to provide as much amenity space as possible, and not a significant shortfall (i.e. less than 80% of the full amount). If your proposal

³ Southport, Bootle, Crosby, Waterloo, Formby and Maghull centres, as defined in Policy ED2 of the Sefton Local Plan (April 2017) and the Local Plan Policy Maps

for new flats is still unable to achieve even 80% of the amenity space requirements, and they are in a town or district centre location, you must set out what significant benefits your scheme is offering to offset the harm to residents' living conditions. The significant benefits must be over and above the provision of new homes and may include a financial contribution, to offset the shortfall of private outdoor amenity space. This could go towards improving a nearby public open space to provide improved recreational space for new residents. The greater the shortfall of private amenity space, the greater the significant benefits will have to be to offset the harm.

Garage sizes

3.29 The Council sets out standards for car parking in the Sustainable Travel and Development Supplementary Planning Document. If you wish to use a garage to provide some of that car parking, the garage needs to be genuinely usable for parking a car regularly. The garage should have a door that is wide enough for a car to enter and leave easily. The internal dimensions of a garage should make it easy to get into and out of a car, including for people with limited mobility and young children. To count towards parking provision, a single garage must be a minimum of 6 metres in length by 3 metres in width (measured internally) and 4.2 metres wide if designed for wheelchair users. If the garage is not large enough to be genuinely usable for car parking, it will not count towards the required car parking spaces.

4. Design

General

4.1 All developments should be built to a high quality design. Policy EQ2 (Design) of the Sefton Local Plan sets out the key principles of good design. To support good design, the Government has published a National Design Guide⁴ and it is expected the developers should have regard to this in their plans.

4.2 In general, all homes should maintain and enhance the quality of the local neighbourhood. Where the neighbourhood is considered to currently have a poor quality of design, it is important the new development raises the standards in the area. Development will be refused where it does not improve standards.

Street Scene

4.3 All new developments should respect the design, heights, building line, materials and built features in a street and wider neighbourhood. This particularly applies to infill schemes (including 'backland' development) within an existing housing development.

4.4 There may be some examples of smaller infill developments, where the proposed standards are incompatible with the existing buildings. For example, where the character of a street includes buildings flush to the pavement and/or narrow gaps between buildings (such in areas of older terraced homes), it may not be possible or desirable to meet car parking standards in new homes as this would be incongruous with the existing homes. We expect you to design homes that are in character with the street. You may need to explain in a Design and Access Statement or Transport Statement/Assessment why it is not possible or desirable to meet certain design standards in their proposal. This issue would not occur in larger developments as the development would be able to set its own character.

4.5 For care homes, flats and sheltered accommodation, many of the same principles will apply. However, they generally will be much larger in size and scale and so the design will need to be carefully considered in view of the character of the area. In some locations, this kind of development may not be appropriate. The design and access statement should fully justify the design of your proposal in relation to the surrounding street and neighbourhood.

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

Backland development

4.6 Backland sites are sites behind existing buildings, often with no street frontage and sometimes within predominantly residential areas. Backland sites are often in, or have been in, employment use and are quite common in Southport. However, backland sites can also be large residential gardens which can be severed to create a separate development site.

4.7 A tandem development is a backland development, where a new dwelling is placed immediately behind an existing dwelling. This is generally on land that is severed from the rear garden of the existing dwelling to create a new building plot. The plots created are often quite small and will often share the same access as the existing dwelling. Due to the problems of overlooking, noise and traffic disturbance, loss of amenity, cramped nature of the development and the harm to local character, the Council would normally resist such proposals, unless in exceptional circumstances where all of these issues can be adequately addressed. Even in areas where such development has been allowed in the past, we recognise that it is harmful to the character of the area and we now generally consider it is no longer acceptable.

4.8 Situations where backland development may be acceptable are:

- i. replacing existing buildings, for example business properties to the rear of residential properties as happens in some areas of Southport
- ii. properly planned larger backland schemes where a comprehensive redevelopment can be achieved whilst preserving the character of the area.

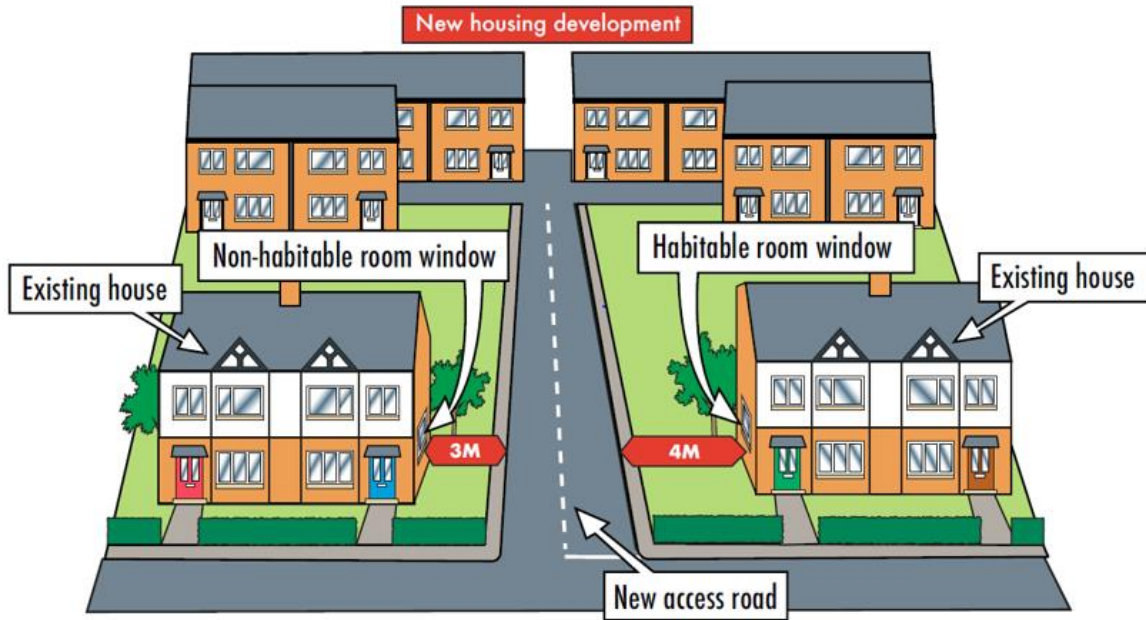
4.9 In the circumstances where tandem or backland development is considered acceptable in principle, we expect development to:

- i. respect the layout, form and character of the local area
- ii. respect the living conditions of existing neighbouring properties and future residents in the new properties.

Access roads for backland and tandem development

4.10 We expect access roads to adhere to the following standards:

- A minimum gap of 3 metres from the near side of the access road to the side of any ground floor window facing onto the road. 4 metres where there is a habitable room window facing the access road. Please see the diagram below:



Backland development access arrangements

- We will not normally support rear parking courts as they tend to result in poor quality places with little natural surveillance and they also are poor quality in terms of design and effect on living conditions.

4.11 For shared surfaces and driveways, you should refer to the highways developers pack [https://www.sefton.gov.uk/media/1305981/sefton council developers pack 2017 intro and street design.pdf](https://www.sefton.gov.uk/media/1305981/sefton_council_developers_pack_2017_intro_and_street_design.pdf)

Hard standing

4.12 In the exceptional circumstances where backland development is allowed, we will restrict hard standing in areas prone to surface water flooding. Where hard standing has to be used, we prefer you to use permeable paving. If permeable paving is not practicable, you should consider directing any surface water run-off towards sustainable methods of infiltration such as soakaways or other sustainable drainage systems.

Boundary Treatment

4.13 Appropriate boundary treatment is important for the appearance of an area, for safety of residents and for privacy. We discourage boundary treatment facing roads, footpaths and other public areas in the form of high walls and fences (over 1 metre in height) and should either be left open or have some appropriate low-level planting. There may be some exceptions

when this reflects the prevailing character of the area, however existing poor quality boundary treatment in the area should not be replicated.

4.14 High walls and fences (i.e. over a metre in height) can harm the character of an area and appear defensive, unneighbourly and oppressive. Wholly wooden fences often provide a poor-quality appearance to a housing area and can age badly. You should avoid using these in most circumstances where they front onto or face the public realm, including roads, footpaths, public parks, playing pitches, cemeteries, canals and railway lines.

4.15 Boundaries between residential properties at the rear of homes, i.e. those that separate the rear gardens of individual properties, should of sufficient height, design and material to afford privacy for future residents. Generally, you should provide fences or walls to be high enough to prevent gardens from being easily overlooked.

4.16 When designing boundary treatment, you should consider the movement of hedgehogs. Hedgehogs need to be able to move freely between gardens to be able to flourish. Therefore, the boundary treatment between the property and all over properties must allow for the unimpeded movement of hedgehogs. This should include small purpose-built gaps for the Hedgehogs to get through. Examples can be viewed here- <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/> An exception to this is where fences abut roads, or if the fence needs to provide protection from excessive noise levels.

Bin Stores

4.17 You should provide dedicated space in your scheme to store bins from the outset. It is important that:

- the size of bin storage is adequate for the number of bins required
- The bins are easily accessible to the street so that bins can easily be left for collection and brought back in afterwards
- That bin storage does not detract from the character of the development. It should therefore, where possible, be at the side/rear of the property or, if not, in a dedicated and purpose-built facility that does not detract from the character of the property. The Council will not normally support bins being stored in back or side alleys.

5. Replacement dwellings in the Green Belt

5.1 In cases where it is proposed to replace an existing dwelling house in the Green Belt, the new dwelling should be no more than 15% larger in volume than the existing dwelling house to be considered 'appropriate'. Any building larger than this will generally be considered as inappropriate development in the Green Belt.

5.2 In calculating the volume of the existing house, the Council will not include any allowance for unimplemented approvals for extensions or unused permitted development rights. However, these may be considered in an assessment of 'very special circumstances' taking into account how likely they are to be implemented (i.e. the 'fallback' position).

5.3 Permanent outbuildings of substantial construction, including brick-built sheds, garages and summer houses that are within 5m of the dwelling house, will count towards the volume of the existing property if they are to be demolished as part of your proposals.

5.4 A replacement dwelling in the Green Belt will also be assessed by its height, width and depth. These factors are relevant to its impact upon the 'openness' of the Green Belt.

5.5 Inappropriate development in the Green Belt will only be approved in 'very special circumstances' where the benefits of the development clearly outweigh the harm to the Green Belt, and any other harm.

5.6 An application for a replacement dwelling in the Green Belt should be accompanied by a statement setting out the details of the volume, height and floorspace of the existing and proposed dwelling.

6. Affordable Housing and Housing Mix

6.1 Sefton Council recognise the importance of development providing sustainable housing schemes that serve the whole community. Part of serving the whole community involves providing mix of housing tenures, including both affordable rent and affordable market products as well as providing a mix of housing sizes with different numbers of bedrooms. Sustainable communities will also include homes that are adaptable to changing life circumstances, such as old age and those who may have limited mobility or require the use of a wheelchair. This is recognised in the Sefton Local Plan and in particular by two policies, *HC1 Affordable and Special Needs Housing* and *HC2, Housing type, mix and choice*.

6.2 Policy HC2 requires a mix of homes by number of bedrooms. HC2 requires the following:

1. In developments of 25 or more dwellings, the mix of new properties provided must be as follows unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics:

A minimum of 25% of market dwellings must be 1 or 2 bedroom properties

A minimum of 40% of market dwellings must be 3 bedroom properties

These requirements do not apply to wholly apartment/flatted, extra care, and sheltered housing developments. Any new affordable dwellings are also exempt.

The Formby Neighbourhood Plan policy H4 has a housing mix which applies for the Formby area. The Neighbourhood Plan says the following:

New housing developments should provide a mix of different housing types.

Schemes of 15 or more dwellings shall make appropriate provision of homes for elderly people.

To meet the Neighbourhood Area's need for smaller homes, as demonstrated through the plan making process, new developments of 15 or more dwellings should be based around the following mix:

a) 1 and 2 bed properties, no less than 33% of the total;

b) 4 or more bed properties, no more than 15% of the total

Except for the Formby area, the Sefton Local Plan policy HC2 applies.

The Housing Mix policy (Policy HC2) requires a mix of different size homes, by the number of bedrooms, for schemes of 25 homes or more. It is important therefore for applicants to provide sufficient information with applications to enable the Council to determine if the housing mix policy is being met.

Bedrooms

6.3 The applicant should provide a schedule and/or plans that clearly show the number of bedrooms that each house type within a scheme has. The Council will verify this information (if possible) by looking at the same house type on other schemes the house builder has built utilising the same house types.

6.4 Furthermore the Council will count all rooms in a home as a bedroom if it is:

- Upstairs (in the case of homes of more than one-storey), and
- can be accessed from a communal landing (i.e. is not accessed solely through another bedroom), and
- has an external window, and
- is large enough to accommodate a standard size single bed and other basic bedroom furniture

6.5 Whilst the Council accept such rooms may be used for other purposes, such as a study, for the purposes of calculating number of bedrooms it will count such rooms as bedrooms

6.6 This policy will be implemented on all schemes of 25 dwellings or more (unless wholly apartment/flatted, extra care, and sheltered housing) even if the total number of market homes is below this figure.

6.7 The Council don't consider that the exemption for prevailing neighbourhood characteristics will apply in many instances, particularly on the housing allocations in the Sefton Local Plan (April 2017). If an area is characterised by larger homes this does not negate this policy requirement and in fact supports the need to diversify the housing mix.

6.8 If an applicant considers that meeting the housing mix requirement would compromise the viability of the scheme, or that it would require a relaxation of other policies, a viability assessment should be submitted. The Council's retained viability consultant will assess this, at a cost to the applicant, and determine if the viability concerns are justified. The Council will determine, on a case-by-case basis, which policies or planning obligations, if any, will be relaxed.

6.9 Local Plan Policy HC1 sets out how affordable housing will be addressed. An Affordable Housing SPD sets out how this will be addressed.

7. Other Matters

Heritage

7.1 Sefton has a wide variety of built heritage assets throughout the borough. These include Conservation Areas, Listed Buildings and non-designated heritage assets. These heritage assets have an important role in the character of many of Sefton's communities. It is important that new housing developments do not have a negative impact upon these heritage assets.

7.2 If the development is in a Conservation Area or involves a heritage asset⁵, the heritage considerations may mean departing from some of the standards and principles set out in this SPD. As these will depend upon the nature of the heritage asset, it is not possible to set out in this SPD what would be expected. It is best in these instances to seek specialist heritage advice when preparing your scheme and to seek pre-application advice from the Council at the earliest opportunity in order to take the heritage issues into account. You should include a heritage statement with your application, produced by a suitably qualified professional. The level of detail should be appropriate to the likely impact on heritage.

Trees

7.3 Trees are important for a wide variety of reasons. These include the character of a building and an area, climate change and carbon storage, flooding and drainage. They are also important for mental health, and for wildlife and bio-diversity.

7.4 Existing trees should be retained where possible. You will need to take great care in planning any development close to trees as they can reduce natural light to dwellings whilst new development may block light to the tree(s). You should also give due consideration to the location of new/replacement trees and the proximity of utility services, such as drains. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. We will take account of the potential future pressure to remove trees as a result of a new development. If you think any trees need to be removed to allow for your development, you should include a trees assessment with your application and show on your plans what replacement planting you are proposing. The replacement planting should be of both high quality and appropriate quantity (a minimum of 1:1 for trees lost). You should include a robust statement explaining why it is necessary to lose the existing tree(s) and why your proposals for replacement is acceptable. You should also include a management and maintenance plan explaining how the tree(s) will be cared for in the long-term. The Council may secure this through conditions or a legal agreement.

7.5 Where replacement trees cannot be accommodated on site, the Council may refuse a planning application unless offsite planting can be provided in an appropriate local location.

⁵ the setting of a listed building or a scheduled ancient monument, a non-designated heritage asset or a historical park or garden

This might be secured through a legal agreement which would state where the trees would be planted and how they would be maintained and the costs for doing so.

7.6 Trees covered by a Tree Preservation Order (TPO) are subject to strong protection and should not be lost through development. The justification for removing trees covered by a TPO will have to be compelling and the benefits of any replacement planting must be significantly greater than what is being lost.

Flood risk, surface water and drainage

7.7 Sefton is a low-lying, coastal borough with a number of water courses running through it. Many sites will be at higher risk of flooding from a variety of sources. Some areas are classed by the Environment Agency as being in flood zone 2 or 3 for river or tidal flooding. Some sites or areas are at higher risk of flooding from groundwater, the canal, reservoirs, sewers or surface water. It is important that any development does not leave either homes on the application site or homes or other properties elsewhere at increased risk of flooding from all sources, and where possible should reduce the risk of flooding.

7.8 It is not the intention here to go into detail as the approach to these matters is set out elsewhere. Surface water should be managed sustainably in line with Local Plan policy EQ8 'Flood risk and surface water', the Sustainable drainage systems and Flood Risk Information Note and the surface water Drainage Pro Formas (see <https://www.sefton.gov.uk/spd>) or more recent Sefton guidance. For developments in the Formby and Little Altcar area, there are a series of specific flood risk policies in the Neighbourhood Plan.

7.9 The Council have a team who can look at the drainage of any scheme as part of the pre-application service. Parts of the borough are classed as flood zone 2 or 3 and are at greater risk of flooding. Details of the Environment Agency flood zones can be found at, <https://flood-map-for-planning.service.gov.uk/>

7.10 However, developers and occupiers are encouraged to take measures to manage and reduce surface water flood risk (including during construction) and water use, such as:

- Design, slope and angle surfaces to direct rainwater away from the property to particular areas of the garden where flooding will not cause a problem to occupier, neighbours or the public highway or pavement (e.g. vegetated areas, rain gardens)
- Vegetated garden areas (e.g. grass or lawns, flower or shrub beds or vegetable plots) rather than large areas of hard, impermeable surfacing
- 'Rain gardens' – vegetated areas within larger hardsurface areas designed and sloped so that surface water flows into them
- Appropriate tree planting, which can slow the rate at which rainwater reaches the ground
- Use of permeable (including porous) paving or surfacing and driveways (rather than impermeable surfacing).

- Water butts used to collect rainwater from as long as the outlet (discharge point) conforms to the Building Regulations standards.
- Green roofs – planted soil layer constructed on the roof of a building to create a living surface. Water is stored in the soil layer and absorbed by vegetation.
- On-site water recycling, e.g. recycling of surface water run-off or ‘greywater’ recycling from baths or sinks.

7.11 United Utilities are the statutory undertaker for water and wastewater (drinking water and foul sewerage) for Sefton, including the many sewers in Sefton which are combined sewers (both foul and surface water drainage). As set out in the Sustainable Drainage Systems and Flood Risk Information Note, developers are encouraged to contact United Utilities as early as possible in the development process for advice and so that United Utilities can better understand the impact of development proposals on their networks.

Water Consumption

7.12 Under the Building Regulations, the maximum water consumption rate is 125 litres per person per day. However, under Building Regulation 36 (2) & (3) there is a provision to introduce the higher requirement providing the Planning Authority adopts such a policy. However, this should only be done through a review of a Local Plan. In advance of this, the Council will encourage that all new homes in Sefton have a maximum ‘consumption of wholesome water rate’ of 110 litres per person per day. If this is to be achieved, developers should set this out as a ‘wider community benefit’ of their proposal.

Ecology, Habitats Regulations and Biodiversity

7.13 Sefton is in an area where there are a significant number of international, national and local nature designations. There are also a number of protected species in the area, notably Red Squirrels, Natterjack Toads, Water Voles, a number of species of bats, and Sand Lizards. If your proposal is in or adjacent to any of these recognised areas and impacts on protected species, we strongly advise you to come to us for pre-application advice as well as employing the services of a qualified ecologist to let you know what assessments may be required. The Merseyside Environmental Advisory Service (MEAS) can provide you with this advice through our pre-application service, where appropriate. The Council have produced a Nature Conservation SPD. This can be viewed at <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

7.14 Any housing scheme of ten or more dwellings may be subject to a Habitats Regulations Assessment in relation to Recreational Pressure on the Sefton Coast. The Council have produced an interim advice note on this: <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/recreation-mitigation-scheme/>

Public Open Space

7.15 It is important to provide adequate public open space for residents in all of Sefton's communities. It increases the quality of life for residents and provides valuable opportunities for sport, recreation and play. The Sefton Local Plan sets out where there are open space requirements for development in policy *EQ9 – Provision of Public Open Space, Strategic Paths and Trees*.

7.16 Open space is normally required where there are 150 or more dwellings in the scheme or where there are 11 or more dwellings and the site is over 2km from a 'main park' or a Countryside Recreation Area. Appendix 1 of the Local Plan sets out specific requirements for open space within housing allocations.

7.17 The Council have produced a Supplementary Planning Document, the Open Space SPD (2017), that sets out details about how we expect open space to be provided. This includes details on how it should be laid out, what equipment might be provided and arrangements for managing and maintaining it for the long-term. The SPD can be viewed at <https://www.sefton.gov.uk/media/5286/open-space-spd-2017-2022-23s106rate.pdf>

7.18 We will use this document if we agree that a financial contribution towards nearby open space or parks is acceptable to compensate for a shortfall of outdoor private amenity space (see above).

8. Agent for Change Principle

8.1 Paragraph 187 of the National Planning Policy Framework states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

8.2 If new housing or residential development is proposed next to an existing use, including a business, supermarket, utilities infrastructure (such as a wastewater treatment works or electricity station), sports and recreation facility, restaurant, public house or community facility, it may raise the issues described above. In terms of existing utilities infrastructure, consideration should be given to the potential need of that asset to expand to support future growth. Applications may wish to contact the relevant utilities provider to confirm if they have plans to expand an asset close to their proposal. When considering if an existing use may cause an issue to new homes, the vehicle movements to that existing use should also be considered.

8.3 Where a proposal for housing or a residential use may lead to a serious problem of the type described, an application may be refused unless the applicant can demonstrate how the issue will be addressed. This may include the applicant making changes to the layout or design of the proposed development or other mitigation. The mitigation may require agreement between parties and applicants are advised to speak to the owners/operators of neighbouring businesses or facilities.

8.4 In order to help determine where this kind of issue might arise, we encourage you to seek pre-application advice. This may well determine whether you need to include any extra information with your application, for an example, a noise assessment.

8.5 If this is relevant to your proposal, you should include a planning statement with your application saying how you have addressed it.

Further Sources of Information

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.
<http://planningguidance.planningportal.gov.uk/>

Plain English Guide to the Planning System

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

Planning Portal

<http://www.planningportal.gov.uk>

National Design Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

Local Guidance

Sefton Local Plan

<https://www.sefton.gov.uk/localplan>

Neighbourhood Plans

<https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/neighbourhood-planning.aspx>

Contact details

Planning Department Email planning.department@sefton.gov.uk

Pre Application Service <http://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/pre-application-advice-on-development-proposals.aspx>

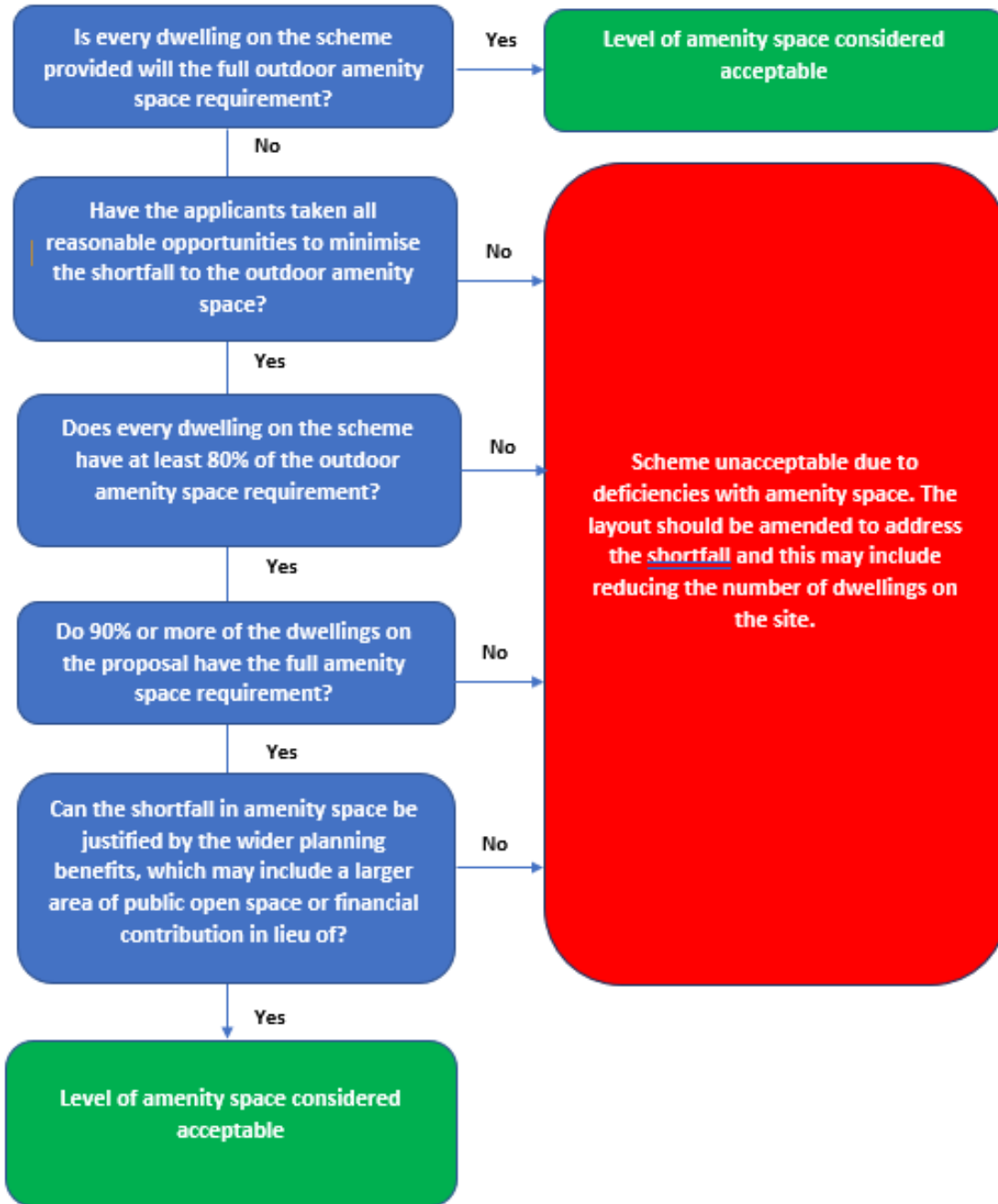
Sefton Building Control Email building@sefton.gov.uk

Planning Policy Email local.plan@sefton.gov.uk

Conservation Team Email conservation@sefton.gov.uk

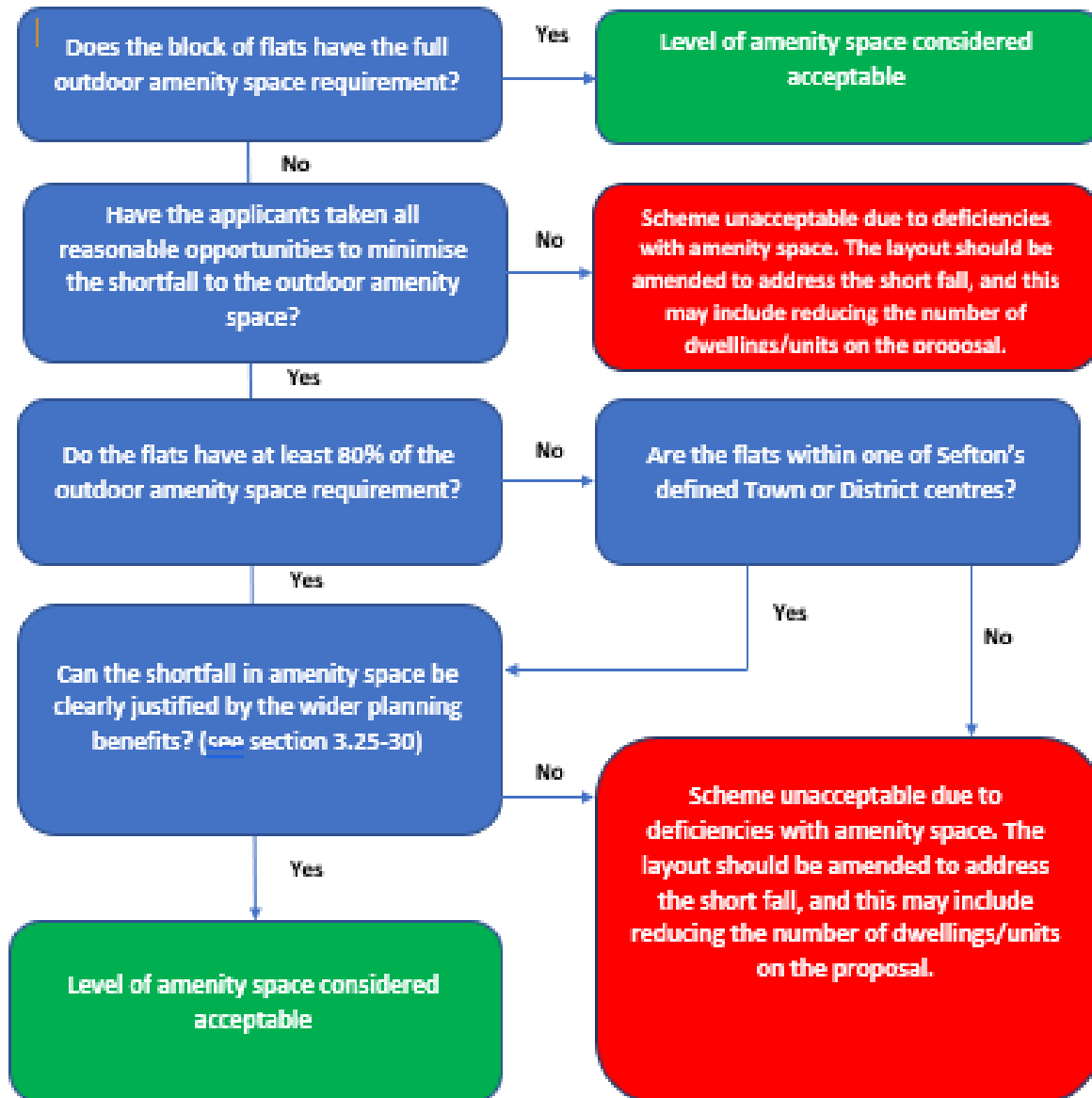
Appendix A - Amenity space for New Dwellings

New build dwellings (this does not include a block of new build flats including those on a larger housing schemes) - Determining if the level of private outdoor amenity space is acceptable



Appendix B - Amenity space for new Flats

New build flats (either a standalone block, or an individual block in a larger housing development scheme) - Determining if the level of private outdoor amenity space is acceptable





Information Note

**Managing and mitigating the impact of recreation pressure on the
Sefton Coast**

Sefton's Interim Approach for housing development

May 2023

Agenda Item 10

1. Introduction

Purpose of this Information Note

- 1.1 The Information Note applies to the whole of Sefton. The purpose of this Information Note is to set out Sefton Council's Interim Approach to the mitigation and management of recreation pressure arising from new housing development in Sefton on the internationally important nature sites on the Sefton Coast. These include the Sefton Coast Special Area of Conservation, Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site and Liverpool Bay SPA.
- 1.2 The Information Note sets out what applicants with proposals for new housing have to do to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) regarding recreation pressure on the Sefton Coast, as identified in the [Sefton Local Plan](#) 2017.
- 1.3 For any proposals to which the Habitats Regulations apply, mitigation measures must make sure that the Habitats Regulations Assessment has a conclusion of no adverse effect on the International sites.
- 1.4 For proposals on or very close to the International sites or on or very close to functionally linked land ('supporting habitat'), there may be additional bespoke mitigation measures relating to recreation pressure or to other potential impact pathways. For allocated sites most of these requirements are set out in chapter 6 and Appendix 1 of the Sefton Local Plan.

Other

- 1.5 The Interim Approach Information Note is a material consideration for proposals for new housing in Sefton. It replaces the previous Information Note (adopted March 2018) which has now been superseded. In effect, the 'opt in' Interim Approach in the current Information Note also supersedes the second bullet point of paragraph 3.29 of Sefton's 2017 [Nature Conservation Supplementary Planning Document](#), although this paragraph is still relevant for applicants for housing development who do not chose to 'opt in' and may be relevant to applicants for tourism or other types of development.
- 1.6 This is an Interim Approach for Sefton and shall be used pending collection of further evidence and future agreement of a Liverpool City Region Recreation Mitigation Strategy approach.
- 1.7 While the Interim Approach has been prepared by Sefton Council, it reflects joint working with Natural England, Merseyside Environmental Advisory Service, the other Liverpool City Region local authorities, the Mayoral Combined Authority, West Lancashire Council and the National Trust and has been endorsed by Natural England. The Interim Approach draws on collaborative work (including published supporting evidence) carried out so far and which has been examined independently by the Planning Inspectorate, for example for the Halton and Liverpool Local Plans.

2. Overview of the Interim Approach and why it is needed

- 2.1 The Interim Approach is needed to meet legal requirements set out in the Habitats Regulations. It should be read alongside [Sefton Local Plan](#) (2017), notably policies SD1 'Presumption in favour of sustainable development', SD2 'Principles of sustainable development', NH1 'Natural Assets' and NH2 'Nature' and Appendix 1, and Sefton's [Nature Conservation Supplementary Planning Document](#) (2017).
- 2.2 The [2015](#) and [2016](#) Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identify the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate this pressure to less than significant. Similar issues arise for neighbouring authorities, in relation to both the Sefton Coast and the coast elsewhere in the region. They also require applicants for new housing in Sefton to show how they will mitigate for the additional recreation pressure on the Sefton Coast to less than significant, so that the Council can carry out a Habitats Regulations Assessment (HRA). This Interim Approach Information Note sets out how applicants should do this via a strategic approach managed by Sefton Council.
- 2.3 The basis of the Interim Approach is that while a Habitats Regulations Assessment (including a 'test of likely significant effects' and Appropriate Assessment) is required for the recreation pressure on the Sefton Coast, the mitigation measures have already been agreed. That is, the 'opt in' approach provides appropriate and acceptable measures to mitigate for recreation pressure as Sefton Council has already considered, costed and assessed the likely:
- Scale of housing development in Sefton (and beyond)
 - Levels of visitor pressure from different parts of Sefton, *and*
 - Measures that will mitigate recreation pressure from this housing to less than significant on the Sefton Coast through the provision of an integrated set of measures both on the Coast and at green and open spaces within the Borough (see [section 5](#) below). Measures on the Coast are called Site Access Management and Monitoring measures (SAMMs). Those on other green and open spaces are called Suitable Alternative Natural Greenspace measures (SANGs).
- 2.4 This has been achieved through the Local Plan [HRA Reports](#) and additional [joint working and joint evidence](#), having regard to the [recreational activity and bird interaction document \(RP03020\)](#) published by Natural England. This Information Note provides signposts to the most relevant sections of this Liverpool City Region Recreation Management Strategy Evidence Report (the [evidence report](#)). Natural England supports this approach. The legislative context and requirements are set out in more detail of chapter 2 of the [evidence report](#).
- 2.5 However, it should be noted that the Interim Approach is an 'opt in' approach and applies only to recreation pressure; applicants choose to opt into it. Section 3 below sets out the 'opt in' Interim Approach. Section 4 sets out the alternative requirements for those who [do not wish to 'opt in'](#).

Agenda Item 10

3. Opt-in mitigation measures – the Sefton Interim Approach

- 3.1 The opt in mitigation measures set out in the Interim Approach are based on commuted sum contributions plus information leaflets for new first-time occupiers, as set out below.

Commuted sum contribution for each new dwelling

- 3.2 **For schemes of 10 new dwellings or more (net) including new build dwellings and conversions/changes of use, a contribution will be required for each dwelling (net) of:**

- **£348 per new dwelling in the core zone** (closest to the Coast) shown on map 1
This includes Bootle, Crosby, Formby and Southport.
- **£73 per new dwelling in the outer zone** (away from the Coast) shown on map 1
This includes most of Sefton East.

These amounts are 2023-24 prices. The amount will be adjusted each year in line with inflation. As the sums relate to legal requirements under the Habitats Regulations, they are not subject to viability considerations. Appendix 8 of the [evidence report](#) shows how the contributions were determined; reflecting the original 2021-22 rates of £299 and £63 respectively). Proposals for less than 10 new homes (net) are exempt, as set out in the evidence report, especially Appendices 8 and 9.

Leaflets for new householders

- 3.4 **For schemes of 10 new dwellings or more (net) including new build dwellings and conversions/changes of use, A colour copy of the [leaflet](#) setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new dwellings.** Applicants should also consider making this leaflet available in digital form to all first-time occupiers. This applies to net new build dwellings and conversions/changes of use. Proposals for less than 10 new homes (net) are exempt, as above.

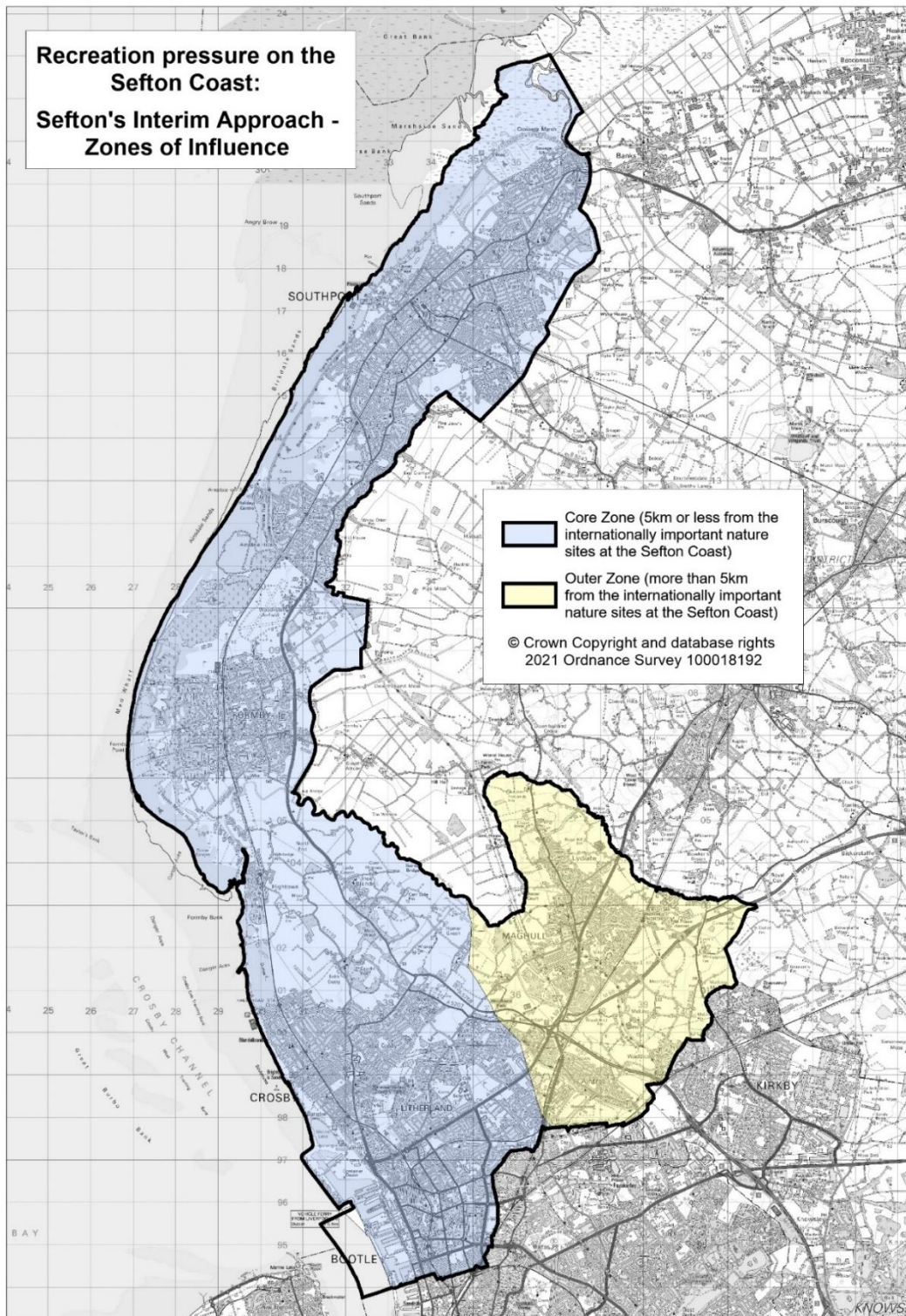
Which proposals for 10 or more dwellings does this apply to?

- 3.6 This applies to all dwellings regardless of what Use Class they are determined to be in. That is, this applies to dwellings including those within Use Class C3 (dwellinghouses), Use Class C2 (residential institutions) or Use Class C4 (houses in multiple occupation for 3-6 residents) of the Use Classes Order 2017 (as amended). This includes serviced apartments, supported living accommodation and 'extra care' homes (self-contained or other homes for independent living but with some element of care). The Interim Approach Information Note does not apply to higher dependency care homes or nursing homes where facilities other than bedrooms/*en-suite* bedrooms are shared/ communal. The key test is whether the housing unit can be described as a dwelling: an approach consistent with Sefton's approach to provision of affordable and special needs housing.
- 3.76 This also applies to dwellings permitted by the 'prior approval' and 'permitted development rights'/ general development planning order processes. This is as required by the Habitats Regulations, as explained in paragraph 3.45 of the Nature Conservation Supplementary Planning Document.

Procedures

- 3.8 Applicants for planning permission should enter a s106 planning obligation to pay this 'commuted sum' contribution. Sefton Council also requires a small contribution towards

Map 1 Core zone and outer zone of influence, in relation to the Sefton Coast



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monitoring of all necessary s106 obligations. This is equivalent to 15% of the planning application fee for full permission and 30% for outline permission (subject to a minimum fee of £700). Similar legal arrangements for the transfer of monies to Sefton Council should be made by those carrying out development granted by the 'prior approval' and 'permitted development rights'/ general development planning order processes.

- 3.9 Most commuted sums (or sums paid under other legal arrangement as above) will be liable for payment on commencement of the development. However, for very large, phased development schemes (for example 100 homes or more), payment in instalments linked to the commencement of each phase and the number of dwellings in each phase is likely to be acceptable.

4. What if I do not opt-in?

- 4.1 The above 'opt in' solution for schemes of 10 or more (net) dwellings will not be compulsory, but provides Sefton Council and applicants with a potential mitigation solution which they may choose to use (opt-in to). For applicants this is likely to be more efficient, reducing time, costs and risks during the planning process; compared to completing site-based impact assessments, consulting and agreeing mitigation packages on a bespoke basis, which would be the alternative.
- 4.2 If applicants do not wish to opt-in to this scheme, and their proposal is for schemes of 10 or more (net) new dwellings, they must make sure that sufficient bespoke information is provided to enable the Council to complete a Habitats Regulations Assessment (HRA) prior to determination of a planning application or written approval by the local planning authority. The applicant will need to consider their individual scheme and any 'in combination effects'.
- 4.3 Examples of mitigation measures which could form part of a bespoke mitigation package are listed below. Following the Sweetman ruling¹, a clear distinction must be made between required features of the development (set by planning policies) and additional mitigation measures needed to protect the national and international sites:
- Provision of public open space within the development boundary
 - Improving access to and promoting use of Suitable Alternative Natural Greenspaces (SANG) (including contributions to management)
 - Provision of information in sales packs or on information boards, informing residents of the importance of the national and international sites, and responsible user code and the location of SANGs; and
 - Financial contributions to the management of national and international sites and Strategic Access Management & Monitoring (SAMM).
- 4.4 The applicant may choose to complete their own project-level shadow HRA or provide sufficient other information for the Council to complete the final HRA. The project-level shadow HRA is termed as such because it mirrors or 'shadows' the legal process that the Local Planning Authority must follow but is a 'shadow' because it does not replace the Local Planning Authority's duties to complete such an assessment. The shadow HRA would be

¹ [People Over Wind and Sweetman v Coillte Teoranta \(C-323/17\)](#)

reviewed by the Council's ecological advisors and potentially Natural England to confirm that it meets regulatory requirements, prior to being accepted.

- 4.5 It is important that developers seek the necessary specialist technical advice to do this and the scope of the project-level shadow HRA should be discussed at the [pre-application stage](#) with Sefton Planning. It is likely that this will need to include off-site measures which would also be secured through use of a s106 planning obligation and monitoring of effectiveness of the measures would also be necessary. More information is set out in Sefton's 2017 [Nature Conservation Supplementary Planning Document](#), especially paragraph 3.29.

5. Overview of likely mitigation measures to funded through the opt-in scheme

- 5.1 Mitigation measures will be both at the Sefton Coast and on other green and blue infrastructure away from the Coast. In summary, the contributions that are secured towards mitigation measures on the Sefton Coast will be spent on the following:

At the Sefton Coast (Strategic Access Management and Monitoring (SAMMs))

- Enhancing visitor facilities especially in less sensitive areas (such as paths, boardwalks, signage, access for all, car parks and facilities)
- Temporary or long-term restrictions on visitors, allowing habitat enhancement (such as zoning, car park, vehicle and access restrictions)
- Increased warden /ranger presence, for increased education of and engagement with visitors, direct practical works, volunteering
- Codes of Conduct and associated licencing and zones
- Dog projects (to reduce damage and disturbance of species and habitats by dogs)
- Interpretation, , publicity, signage (including variable traffic signage more distant from the Coast)

On other green and open spaces away from the Sefton Coast (Suitable Accessible Natural Green Spaces (SANGs))

- Enhancing visitor facilities in SANGs (such as paths, circular walking and cycling routes, signage, access for all, car parks and facilities).

- 5.2 SANG measures must be effective, suitable, strategic alternatives to visiting the coast. As such SANG sites must be appropriately located, of sufficient scale, and accessible to residents of existing and new development. In Sefton potential SANG sites include 'Main parks', the Leeds and Liverpool Canal; Marine Lake and Pier, Southport, Countryside areas away from internationally important nature sites including Rimrose Valley, Sefton Meadows and nearby sites, Trans Pennine Trail (including Cheshire Lines Path) and public rights of way which help link the above sites.

- 5.3 For more details see sections 8 and 9 and Appendices 7 and 8 of the [evidence report](#). Sefton Council intends to prepare implementation plans regularly, to set out the priorities and proposed projects for this mitigation.

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6. Monitoring

- 6.1 Sefton Council monitors the number, purpose, location, payment and spending of commuted sums linked to s106 planning obligation payments (which may relate to a number of Local Plan policies, for example education contributions). Reports are published annually. This annual reporting will include reporting on commuted sums and implementation plans for measures which mitigate recreation pressure on the Sefton Coast.
- 6.2 Sefton Council and partners such as Merseyside Environmental Advisory Service and Natural England will monitor the condition of the internationally important nature sites on the Sefton Coast. This can then be used to assess the effectiveness of the mitigation measures and to identify priorities for action and changes to approaches where necessary.

7. References

Conservation of Habitats and Species Regulations 2017 (as amended) – see for example <https://www.legislation.gov.uk/uksi/2017/1012/contents>

Town and Country Planning (Use Classes) Order 1987 (as amended) – see <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes> and <https://www.legislation.gov.uk/uksi/1987/764/contents/made>

Sefton Local Plan (2017) – see www.sefton.gov.uk/localplan

Nature Conservation Supplementary Planning Document (2017) – see <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

Sefton Council Planning Service – pre-application advice - see <https://www.sefton.gov.uk/planning-building-control/apply-for-permission/pre-application-advice-on-development-proposals/>

Merseyside Environmental Advisory Service: Recreation Mitigation Strategy overview – see <http://www.meas.org.uk/1364>

Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy –Evidence Report (Version 24) July 2021 - see http://www.meas.org.uk/media/11039/LCR_RMS_EvidenceReport_v24_Optv2.pdf

Sefton Leaflet Respecting Nature in Sefton: A voluntary code for responsible recreation – see http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf

Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) **Recreational activity and interactions with birds within the SSSIs on the North-West coast of England** – see [Recreational activity and interactions with birds within SSSIs on the North-West coast of England - RP03020 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/publications/5473987963650048) / <http://publications.naturalengland.org.uk/publication/5473987963650048>

Housing Delivery Test Measurement Rule Book Method for calculating the Housing Delivery Test result (DCLG 2018) – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012931/HDT_Measurement_Rule_Book.pdf

High Court Judgements:

[*Rectory Homes Limited v Secretary of State for Housing, Communities and Local Government*. Case Number: CO/4682/2019](#) - regarding dwellings and Use Class C2

People Over Wind and Sweetman v Coillte Teoranta / the Sweetman judgement (C-323/17) - see [CURIA - Documents \(europa.eu\)](https://eur-lex.europa.eu/curia/doclist/curia/doclist.do?method=advancedSearch) – regarding Appropriate Assessment / Habitats Regulations Assessment

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**Social Value
(Employment and Skills)
in Development**

Supplementary Planning Document

May 2023

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1. Introduction

1.1 A supplementary planning document (SPD) is a document which builds upon and provides more detailed advice or guidance on policies in an adopted local plan (Sefton Local Plan April 2017). SPDs are a material planning consideration in the determination of planning applications.

1.2 The purpose of this SPD is to outline to developers what Social Value is within the context of planning and new development. It also sets out what the Council will expect from certain large developments and sets out what information developers should provide to demonstrate that social value (employment and skills) benefits are being maximised. Specifically, this SPD will be looking at how employment and training opportunities can be maximised from new development. It will also (where applicable) explore any potential supply chain and contract/sub-contracting opportunities for local businesses.

What is Social Value in development?

1.3 Social value is the additional economic, social and environmental benefits that can be created as part of a development. By seeking to capture social value from major developments, whilst such schemes are at the planning stage, the Council can achieve significant added value benefits for the people of Sefton. Social value from development can include:

- affordable housing,
- education contributions,
- open space
- public transport
- employment and training opportunities
- Business supply chain opportunities

1.5 **This document will focus on securing employment and skills opportunities from new development** as the other social value benefits are secured through existing plans and policies. For example, Affordable Housing is secured through Local Plan policy HC1 and a separate SPD; education contributions are secured where needed through Local Plan policy IN1 and a developer note; Open Space is secured in large schemes through Local Plan policy EQ9 and a separate SPD; Public transport improvements are occasionally secured through Local Plan policies IN1, EQ3 and a separate SPD. The SPDs are available at [Adopted Supplementary Planning Documents/Guidance \(sefton.gov.uk\)](https://www.sefton.gov.uk/adopted-supplementary-planning-documents-guidance)

1.6 This SPD will provide guidance on:

- The circumstances in which an Employment and Skills Plan will be requested.
- The potential content required in an Employment and Skills Plan.
- The development thresholds that would trigger a requirement for an Employment and Skills Plan to be submitted with a planning application;
- Expected content and priorities within an Employment and Skills Plan; and
- The process involved in requesting, preparing and implementing an Employment and Skills Plan;

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- Identify potential supply chain opportunities for local businesses.

1.7 The successful implementation of the SPD will seek to:

- Increase local employment opportunities by helping businesses to improve, grow and take on more staff;
- Address a national shortage in construction skills;
- Help businesses to find suitable (and especially local) staff and suppliers;
- Improve the skills of local people to enable them to take advantage of the resulting employment opportunities; and
- Prioritise employment and skills opportunities for young people, long-term unemployed, people with disabilities and those with a limiting long-term illness, care leavers and others deemed vulnerable.
- Enhance the reputation of the developer and create opportunities for future business growth
- Link developers and end-use employers to economic development support services in Sefton including Sefton@work and InvestSefton to produce relevant plans and actions to achieve social value objectives

2. Policy background

National

2.1. The National Planning Policy Framework (NPPF) outlines the purpose of the planning system is to contribute to the achievement of sustainable development. To accomplish sustainable development, the NPPF provides three overarching objectives (economic, social and environmental).

2.2 Paragraph 80 of the NPPF states '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future*'.

Liverpool City Region

2.3 Liverpool City Region Combined Authority have produced a Local Skills Action Plan 2022-23. This has a range of areas of focus in relation to improving skills, training and improving employment opportunities. These include:

- Continuing to seek reduction in unemployment and countering the concerning increase in economic inactivity;
- Tackling significant employment, unemployment and economic inactivity gaps remaining for women, those from an ethnic minority, those with a disability, young people and older people;
- Promoting and opportunities for people to progress in work;
- Promote opportunities for future growth to young people and broader communities;

Sefton

- 2.4 The Sefton Local Plan (April 2017) includes within its vision that Sefton will make *‘the most of its assets to attract jobs and investment and provided training for local residents’*.

Sefton Local Plan Policy SD2 ‘principles of sustainable development’ outlines a priority and objective of the Local Plan is to develop economic growth, tourism and jobs creation, support new and existing businesses and to improve access to services, facilities and jobs.

- 2.5 Policy EQ1 ‘Healthy Sefton’ within the Sefton Local Plan outlines development should help maximise opportunities to improve quality of life to make it easier for people in Sefton to lead healthy, active lifestyles, by improving access to jobs.

3. Justification

- 3.1 At a local authority level, economic data for Sefton is generally favourable compared to the North West Region although slightly less so at a national level.
- 3.2 In December 2021, 77.4% of people in Sefton were economically active. This is 0.9 percentage points higher than the North West average, but 1 percentage point lower than nationally.
- 3.3 This is a recurring picture across the key indicators. Sefton performs slightly better than the North West but worse than nationally for the percentage employed as managers and professionals (33.2%), people qualified with NQ4 and above (39.1%) and gross weekly pay for residents (£586.70).
- 3.4 Sefton records a worse position than the national averages for workless households and working age people claiming out of work benefits. Specifically, in December 2020, 15.8% of households in Sefton were workless, 2.2 percentage points higher than nationally. 4.3% of Sefton’s working age population claimed out of work benefits in 2022, 0.4 percentage points higher than nationally.

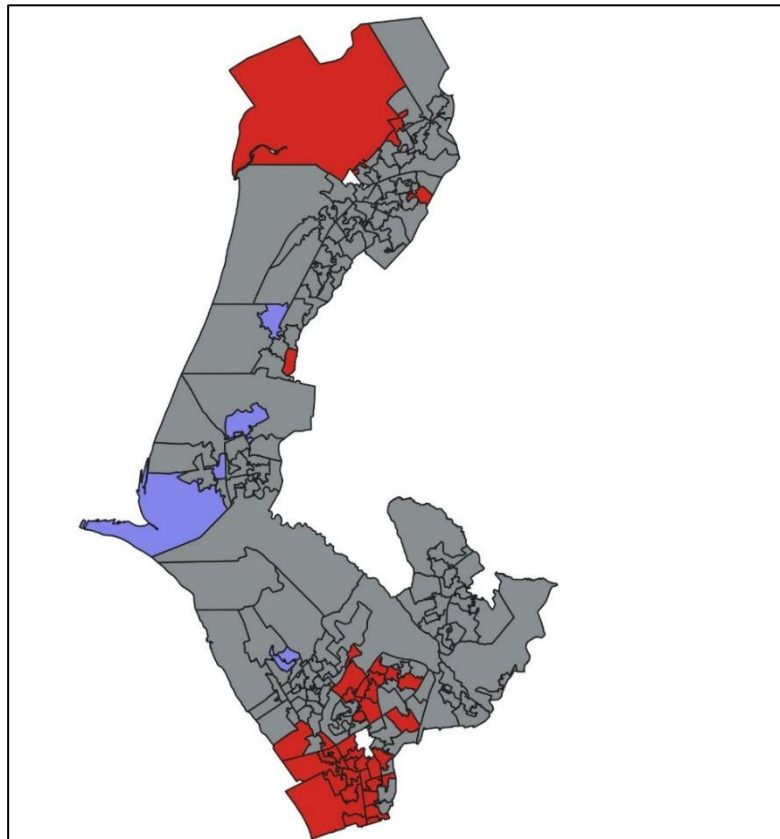
	Sefton	NW England	National (GB)
Economically active (Dec 2021)	77.4%	76.5%	78.4%
Percentage households workless (Dec 2020)	15.8%	15.5%	13.6%
Percentage employed as managers or professionals (Dec 2021)	33.2%	32.1%	34.2%
Qualified NVQ4 or above (2021)	39.1%	38.5%	43.5%

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Gross weekly pay for residents (2021)	£587	£578	£613
Claimant count (out of work benefits) working age population (2022)	4.3%	4.4%	3.9%

- 3.5 Whilst at headline levels, Sefton may appear to be an area of average economic performance, the local authority does have areas of severe deprivation where worklessness and economic inactivity is low, ill health remains a concern and skills attainments are low .
- 3.6 Deprivation is measured in a number of ways illustrated at a local level (Lower-Level Super Output Areas - LSOAs) by the Indices of Multiple Deprivation. LSOAs typically contain the same amount of people and as a result larger areas (such as in the North of the Borough in the map below) contains a similar number of people as the more densely populated areas in South Sefton.
- 3.7 When income is considered, Sefton has a number of areas where income is in the lowest 10% in England and a few in the highest 10%. The red areas on the map below indicate the areas that are among the most deprived 10% in England, and the blue areas indicate the least deprived 10%.

Map of areas of Income Deprivation - Sefton



Source: Indices of Multiple Deprivation 2019 (DLUHC)

- 3.8 Even these figures mask the scale of deprivation. One area of Bootle is now ranked as the 28th most deprived in terms of income across England (out of 32,844 areas) and its ranking is falling (ranked 197th in 2007).
- 3.9 Income deprivation is not only a serious issue at an individual / family level – a concentration of low levels of income undermines the entire local economy reducing disposable income which can be spent in the area and creating challenges for the Local Authority in terms of income (lower Council Tax revenues) and expenditure (social support mechanisms) resulting in reduced opportunity for discretionary investment by the Local Authority.

4. Securing employment and skills activity arising from development

- 4.1 New development in Sefton can contribute towards the provision of employment and training opportunities for residents. This is expected to be clearly demonstrated and secured within an Employment and Skills Plan. However, to reduce the risk of burdens being placed on the smaller developers, an Employment and Skills Plan will only be requested from certain large developments. This will cover residential and commercial developments, including offices, retail premises, leisure uses, hotels, and industrial premises, warehousing and sui generis uses.

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- 4.2 We therefore propose that employment and skills plans would be requested from developments which exceed the thresholds below:

Use Class	Development	Threshold for Employment and Skills Plan	Scope of Employment and Skills Plan
C1, C2	Hotels, Residential Institution	Buildings of 1,000m ² or site area of 1 hectare of more	Construction phase and end use occupation
C3	Residential	30+ dwellings	Construction phase
B, E, Sui generis	General Industrial; Storage or Distribution; Commercial, Business and Service; Sui generis uses	Buildings of 1,000m ² or site area of 1 hectare of more	Construction phase and end use occupation

- 4.3 For the avoidance of doubt, Employment and Skills Plans should cover both the construction phase of all major residential and commercial development in the Borough, together with the end use occupation of all major commercial development. This may require developers to have internal protocols/agreements with the end-user (if known) in place to understand the end-use activities to be covered by the targets, actions and monitoring laid out within the plan. It would be expected that the end-user would be a party to the Employment and Skills Plan.
- 4.4 We will not accept attempts to artificially split or sub-divide developments so individual parts do not meet or exceed the thresholds set out within this SPD.
- 4.5 In addition to the requirement for an Employment and Skills plan set out above, we would strongly encourage applicants on smaller schemes to work with the Council to demonstrate they are maximising employment and skills outputs. They may choose to do this through a formal Employment and Skills Plan or a more informal Employment and Skills statement. These applicants will be invited to work with Sefton@work and Invest Sefton to produce these voluntary statements.
- 4.6 Appendix A sets out what the Council would expect at each stage of the planning application stage in relation to an Employment and Skills Plan.

5. What should an Employment and Skills Plan cover?

- 5.1 A varied range of local employment and training measures can be secured through an employment and skills plan. The measures set out within the plan can be individually tailored to ensure the right skills and employment opportunities are provided at the right time to

benefit both the developer and local population. Measures that can be secured include the following:

- Targeted vacancy filling by Sefton residents in the construction and end use phase of developments or maximising the use of employment support partners. This includes promotion of vacancies locally, pre-employment training, work trials in partnership with Sefton@work
- Targeted recruitment and training, ensuring that apprenticeship and other work opportunities for Sefton residents help to alleviate unemployment.
- Work experience opportunities for Sefton residents (14-16 years, 16-19 years and 19+ years) (5 working days minimum).
- Supporting the integration of the local supply chain, helping to develop a wider business base within Sefton. Assistance on this can be available through Invest Sefton.
- Participation in the promotion of education initiatives, creating links with local schools and colleges, supporting the transition between school and work.
- Provisions to notify us or any agency nominated by us of job vacancies arising from the pre-construction and construction stages and end use occupation.

5.2 The above list is not exhaustive and pre-application discussions with us are recommended for any proposals which would require an Employment and Skills Plan. This is so the local training and employment measures required can be agreed prior to the formulation and submission of a planning application (where there may be pre-construction opportunities identified and included in the plan). We would expect those putting together an Employment and Skills Plan to speak to Sefton@work (see Appendix B) and InvestSefton (see appendix C) early on.

5.3 It is also recommended that applicants and proposed end users notify the Council early in the development process to identify, secure and maximise any local supply chain opportunities for local businesses. This can be done through InvestSefton who offer services such as 'meet the buyer events' or through promoting opportunities to Sefton businesses. Information on InvestSefton can be found at Appendix C.

5.4 Sefton have a recently approved Economic Strategy (November 2022) and this identified several priorities for action. This included priorities in relation to 'Employment and Opportunities for Work'. These are, in order of priority:

- Deliver a range of progression pathways to better connect Sefton's young people with opportunities in the local labour market and make successful transition to the adult world of work.
- Deliver accessible learning for residents of all ages to gain the skills required by our employers and move into or move up in work
- Provide support for people with disabilities or poor health to reach their full potential in learning and work.
- Develop innovative partnerships with employers to deliver better quality careers and improve progression routes for Sefton residents, prioritising the most vulnerable such as care leavers.
- Provide advice and support for workless and inactive people disconnected from the labour market to enter sustainable, decent work.

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- 5.5 The Council expects that an Employment and Skills Plan will look at ways the proposal will specifically help the Council to address these priorities.
- 5.6 Whilst the format of the Employment and Skills Plan is for the applicant to decide (as we appreciate that many companies will have existing approaches) we have provided a template at Appendix D for those who need guidance and to confirm the type of information the Council require to be included. Notwithstanding the existing approaches that may exist, the Plan should fully represent and reflect local priorities and opportunities and demonstrate how these are being addressed.
- 5.7 As part of the submission we would expect the applicant to confirm and demonstrate the portal or calculation model that has been utilised to generate the outputs set out in the Employment and Skills Plan. The Council may ask to applicants to confirm some of the assumptions made within a submitted Employment and Skills Plan and use its own social value portal to calibrate the findings. It may also ask, through the pre-application of planning application process, for additional benefits to be secured if it considers that the Employment and Skills Plan outcomes are not considered sufficient.
- 5.8 It is therefore recommended, in order to avoid any delay to the decision-making process, that any negotiation and clarification on an Employment and Skills Plan is done with the Council prior to submission of a planning application. The Council is happy to engage and facilitate discussions to ensure Employment and Skills Plans are robust, ambitious, locally relevant and deliverable and will offer dialogue with relevant services to facilitate this.
- 5.9 If applicants do not have access to an Employment and Skills portal or calculator, then the Council would be happy, at a reasonable cost, to use its own portal to calculate the employment and skills outputs from the proposal for an Employment and Skills Plan.
- 5.10 The Council would encourage all businesses that develop or run their business in Sefton to be signed up to the Good Business Charter – see www.goodbusinesscharter.com. Participation in this charter, or similar, should be recorded within an Employment and Skills Plan.

6. Implementing and monitoring an Employment and Skills Plan

- 6.1 Once the content of the Employment and Skills Plan has been agreed as part of the consideration of the planning application it will be secured by a section 106 planning obligation.
- 6.2 At the post decision stage the developer is required to inform the planning department when the development has commenced and, in non-residential development, occupied. After a suitable time, which will be agreed in the Section 106 agreement, the Council will require the submission of an Employment and Skills outcome report (possibly more than one depending on the scale and type of the proposal). This will be appraised by the Council's section 106 monitoring officer to ensure that outcomes set out in the approved Employment and Skills Plan have been achieved or exceeded.

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- 6.3 If, for some reason, the projected outcomes from the Employment and Skills Plan have not been implemented or achieved, and the this has not been sufficiently justified, then the Council will require measures to be undertaken to rectify this situation. This may take the form of suitable alternative measures, or payments in lieu of, if the original outcomes can longer be secured.
- 6.4 All approved Employment and Skills Plans secured on developments will be reported in the Authority Monitoring Report (AMR) which we publish annually. We will also report on progress with the outcomes agreed in each

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Appendix A Employment and Skills Plan within each planning application stage

Pre-application stage	<ul style="list-style-type: none"> • Case officer identifies need for an Employment and Skills Plan for any proposal that exceeds the threshold set out within this document. • Negotiation and discussion undertaken in relation to content of an Employment and Skills Plan and its implementation.
Planning application stage	<ul style="list-style-type: none"> • The validation stage will check for applications requiring an Employment and Skills Plan. • Negotiation and discussion undertaken in relation to content of an Employment and Skills Plan and its implementation if no pre-application was submitted. • The content of an Employment and Skills Plan will be a material consideration in the determination of the planning application. • The Case Officer will instruct legal services to prepare and negotiate the Section 106 agreement to secure Employment and Skills Plan.
Planning decision stage	<ul style="list-style-type: none"> • Grant of planning permission, subject to S106 agreement requiring the implementation of the agreed a Employment and Skills Plan.
Post decision stage	<ul style="list-style-type: none"> • Developer informs us when the development will start. • Relevant Council officers will monitor the progress of an Employment and Skills Plan to ensure it is being implemented.

Appendix B Sefton at work

Sefton at Work provide a free, professional recruitment service to employers to help them to recruit locally to find the right person for the job.

Services include

- Free recruitment support for any position within your company, including Apprenticeships
- Advertise your vacancies with 24 hours (exc. Weekends) via our website, indeed.com, social media outlets and our partners once you have approved the content
- Offer a bespoke level of support for each vacancy we manage, your requirements and its suitability to our client group
- Manage all your applications, sift and pre-screen applicants and support you during the interview process if required
- Offer you the use of our interview rooms free of charge
- Offer you a free bespoke pre-employment training package for all suitable applicants for vacancies that require multiple starts, prior to them commencing employment
- Advise you of any available funding or grants that could support business to recruit new staff
- Agree timescales for each vacancy we manage
- Provide weekly updates throughout the recruitment period
- Work closely with our colleagues in Sefton Council to offer a comprehensive range of services that may benefit your business, including Sefton Community Learning Service and InvestSefton

Contact us

Contact the Employer Liaison Team on **0151 934 2610** for further information or email them at elt@sefton.gov.uk

Further information can be found at www.seftonatwork.net

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Appendix C InvestSefton

InvestSefton is the council's enterprise, business growth and inward investment service. It will provide a free, professional business advice and guidance which, in this context, includes:

- Working with you to promote supply chain, contract/sub-contracting opportunities to Sefton businesses
- Working closely with Sefton@work to help maximise local employment opportunities
- Provide 1:1 advice and guidance on incentives and initiatives which could help your business to grow
- Deliver meet the buyer event(s) to enable your business to meet potential local suppliers that meet your criteria/specifications

Contact us:

Contact InvestSefton on 0151 934 3452 (option 2) or email investsefton@sefton.gov.uk

www.investsefton.com

Appendix D Template of Employment and Skills Plan

Site:	
Developer/occupant:	
Proposal:	
Gross Development Value of Scheme:	
Opportunities at Pre-construction Phase	The number of jobs (including the labour forecasting tool if available): Type of jobs: Phasing and Timescale:
Opportunities at Construction Phase:	The number of jobs (including the labour forecasting tool if available): Type of jobs: Phasing and Timescale:
Opportunities at Occupation Phase:	The number of jobs (including the labour forecasting tool if available): Type of jobs: Phasing and Timescale:
Future Workforce (young people):	
Working Days committed from business volunteers to support careers education and information and/curriculum development in schools and colleges in Sefton per year. Number of work experience placements (14-16 years, 17-19 years and 19years +) at Sefton schools and colleges - based on one placement being one week. Number of graduate internships per year for graduates living in Sefton.	
Targeted Workforce (excluded people):	
Number of employment opportunities offered to Sefton residents that are: <ul style="list-style-type: none"> • Long term unemployed (more than 6 months unemployed) • a recent care leaver (and aged 16-25) • registered disabled or have a limiting long-term illness • live in a deprived area (10% most deprived in the index of multiple deprivation) Number of work placements or trails offered to above groups	

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Working days committed from business volunteers to mentor NEET (not in education, employment or training) young people 16-18 year olds.
Skilled and Productive Workforce:
Number of apprenticeships
Commitment to workforce planning and investment in training of employees
Investment in Leadership Skills
Community Benefits:
Supporting or financing projects driven by local communities
Procurement and commissioning of local small and medium-sized enterprises and social enterprises/third sector organisations
Construction Skills Certificate Schemes
Support with transport, childcare and work equipment
Other Benefits:
Estimated number of jobs in the wider economy (i.e. beyond the construction and end use of the scheme) as a direct or indirect consequence of the proposal including broad sectors in which jobs would be created
Estimated amount of income from the proposed scheme from Council Tax and Business Rates.
Estimated value of local supply opportunities for local businesses as a result of the development. Include details of the sectors that these opportunities support.
Details of accreditation with any employment and business charter (such as Good Business Charter) that demonstrates that the developer and/or end occupant are good employers.



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Report to:	Cabinet Council	Date of Meeting:	25 May 2023 13 July 2023
Subject:	Millers Bridge Railway Bridge - Investigation work		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	Linacre;
Portfolio:	Cabinet Member - Locality Services - Deputy Leader		
Is this a Key Decision:	Y	Included in Forward Plan:	Yes
Exempt / Confidential Report:	N		

Summary:

The Department for Transport has provided £2m to the Council to complete investigatory works on the road bridge over the railway on the A5058, Millers Bridge. This is to ensure that the bridge is capable of carrying loads including abnormal loads to the Port of Liverpool. This report recommends the addition of this funding into the Council's Transport Capital Programme.

Recommendation(s):

That Cabinet:

- (1) Recommend to Council, approval of the inclusion of a supplementary capital estimate for £2m, for the Millers Bridge scheme, into the Council's Transport Capital Programme.
- (2) Note the progress on the necessary investigatory work.

That Council:

- (1) Approve the inclusion of a supplementary capital estimate for £2m, for the Millers Bridge scheme, in the Council's Transport Capital Programme.

Reasons for the Recommendation(s):

The additional funding needs Cabinet approval to be added to the Capital Programme. Approval is needed to enable the commissioning of the necessary technical support work and the track possessions needed to facilitate the investigation.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

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What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

Any works associated with the commission would be funded by the £2m received from the Department for Transport.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Staff time from Highways and Protection will be funded from the additional resource.	
Legal Implications: Technical expertise will be undertaken using the Transport Technical Services Supply contract for which a formal contract applies. Any strengthen work will be subject to a construction contract to be reported separately.	
Equality Implications: There are no equality implications.	
Impact on Cared for Children and Care Experienced Young People: No	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	N
Have a negative impact	Y
The Author has undertaken the Climate Emergency training for report authors	Y
The necessary investigatory work and technical support is likely to have minimal impact on Carbon consumption. The strengthening work that is likely to be identified following the investigation is likely to involve construction work which is likely to have a negative impact on the carbon footprint.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable.
Facilitate confident and resilient communities: Any strengthening work will help ensure

that Millers Bridge remains capable of accommodating the loads generated through the Port of Liverpool.
Commission, broker and provide core services: Not applicable.
Place – leadership and influencer: The bridge on the A5058 over the railway is a critical element of the infrastructure.
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Any strengthening work will ensure that the Port of Liverpool can receive all loads and therefore remain competitive.
Greater income for social investment: Not applicable,
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 7212/23) and the Chief Legal and Democratic Officer (LD5412/23.) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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Contact Officer:	Andrew Dunsmore
Telephone Number:	Tel: 0151 934 2766
Email Address:	Andrew.Dunsmore@sefton.gov.uk

Appendices:

There are no appendices to this report.

Background Papers:

There are no background papers available for inspection.

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1. Introduction/Background

- 1.1 The A5058 is a critical route within Sefton's highway network, providing, amongst other functions, the abnormal load route to the Port of Liverpool. It is also designated as a Heavy Load Route and has previously accommodated heavy, abnormal loads from the Port onto the wider highway network. A bridge carries the section of the A5058, known as Millers Bridge, over the railway.
- 1.2 National Highways have expressed concern previously over the perceived weight capacity of the structure and its continuing ability to accommodate such loads. Network Rail, as owners of the structure have indicated that they have no immediate plans to complete an upgrade.
- 1.3 The Council has corresponded with Network Rail over a period to time to try and determine as much information as possible over the bridge capacity and its current condition. Initially, with little information forthcoming, a funding proposal for some investigation and possible strengthening work was submitted by the Liverpool City Region Combined Authority to the Department for Transport, under the Highways Maintenance Challenge Fund. Initially the bid wasn't successful, and no funding was identified in the settlement to LCR.
- 1.4 However, in 2022, the Council received direct correspondence from the DfT to indicate that an extraordinary payment of grant of £2 million would be made under the Local Transport Capital Block Funding Specific Grant Determination of Millers Bridge Repair on the A5058. The letter confirmed that the 'DfT does not ordinarily have money available to fund schemes on an emergency or ad hoc basis; however, we can provide funding in this extraordinary case subject to appropriate assurance being provided'. The funding has been received and grant letter received and reviewed. Whilst the funding was identified for 22/23 there has been no set criteria identified for when the funding should be spent.
- 1.5 This report seeks authority for the funding to be included within the Transport Capital Programme.

2. Investigatory Work at Millers Bridge

- 2.1 A number of meeting have been held with Network Rail. Information on the load carrying capacity and construction of the bridge was requested to enable any further investigation work to be scoped.
- 2.2 Network Rail confirmed that there had been an assessment demonstrating the ability of the structure to accommodate 40 tonne loading some time ago. There had also been an evaluation to give an indicative capacity to deliver abnormal loads. They confirmed that another assessment is 'likely due soon' as there are cast iron elements within the construction and these require particular consideration.

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- 2.3 It was agreed that the DfT funding should be used to complete this further assessment as soon as possible and the scope of the investigatory work has been agreed. As NR don't currently have capacity for completing the work, it has been agreed that Sefton will lead on the investigation using the Transport Technical Services Supply framework to bring in some resource.
- 2.4 The initial further investigation work will be completed under track possessions which will shortly be booked. Most of the investigatory work is expected to be from track level.
- 2.5 Once the necessary investigation work has been completed and a technical report submitted the scope of any strengthening work will be discussed with Network Rail, a course of action agreed and a cost established.
- 2.6 The Council will continue to liaise with the DfT over the progress of the scheme.

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Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Crown Buildings and the Enterprise Arcade Project Update		
Report of:	Executive Director of Place	Wards Affected:	Dukes
Cabinet Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	Main report and Appendix A - No Appendices – Yes, Appendices B & C are NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt		

Summary:

Report to update Cabinet on the Southport Town Deal project, The Enterprise Arcade. It provides a summary of progress to date and an update on the proposed operating model. The report also provides details of the enabling works required to the Crown Buildings to facilitate the project.

Recommendation(s):

That Cabinet:

- (1) To note the progress to date and forthcoming project milestones. Finalisation of the procurement strategy for the main contractor of the refurbishment works for the Enterprise Arcade and the enabling works required in the Crown Buildings will be delegated to the Executive Director of Place in consultation with the Cabinet Member, ensuring the capture of good practice and lessons learned from recent contractor procurement processes and construction projects.
- (2) To approve the proposed alternative operating model and that the Executive Director of Place can progress discussions / procurement with potential partners and tenants as detailed in Option C.
- (3) To approve Officers developing the business plan model for Option C and, if in line with current assumptions that the project will not require any revenue subsidy, delegate authority to the Executive Director of Place in consultation with the Cabinet Member to approve.
- (4) Recommend that Council approve a supplementary capital estimate of £0.24m for the enabling works in the Crown Buildings to be funded from Capital receipts.

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Reasons for the Recommendation(s):

To ensure that the build project continues to progress in line with the agreed Town deal funding parameters.

Alternative Options Considered and Rejected: (including any Risk Implications)

In summary:

- a) Do nothing, reopen negotiations with the preferred operator.
- b) Re tender the opportunity to the market.
- c) Delivery in-house and maintain control and management responsibility of the project.
- d) Create new CIC with partner organisations.

Section 3.5 of the report and Appendix C (Summary of Operator Model Options) provides further details on the options considered.

What will it cost and how will it be financed?

(A) Revenue Costs

It has always been intended that the running costs will be cost neutral to the Council with the occupants contributing to the service charge covering operating cost such as utilities and maintenance fund for longer term cyclical/full life repairs and maintenance of the Enterprise Arcade, once fully operational.

(B) Capital Costs

The Enterprise Arcade is part of the Southport Town Investment Plan and has been identified as one of the projects to be delivered using part of the Towns Deal funding, with £1.5million being earmarked for this project. Refurbishment costs of £1.315m were estimated at the outline business case stage along with fees and other projects costs in the region of £185,308, giving a total project budget of £1.55m for the Enterprise Arcade.

The enabling works that fall outside of the Town Deal funded contract have been identified in the region of £240k. This is broken down in the main body of the report – item 2.2.2 and Appendix B. The enabling works are required to maintain the envelope of the building (maintenance backlog identified prior to the current project development (previous assumption being that Crown Building would no longer be required operationally by the Council) and the associated realignment of shared services and ICT infrastructure with the adjacent Atkinson building. Although these services are separate to the Enterprise Arcade project, they are required to enable the Enterprise Project to progress and maintain IT provision to the Atkinson and Southport Town Hall. In the interests of best value and meeting the Town Deal funding programme, they may be included as a package within the main works contract. When the two projects are combined, the potential total costs will equate to £1.79m with the intention that the enabling works are incorporated into the refurbishment works package.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

Existing assets, the Crown Buildings and the ground floor retail units in the Bank Building, will be brought back into use, curating and fostering collaborative workspace for digital and creative start-up and scale up businesses. There is a potential of Business rate generation as a result of new occupiers in the building.

The implications include staff time in the regeneration, property services and InvestSefton teams, along with ancillary support from legal and finance teams. The implications are being managed within the current Council resource envelope and prioritising work as required. External contract management consultancy has been secured within the project budget, but other external expertise may need to be procured to develop a viable alternative operating model.

Whilst the refurbishment works are 100% funded by the Town Deal, financial support is also required to ensure the backlog maintenance works are completed to the Crown Buildings envelope to enable the Enterprise Arcade project to proceed.

Legal Implications:

Refurbishment Contract:

The project team are leading on the works contract for the refurbishment works. This will be a JCT Design and Build Contract with Sefton Council standard amendments. Finalisation of the procurement strategy will be delegated to the Executive Director in consultation with the Cabinet Member, ensuring the capture of good practice and lessons learned from recent contractor procurement processes and construction projects.

Lease:

The operating model will determine how the space will be let. Moving away from a single operator with a head leasehold interest, the alternative model looks at Sefton Council retaining the management responsibility and letting the premises to the interested parties directly, thus replicating the successful model used for Southport Market. Delivery options include being managed in-house and the use of a managing / facilities agent. The terms of the lease and schedule of requirements were approved previously and are broadly still fit for purpose. Again, Southport Market operator model provides a good benchmark in this respect. A business plan will be developed for the project, but at this time the expectation remains that the project will not require any revenue subsidy from the Council, given the anticipated receipt of rental income from tenants and operators within the Enterprise Arcade.

Equality Implications:

The equality Implications were identified at the business case stage and will be reviewed and updated during the construction phase. Some equality implications regarding accessibility remain due to refurbishing an existing asset. A copy of the Equalities Impact Assessment is included in Appendix A.

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Impact on Cared for Children and Care Experienced Young People: Yes

The Council will aim to secure the main contractor for the build elements of the project, and all partners and tenants of the Enterprise Arcade in operation, as signatories to the Caring Business Charter, which seeks to secure support in providing employment, apprenticeship, training, mentoring, work experience and other opportunities for care experienced young people in Sefton. This is already underway, with K2 Architects (who are working on the project) already signed up to the Charter and delivering support to care experienced young people. Local schools and colleges will also be key project partners, and further opportunities will be developed in partnership with them.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

The Energy and Environmental Management Team were consulted at the Business case Stage. The indicative Mechanical and Electrical proposals as part of the refurbishment works include replacing the current gas fired boilers with a complete energy efficient heat pump Variable Refrigerant Flow (VRF) heating and cooling system. This is subject to review with the successful tendering contractor as there may be greater cost/ benefit in retaining more of the existing mechanical and electrical infrastructure where fit for purpose for the short to medium term.

The Crown Buildings are located in the town centre, a short walk from the train station serving Liverpool, Manchester and surrounding areas, bus stops and the general town centre parking provision. Shower facilities have been incorporated in the scheme design to encourage walking and cycling and promote active and sustainable travel.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The Town Deal projects will support the post COVID-19 recovery of Southport economy by creating new employment opportunities across the town and extending the traditional tourism season.

Facilitate confident and resilient communities: As part of the aspirations of the Town Investment Plan and the Town Deal projects, this project will enhance the community and the town as a place to live and work, providing a new hub for digital and creative businesses and new business start-ups in a prominent accessible and aspirational Town Centre location.

Commission, broker and provide core services: The Town Deal and associated Town Investment Plan will support the core value of providing core services in the optimum and most accessible way, also making best use of digital now and helping to future proof services at the front of delivery.

<p>Place – leadership and influencer: The Council will directly contribute to an improved visitor destination creating further confidence in Southport that could lead to future private sector investment.</p>
<p>Drivers of change and reform: Providing a long-term sustainable future for Southport creating a new diverse use meeting the expectations of residents and visitors and bring a vacant building back into use. Making Southport an increasingly attractive place to live and work and embrace the needs of current and future businesses, residents, and visitors.</p>
<p>Facilitate sustainable economic prosperity: The proposals will support new business start-ups and scale-ups, help established businesses to create additional employment and sustainable business growth, as well as new digital and creative hub in the Town Centre.</p>
<p>Greater income for social investment: Whilst the initial proposals are not profit led, the scheme will look to be self-sufficing. Once established there will be the opportunity to support the generation of income that can support the delivery and enhancement of positive social impact.</p> <p>The refurbishment contract will also be tendered and evaluated on social value criteria in 5 key areas:</p> <ol style="list-style-type: none">1) Employment related opportunities for key priority groups, in particular; local car leavers and local (30 mile radius) apprenticeships2) Educational opportunities for the next generation; initiatives with local schools and colleges3) Innovate ideas & contribution to Sefton’s environmental and sustainability goals4) Use of local supply chain (within 30 miles)5) Health and well-being initiatives for both the project team and local community <p>The contractual target outputs will be agreed with the selected tenderer prior to commencement of the works.</p>
<p>Cleaner Greener: Reviewing the proposed heating infrastructure and upgrading the system will reduce the carbon footprint of the operational building and support the Councils Zero Carbon ambitions.</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7224/23) and the Chief Legal and Democratic Officer (LD5424/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Extensive external consultation and engagement took place throughout the Town Deal bid development process, in line with the advice from of Sefton’s Public Engagement and

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Consultation Panel. Stakeholders were engaged through the detailed design stages for the project. Further statutory consultations have taken place through the planning process. Informal consultation has been undertaken via a presentation at the inaugural Sefton Huddle, a new networking group for the digital and creative sector.

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

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Exempt Appendices:

Appendix A – Equalities Impact Enterprise Arcade March 2022

Appendix B – Cost breakdown of the Enabling works (Exempt)

Appendix C – Summary of Operator Model Options. (Exempt)

Background Papers:

The following background papers, which are not available elsewhere on the Internet can be accessed on the Council website:

Southport Town Deal and Town Investment Plan:

<https://www.sefton.gov.uk/miscellaneous-pages/southport-town-deal/>

1. Introduction/Background

- 1.1 This report will provide a summary of progress to date, including improvement and backlog maintenance works to the Crown Building, and the proposed operating model for the Enterprise Arcade Project.
- 1.2 The Enterprise Arcade will reimagine Southport's Crown Buildings, linked to the Atkinson Arts Centre by way of the ground floor retail units in the Grade II listed Bank Building and alongside the adjacent Cambridge Walks shopping arcade. The refurbishment will create collaboration space, a floor for a large SME anchor tenant and 2 floors for growing SMEs as office workspaces as well as co-working and meeting spaces. Approximately 70% of the gross floor area will be lettable, and 30% given to shared communal facilities and circulation. Overall, there will be c.890m² of modern flexible space for digital and creative start-ups and scale-ups.
- 1.3 The Enterprise Arcade is part of the Southport Town Investment Plan and has been identified as one of the projects to be delivered using part of the Towns Deal funding, with £1.5million being earmarked for this project. Refurbishment costs of £1.315m were estimated at the outline business case stage along with fees and other projects costs in the region of £185,308, giving a total project budget of £1.55m. Additional works have now also been identified to maintain the envelope of the building and realign the shared services and ICT infrastructure with the adjacent Atkinson building. This results in potential total project costs of approximately £1.74m.
- 1.4 The contract procurement is underway. Value engineering will be undertaken as part of the tender process and RIBA Stage 4 Design development to ensure the integrity of the project budget and outputs are maintained. The project is already designed and costed to RIBA Stage 3 and cost plans have been further tested by the consultants recently appointed to help accelerate project delivery.
- 1.5 The Council has continued to evaluate potential operating models and solutions, and as per section 3 of the below it is recommended that the model that delivers best economic and social value, with focus on local businesses and entrepreneurs, is option C, referred to as retaining management responsibility for the Enterprise Arcade and deliver the project in-house. This also enables progression of the project within the timescales required by the Southport Town Deal funding process. A previous procurement process had identified Baltic Creative as a potential operating partner, but the progression of this alternative route to an operating model has been mutually agreed with Baltic Creative, and discussions on this project with them have been concluded.

2.0 Progress to date

2.1 Enterprise Arcade

- 2.1.1 The RIBA Stage 3 design work was completed late 2022, and Listed Building consent and planning permission were secured in January 2023.

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- 2.1.2 Procurement of the cost and project management consultant was concluded March 2023, and the consultants have been undertaking a detail review of the design work undertaken by the design team at K2 and their design consultants in preparation of the forthcoming contractor procurement exercise.
- 2.1.3 Current timescales will result in the contractor tender taking place Spring 2023 with a start on site of the CAT A fit out works in Autumn this year. A Cat A fit out is the finishing of the interior space. This type of fit out includes the installation of a building's mechanical and electrical services, finished internal walls, reception areas and lift lobbies providing a 'blank canvas' for the tenants to complete the CAT B furnishings. Depending on the construction period, the tenant / operator fit out can take place afterwards around Spring/Summer 2024 with a scheme opening of summer 2024.

2.2 The Crown Buildings

- 2.2.1 Cabinet members have previously agreed in principle to the use of capital receipts from recent asset sales linked to the Growth Programme against the enabling works (envelope works to maintain the fabric of the building and relocation of ICT equipment) in the Crown Buildings, recognising that the backlog of maintenance works need to be addressed to facilitate the Enterprise Arcade project. Finance officers have made a capital allowance in the 2023/24 budget (subject to approval) for these works, in addition to the Town Deal funded project.
- 2.2.2 The enabling works need to be progress to avoid delays to the Enterprise Arcade and meet the Town Deal funding programme dates. Long lead orders such as the relocation of the ICT equipment is required to enable works to commence on the Enterprise Arcade.

The breakdown of the indicative costs is detailed in Appendix B.

3.0 Operating model

- 3.1 In the Cabinet report presented in March 2022, it was agreed that the completed scheme would be managed by an external operator through a leasehold interest in the building and an appended schedule of requirements to monitor and ensure fulfilment of the project and Town Deal Funding objectives.
- 3.2 The requirements were set out in the tender documentation seeking a competent company able to both manage the building also having the resource and expertise available to provide or curated support services for start-up, scale up and high growth potential businesses with a particular focus on Southport's emerging creative, digital and tech sector.
- 3.3 The procurement exercise to secure the 'anchor tenant' was concluded last summer with Baltic Creative being identified as the preferred tenant and project operator. However, the progression of this alternative route to an operating model has been mutually agreed with Baltic Creative, and discussions on this project with them has been concluded.

- 3.4 The project objectives remain the same:

- to provide refurbished office workspaces for start-up, growing SMEs and co-working space for creative and digital tech businesses,
- be a catalyst for creating new digital eco-system in Southport Town Centre,
- Meet the Town Deal funding conditions and project outputs,
- Running costs to be cost neutral to the Council.

3.5 To preserve the project objectives, an alternative operator model needs to be considered. A breakdown of the options is included in Appendix C and summarised below.

- a) **Do nothing**, reopen negotiations with the preferred operator. This may no longer be the optimum solution and will delay the project, with no guarantee they will want or be able to pursue this opportunity in the future.
- b) **Re-tender the opportunity** to find an alternative operator. Feedback from the first tender was that this project, in isolation, was not large enough to benefit from economies of scale and was not a viable business opportunity for the larger known managed workspace operators. There is also the danger of an operator looking at this as a pure commercial venture, whilst it is imperative that this scheme covers its own costs, the ultimate driver is the creation of a new digital and creative hub. This option could jeopardise the project objectives if ran as a pure commercial operation.
- c) **Retain management responsibility and deliver in-house** (adopt existing delivery model on a similar basis used at Southport Market). The arrangements in place are flexible to allow an anchor tenant with additional responsibilities to help facilitate the core functionality. This could be replicated for the Enterprise Arcade with an F&B tenant and anchor tenant in the office space on a lease agreement with a schedule of requirements to ensure delivery of the required outcomes for the project.
- d) **Create new CIC** with existing Sefton Council partners. This would formalise the approach in option C setting up a new company structure, arm's length from the Council. It's likely that this would be time consuming process and difficult to achieve a level of surety necessary to committing to a lease and the associated output requirements.

3.6 The optimum operating model being proposed to deliver within existing time and budget restraints is option (c) noted above. This will enable delivery of the Enterprise Arcade project in line with the Town Deal funding programme and in line with the summary Business Case as part of the funding application.

3.7 Whilst this will remedy the legal interest and management of the completed project, Sefton Council do not have the inhouse expertise to foster and curate building a digital economy eco-system and meet the long-term aspirations of this project. Sefton Council could look for a support role to shape the proposition, as the preferred operator would have fulfilled. There are crea-tech industry specialists that that have expressed an interested the project and see the potential value to this proposition. As part of the onqoing development of the operator

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model officers will continue to engage with sector specialist and explore ways of securing appropriate input in supporting the objectives and output requirements of the project.

- 3.8 An operational business plan will be developed for the project, but at this time the expectation remains that the project will not require any revenue subsidy from the Council, given the anticipated receipt of rental income from tenants and operators within the Enterprise Arcade. This will be approved by the Executive Director in consultation with Cabinet member, unless these assumptions change, and revenue support is required in the business plan forecasts.

4.0 **Conclusion**

- 4.1 In conclusion, in light of the above report, subject to the agreement of Cabinet, Sefton Council are to progress the Enterprise Arcade project operator model based on the recommendations in this report. Economic Growth and Housing Officers are instructed to progress discussions and procurement with potential partners and tenants to agree an appropriate operational management solution for the preferred in-house option stated.

MEETING THE PUBLIC SECTOR EQUALITY DUTY

INTRODUCTION TO THE NOTE

This note outlines the role of the Public Sector Equality Duty (PSED) within the Towns Fund and provides some material to support its discharge.

INTRODUCTION TO THE PUBLIC SECTOR EQUALITY DUTY AND PROTECTED CHARACTERISTICS

The Equality Act 2010¹ set out measures to protect people from discrimination. The 'axes' on which this is defined and measured cover the nine protected characteristics:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership** (note, this is a protected characteristic only in regard to eliminating discrimination)
- **Pregnancy and maternity**
- **Race**
- **Region or belief**
- **Sex**
- **Sexual orientation**

The Equality Act also sets the PSED, requiring public bodies (as defined in the Act, but for the purposes of the Towns Fund, covering all local authorities) to consider how their policies or decisions affect people who are protected under the Equality Act.

The standard set is to ensure local authorities 'have due regard' to the need to '*eliminate discrimination ... advance quality of opportunity, and ... foster good relations between different people*'. As such, it is a positive or affirmative duty, in that equality should be promoted, as opposed to a 'do not harm' duty to not worsen a situation. To support this, positive discrimination is possible.

Additionally, in 2014 Government introduced a requirement for government departments to explicitly consider the family perspective in decision making – the 'Family Test'². Whilst the Family Test only applies to government departments and not local authorities, Towns may choose to consider alongside the protected characteristics.

¹ <https://www.gov.uk/guidance/equality-act-2010-guidance>

² Government has published guidance on the Family Test. Although this is not required from local authorities, the same considerations are often part of local authority decision making and policy targeting. It is not a statutory requirement, but there is an expectation that government departments will undertake it where it is relevant and proportionate to do so. Although Government Departments are expected to document the Family Test, they are not obliged to publish them.

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DISCHARGING THE PUBLIC SECTOR EQUALITY DUTY

PSED is discharged in different manners, depending on whether a specific project/programme is being assessed or it is a wider programme/strategy.

- For a specific project or programme (such as a local plan, development proposal that might require planning permission or is a particular thing in a particular place) the PSED is normally demonstrated and discharged through an equalities impact assessment (EqIA). There is no mandatory or statutory requirement to complete an EqIA, nor for a record to be kept of how equalities considerations have been taken into account. However, both are considered good practice and provide a trail for audit, challenge and defence.
- For a programme, strategy or something that covers a wider area (even nation-wide) or wider array of projects it would be more usual to wrap the PSED into a regulatory impact assessment (RIA), considered alongside other strategic considerations. (It should be noted that government RIA guidance³ does talk about the impact on places, businesses and people but does not refer explicitly to protected characteristics, and as such does not fulfil the PSED.)

Towns Fund bids are likely to comprise a range of projects and may cover a substantial geographic area. They therefore 'fall between' an EqIA and an RIA, and it is suggested that both these scales/types of assessment are required.

To support Towns in discharging the PSED, a set of two inter-related templates are provided which together provide a simple framework for considering impact on the protected characteristics as well as the Family Test (if chosen to include in the assessment):

- a project-level assessment template; and
- a programme-level assessment template.

The templates reflect the principles of EqIA and RIA and provide an integrated method for assessment and recording. Notwithstanding the templates, local authorities are responsible for the proportionality and robustness of their assessment, and may need to go beyond the templates to reflect local circumstances and/or to undertake a more detailed assessment of projects of a higher intensity or complexity.

As well as simply discharging the PSED for its own sake, assessing how projects and the wider programme impact on different groups of people is a valuable exercise in making sure that the Towns Fund investment benefits all and is as successful as possible. Following the assessment, there may be a need for further actions, including changing aspects of the projects or even re-prioritising projects. The TFDP have developed a Project Re-Prioritisation Tool for Stage 2 of the Towns Fund, which nudges you to ensure you have considered relevant PSED implications on your projects during project confirmation stage. You can download that tool and watch a tutorial for how to use it by clicking this link:

<https://townsfund.org.uk/resources-collection/project-re-prioritisation-tool>.

³ <https://www.gov.uk/government/collections/impact-assessments-guidance-for-government-departments>

TERMS & CONDITIONS



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PROJECT-LEVEL ASSESSMENT – ENTERPRISE ARCADE

The project-level assessment table has been completed for the project, as provided below. This follows EqIA principles to help to provide assurance that the duty has been appropriately discharged (and the outcomes recorded). The table is intended for submission as part of the business case, as well as included in the summary document.

Name of project:	<i>Enterprise Arcade</i>
Project objectives: (describe the project's aim as it relates to protected characteristics)	<p>The vision for the project is to support the growth and diversification of Southport's Economy and regeneration of the Town Centre</p> <ul style="list-style-type: none"> • Help to retain young people in Southport • Provide a 'hub' for Southport's key Sector(s), to <ul style="list-style-type: none"> ○ Provide and/or connect businesses and new business start-ups with the support they need to thrive ○ Develop structured networks, for example to enable knowledge transfer, innovation exchange and peer to peer support ○ Act as a platform to better integrate business skills and talent needs with education and training • Act as a catalyst for Southport's commercial office market and support the development of a 'Creative and Digital District'

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England. 31% of the population in Dukes Ward is aged 65 and over compared to 24% in Sefton, 19% cross the Liverpool City Region and 18% in England. 6% of the population in Dukes Ward is aged 85 and over, compared to 3% in the Borough and 2% in the Liverpool City Region and England	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England. Approximately 9% residents aged 65 and over received some form of long-term care from Sefton's Adult Social Care during the 2020/21 financial year. In January 2021, 812 residents were claiming PIP, a rate of 103 per 1000 residents (aged 16+). This is compared to 101.1 per 1000 in Sefton, 111.1 per 1000 in LCR, 83.4 per 1000 in the NW and 61.8 per 100 in England During the 2011 Census, 9% of residents were in either bad or very bad health (Sefton average was 7%). 28% had their activities limited a little or a lot by their health (Sefton average was 23%).	No Impact	No Impact	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough and England. The general fertility rate of 53.8 in Dukes ward is significantly lower than the Sefton (60.1) and England (60.6) rates.

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Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	Enterprise Arcade will be accessible to all both in terms of the physical conversion of the building (within the confines of the heritage status) also in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all both in terms of the physical conversion of the building (within the confines of the heritage status) also in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all both in terms of the support to be provided by the operator in securing the project objectives as set out above.	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	N/A +VE / M / -VE	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.
If effect is negative or mixed:					
Is the effect significant? <i>(add an explanation)</i>	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N NA	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.
What embedded mitigation does the project contain?	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.	N/A	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.
What residual significant effects remain?	None	None	None	N/A	None
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No, the main effects are not significant in combination in and of themselves. The effects are positive for protected characteristics and will help support and encourage wider transformational change outside of the project.				

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	N/A	The operator will be performance managed against the tenancy and schedule of requirements by the Council as landlord

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	NA	NA	NA	NA	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	NA	NA	NA		
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE
If effect is negative or mixed:					
Is effect significant? <i>(add an explanation)</i>	Y / N	Y / N	Y / N	Y / N	Y / N
Will embedded mitigation does the project contain?	NA	NA	NA	NA	
What residual significant effects remain?	None	NA	NA	NA	
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	Not required	NA	NA	NA	

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Report to:	Cabinet	Date of Meeting:	25 th May 2023
Subject:	Crosby New Library		
Report of:	Executive Director People	Wards Affected:	Blundellsands, Church, Manor, Victoria
Portfolio:	Communities and Housing		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No, but some detailed appendices of the full business case, are NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt.		

Summary:

The existing Crosby Central Library and Civic Hall have long-standing and significant issues relating to the condition of the building, bringing the long-term viability, in retaining the buildings, into question.

Key elements of the building are reaching the end-of-life stage and there is a risk that those elements would be deemed beyond repair if they fail.

Working conditions for staff in the building are not conducive to a modern working environment.

Furthermore, the nature of the buildings and the changing needs of the service indicate the need for a new format for the library, providing the opportunity to grow the service in line with changing needs of the community/library users.

The existing library also presents a major challenge in terms of the Council's Climate Emergency declaration and linked objectives of becoming carbon neutral by 2030. This is due to the nature of the building itself and the significant costs identified to address the very poor energy performance of the site.

The Green Car Park site in Crosby Village Centre was identified, in the adopted Crosby Investment Strategy, as presenting an opportunity to deliver a development site, which could help with the long term viability and vitality of the village centre.

The site is ideally located to provide an alternative location for a new library facility with very good access supported by bus, rail and car travellers.

Also, with the imminent introduction of highways improvements linked to sustainable travel, the site will benefit from greatly improved accessibility for pedestrians and cyclists.

The existing Central library site is identified as a good opportunity for housing led regeneration with new homes and/or a mix of uses on the site complementary to the

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surrounding area. A Planning Brief (Appendix B) has been prepared for the site which supports the principles of regeneration and the opportunity to deliver a positive outcome for the local community.

The condition of health facilities in the central Crosby area has been a concern for some time. The South Sefton Clinical Commissioning Group acknowledged in their High-Level Estate Primary and Community Health Service Requirement for the Crosby Village that

‘Current primary care premises in the area are generally not fit for purpose and lack the capacity to deliver current, let alone future integrated and extended health services’.

This, alongside discussions with the Primary Care Network (PCN) and local GP providers, indicated a strong interest in being part of a shared facility in Crosby Village should the Council progress a new library, providing for the Library requirements alongside other health and wellbeing provision.

This type of facility is now increasingly common across the country providing support across a wide range of health commissioned services and wider social prescribing models.

The above factors combine to provide a strong imperative around the provision of a library- led new facility, built to the highest environmental standards and providing highly accessible service provision in a sustainable location. Work has been progressed in developing designs and feasibility studies to help fix the nature of a new facility. This work formed the basis for two funding bids through the Levelling Up Funding (LUF) rounds, the first round providing positive feedback and encouragement for a second round bid in 2022 which unfortunately again failed to gain support in a very competitive process where 80% of bids nationally failed to gain support from the Government.

Based on the LUF first round feedback and the status of Sefton as a Levelling Up Tier 3 priority (the lowest tier as ranked by Government LUF Criteria), alongside work to prepare and submit the round 2 LUF bid, officers were also asked to twin track alternative options for delivering what was a widely supported scheme for building a new library health and well-being facility.

This work is now complete, an Outline Business Case (OBC) has been produced in support of the project and this OBC has informed this report and the recommendations (Appendix A exempt/Appendix E Redacted ver OBC).

Recommendation(s):

1. Members to note the significant risk to service delivery associated with the condition of existing Crosby Central Library facility.
2. Members to note the content of the Outline Business Case for Crosby New Library as set out in the Appendix A to this report and associated design development which has informed that work to date.
3. Members to note that the capital cost of delivering the preferred options for the full scheme is currently estimated to be £13.8m. This cost will be subject to further review as part of the development of the Full Business Case (FBC). This includes the detailed full and final design necessary to develop the FBC for this project which are estimated to be £1.02m. These costs will be funded from the Growth Budget initially and then repaid on approval of the FBC.
4. Members to note that, should the FBC not be approved, then it will not be possible to capitalise the design costs of £1.02m and they would therefore need be funded from revenue resources. It is proposed that these would be funded from the following: £0.62m Growth Budget; £0.10m virement from the Libraries Capital Programme; and the remaining £0.3m found from within the Communities service budget.
5. Members are requested to authorise the Executive Director Place to commence an appropriate procurement process to deliver the Crosby new Library development in the manner outlined in this report based on the preferred option(s) 3 & 8, to produce a Full Business Case to accompany final design and delivery proposals and return to Cabinet to confirm costs and seek authorisation to contract the works,
6. Members are requested to authorise the Executive Director Place to commence an appropriate soft market testing of the existing site based on the Planning Brief prepared for the purpose of informing such an exercise.
7. Members are requested to note as part of the process of developing the Full Business Case (FBC) the Executive Director of People will carry out an exercise to inform the effective and efficient transfer of library services to the proposed new site in Crosby.

Reasons for the Recommendation(s):

Do nothing is not an option in addressing the pressing need to identify a suitable way forward in dealing with the issues linked to the physical condition of the existing Library facility and the associated risk to service delivery.

Delivering the scheme will provide certainty for service delivery to the Council the development will strengthen local economic conditions for Crosby Village. Together with the inclusion of Health and Well-Being facilities the new centre will significantly increase footfall in Crosby Village supporting long term the viability and vitality of the village. The new centre will provide the opportunity to enhance existing library services and also present new opportunities to community based health providers where there is a

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directive to improving and enhancing community based provision such as diagnostics as identified in the NHS Long Term Plan.

Alternative Options Considered and Rejected: (including any Risk Implications)

Nine options for delivery of the objectives of this project were considered, which are detailed in the outline business case (OBC), Appendix A exempt (Append E redacted Ver OBC).

Options considered:

Option 0 Business as Usual (do nothing)
No investment in new facilities. The Green Car Park site will remain as a car park. The existing library will still require significant investment in the short term, and continue to provide high costs to council in management and maintenance.
Option 1 New Library only
The Green Car Park will be developed to deliver a new Library only. The existing library will be closed, but not developed. Healthcare services will continue to be distributed, and no other development proposed.
Option 2 New Library, Healthcare centre and Office provision (Existing Site not developed)
The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be closed, land will remain in Council's ownership (no new development proposed here).
Option 3 As per above option, but existing Library site sold to private developer
The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be sold to a developer for residential led redevelopment.
Option 4 New Library, Healthcare centre and Residential above
The Green Car Park site will be developed into a new Library and healthcare hub, with residential development above (As per LUF Round 1 funding bid scheme). The existing library will be closed, but remain in council ownership
Option 5 As per above option, but existing Library site sold to private developer
As above, but the existing Library site in will be sold off to a developer to deliver housing led development.
Option 6 New Library and Residential development
Green Car Park will be developed into a new Library with residential development above. The existing library will be closed, land will remain in Council's ownership.
Option 7 Development partnership approach –New Library, Old Library plus further sites across the borough
Developer takes over both the existing library site and the Green Car Park. Green car park to be developed to library, health hub/office space. Existing library to be developed to provide homes. Further sites need to be added to make project viable for developer –potentially between 10-20 sites across the borough
Option 8 Council led redevelopment of the Green car park and existing library site (Waterloo)
Similar to Option 3, but Council led. Green Car Park will be developed into a Library and health hub/office. The existing library site will be redeveloped for residential led mixed-use development.

The assessment of these options identified the Preferred Option to be Options 3 and 8 with the distinction between these two options being in the method of delivery for redevelopment of the existing library site (sale of the site or council led redevelopment). The full business case (FBC) will help determine which of these two options ultimately represents the most beneficial approach.

The Outline Business Case (OBC, Appendix A exempt/ Appendix E Redacted ver OBC) details the range of options considered both in terms of the make-up of any provision ranging from a business as usual scenario (do nothing) through a range of alternative approaches to delivering the New Library alone and New Library together with other elements as detailed.

In addition to the options in terms of the form of development, the OBC also considers the most beneficial delivery structure accounting for both cost and risk in this regard and this informs the recommendations in this report.

The Preferred Option(s)

Options 3 & 8 are outlined in more detail below. It is necessary and appropriate to move forward to the next stage of the delivery process and develop the Full Business Case with both these two options considered effectively subsets of the same option. Both options will deliver the New Library and Health Hub on the Green Car Park in Crosby the difference between the two options 3 & 8 relates only to the redevelopment of existing library site in accordance with the approved Development Brief. The Full Business Case will further explore the existing library site redevelopment and include recommendation for the most beneficial way forward for the site. The detail of this is set out in OBC at Appendix A (Appendix E Redacted ver OBC) and in outline at Appendix D.

OPTION	Description	Strategic Fit	Financial	Economic	Deliverability	Overall Rating
Option 3. New Library, Healthcare centre and Office provision but existing Library site sold to private developer	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement.	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement.	Upfront Costs: unclear; likely to be upfront income due to the sale of the existing library site which could be used to part fund the development of the new facilities. Whole Life Costs: Low, rental costs at new Library site only.	Economic Benefits: High Wider public welfare benefits: High	Achievability: Good Financial delivery: Potentially Good	Taken forward
Option 8 – Council led redevelopment of the Green car park and existing library site (Waterloo)	Similar to Option 3, but Council led. Green Car Park will be developed into a Library and health hub/office. The existing library site will be redeveloped for residential led mixed-use development.	Good alignment and covers a number of strategic policy drivers including affordable residential development and improved town centres.	Upfront Costs – High, but potentially offset by sale of residential development on Waterloo site, leading to funds to part fund Green Car Park Whole Life Costs –Low, rental costs at new Library site only.	Economic Benefits -High Wider public welfare benefits –High	Achievability – Good Financial delivery –Good	Taken forward

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What will it cost and how will it be financed?

(A) Revenue Costs

Operating Costs

The outline business case accounts in full for the existing library operating costs, it also accounts for additional costs associated with offsite archive storage associated with a moving of the library service, also full operating and full life costs associated with the new library. These are estimated to result in net income to the Council of £(0.26)m per annum which will need to be built into the Council's Medium Term Financial Plan (MTFP) if the FBC and the scheme is approved.

Cost of Borrowing

The total cost of the scheme – including fees – is estimated to be £13.8m as per the Cost Plan. Should this be funded through borrowing, the annual repayment over a 40 year term at 4.92% would be £0.792m per annum. This cost will vary depending on movements in interest rates and this will be considered as part of the FBC.

This would also need to be included within the MTFP meaning that the total amount that would need to be found would be £0.532m per annum.

Design Fees

Should the scheme not be approved, then it will not be possible to capitalise the design costs of £1.02m (detailed in the table below) and they will therefore need be funded from revenue resources which will need to be identified.

Crosby New Library Pre Development Cost to Build Stage (RIBA Stages 0-4)

Activity	Cost Forecast £
Design Team: architects/structural/M&E/highways/landscape	585,686
Surveys and technical reports	92,000
Breem	20,000
Planning/legal/management fees and charges	319,033
Total	1,016,719

Extract from GBP Cash Flow Forecast April 2023
(2023 Costs detail in Appendix C exempt)

(B) Capital Costs

The capital costs associated with the Council directly delivering the new Crosby library and Health Hub are estimated to be £13.8m as per the Cost Plan. Should this be funded by borrowing, an estimate of the annual repayments have been included in the Revenue Costs section above. This would need to be built into the Council's MTFP.

Inflation within the construction sector in particular needs to be considered and this will be accounted for within the full business case and final design process.

The outline business case (OBC) sets out in more detail how the project is defined by reference to both the construction of the New Library together with sale/sale and redevelopment of the Waterloo site in terms of generating income to the project as a whole.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

Executive Director of Corporate Resources and Customer Services (FD.7217/23..) has been consulted and any comments have been incorporated into the report.

Legal Implications:

Chief Legal and Democratic Officer (LD.5417/23....) has been consulted and any comments have been incorporated into the report.

Equality Implications:

This project will promote good community relations, help reduce disparities amongst different groups, and help strengthen integration across the local community.

A full EqIA will be undertaken for the project which will be submitted as part of any planning application.

This scheme has been designed to help address equalities impacts in the community, specifically relating to access to skills, health and wellbeing and public services for all.

The following provides a brief overview of the sensitive receptors, current impact conditions and the proposed impact of the scheme.

Replacement of current unsuitable provision with a new, reliable, modern, multipurpose space will give the community access to valuable resources and opportunity for the development of new services in the future as appropriate and without the constraint of the existing facilities. The new development will include modern design standards to accommodate all members of the community, considering age, ability, race and sex.

Replacement of a number of sub-optimal and capacity constrained GP surgeries into one, modern facility will transform the provision of healthcare services for all service users in the local area. Wider community based health provision will also be facilitated by improving access and accessibility of all related community based outreach services.

Impact on Children and Young People: Yes

The new Library will improve significantly the quality of the library provision in this part of the borough, it will provide opportunities for future service development meeting the

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needs of the community and young people locally and make library provision more accessible to all.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

The New library and Health Hub will be designed to meet as a minimum Breeam (*validation and certification systems for sustainable built environment*) Very Good or equivalent standard in this way helping the Council move towards meeting its zero carbon goals.

An independent Decarbonisation Audit of the existing library in 2022 identified very significant issues with the fabric of the building and associated heat and energy systems. The estimated cost of a comprehensive solution to address these problems identified £2.8m of works with a pay-back period on savings of 455 years seriously bringing into question the future viability of continued service provision from the building.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The new library and health facility will provide improved accessible facilities for residents providing the opportunity for improved access to services, learning and well-being/health provision.

Facilitate confident and resilient communities: The library service provides communities with access to learning and resources which can help develop and support resilience for individuals and communities. Improving facilities for the delivery of health services including the opportunity for enhanced community based diagnostics will inherently improve health and wider well-being in communities supporting resilience.

Commission, broker and provide core services: The Council's library services are a much value core service delivered locally and accessibly to all our communities across the borough.

Place – leadership and influencer: The importance of place and the council's role in showing leadership in influencing and supporting place is at the forefront of the proposals for the new library in Crosby Town Centre. The challenges our town centres continue to face and key to their future role and regeneration are identified in the core policies (local plan/Crosby Investment Strategy and Supplementary Planning Document SPD) linked to these centres and the role of the Council in showing leadership and commitment in this regard is central.

Drivers of change and reform: The proposed new library will ensure that services are able to better respond to future needs and changes to Council Services. The new library

will be part of a development which incorporates health and well-being provision and further support opportunities for initiatives such as social prescribing encouraging community-based programmes of support and opportunities for the better integration of health and social care and support provision.

Facilitate sustainable economic prosperity: A key driver for the new library and recognised in the Crosby Investment Strategy is the location of the development within the town centre. The library and other uses based on the Green Car Park site will help drive footfall support local resilience and aid sustainability of the town Centre.

Greater income for social investment: N/A

Cleaner Greener: The New library will incorporate improvements to areas of public realm immediately adjacent the site and will be developed and operated in a manner consistent with the Council's carbon reduction ambitions.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7217/23..) and the Chief Legal and Democratic Officer (LD.5417/23....) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A significant level of local and stakeholder consultation has taken place in connection with the proposals this process also informed through the Sefton Public Engagement and Consultation Panel. The Panel is a multi-agency advisory panel who offers support, advice and guidance to ensure that the Council's engagement and consultation activity is of a high quality.

An online questionnaire was produced, newsletters distributed locally, stakeholder engagement workshops were held and a public exhibition all supported the engagement process.

The current proposals within the preferred option(s) reflect the feedback from the consultation in particular, reducing the size/scale of the proposed new library and health hub from the original 5 storey proposal to a 3 storey building responds directly to concerns raised through the process of consultation.

Further consultation will take place through the next stages of the design and delivery process and progression of the planning process associated with the development of both the Green Car Park and existing library sites.

Implementation Date for the Decision

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Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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Appendices:

The following appendices are attached to this report:

- Appendix A: Outline Business Case (OBC) (Exempt)
- Appendix B: Development Brief Crosby Library and Civic Hall site
- Appendix C: Cost Plan (Exempt)
- Appendix D: Outline Business Case Options Table
- Appendix E: Outline Business Case Redacted Version for publication

Background Papers:

The following background papers, which are not available elsewhere on the Internet can be accessed on the Council website:

The following background papers, which are not available elsewhere on the Internet can be accessed on the Council website:

Crosby Investment Strategy : [Crosby Investment Strategy \(sefton.gov.uk\)](http://sefton.gov.uk)

Crosby Centre Supplementary Planning Document (SPD): [crosby-centre-spd-final-version-september-2017.pdf \(sefton.gov.uk\)](http://sefton.gov.uk)

1. Introduction/Background

- 1.1 Following on from previous technical work looking at options associated with the provision of a new central library provision in Crosby village centre (including a review of market conditions, need and opportunity), in January 2019 a Project Scope was agreed with Cabinet Members for the Crosby New Library Project. This to include the provision of new Library/Health Hub and Residential development on the Green Car Park, Crosby Village.

The work informing this scope and drivers for the project came from two principal challenges the council is facing in respect of both the condition of the existing Crosby Central Library and Civic Hall at Waterloo and the challenge to our town centres as a result of wider structural economic change, the changing nature of retail and threats to the tradition of high streets and how they function and serve our local communities.

- 1.2 Crosby Library and Civic Hall had been identified as needing very significant investment and as being increasingly challenged in providing for current and future needs as both a library but also as a local community ‘hub’ . The Civic Hall element

of the existing library has been vacant and effectively mothballed since 2014, expensive to maintain with little or no prospect of future occupation based on similar issues associated with the condition of main library building.

- 1.3 The inclusion of health within the project comes in recognition of the fact that current primary care premises in the area are generally identified by the South Sefton Clinical Commissioning Group SSCCG (now Integrated Care Board/ Partnership) as not fit for purpose and lack the capacity to deliver current, let alone future integrated and extended community health services.
The SSCCG (now ICB/P) recognises the wider social determinants of health and would welcome co-location with social services, library services and well-being services.
- 1.4 It was recognised through the project development that the inclusion of Health would also assist the council in achieving its wider objectives in supporting the viability and vitality of Crosby town centre, generating significant levels of additional footfall within the centre (and this in a location that is highly accessible across the whole community being particularly well serviced by public transport).
This format of combining library, well-being/health/community provision is becoming increasingly common and a popular format for service provision across council and community-based health providers with numerous successful examples locally and nationally.
- 1.5 The siting of a proposed New Library facility on the Green Car Park in Crosby reflected the identification of this site for redevelopment in both the approved Crosby Investment Strategy and the Crosby Supplementary Planning document.

The Green Car Park site was envisaged as a major opportunity site for redevelopment in Crosby. The location and nature of the site combine to ensure that the site has the potential to form a key part in delivering enhanced profile for the village and importantly enhancing the connectivity, and the sense of connection between Crosby village and wider area.

- 1.6 With all of the above in mind, in the summer 2019 and in order to move the project on and accelerate the design through to end of RIBA Design Stage 2, an external design team were engaged to support this work.

Construction company Kier were appointed as lead for the design work with K2 as Architectural Advisors and were tasked to carry out a design process to end of RIBA Stage 2. This process concluded in April 2020 with a detailed full stage 2 design in place for the development as initially scoped providing a library, health local GP health facilities and residential flats.

- 1.7 Based on this work the design process, associated costings and related viability assessment, it was established that the scheme was in principle not viable and required development GAP funding to progress.
- 1.8 Up until this point in the design process the council had already been engaged in discussion with the Combined Authority (CA) seeking support for the project through the City Regions Strategic Investment Funds (SIF). Ongoing discussions with potential partners, as well as investigation of routes to delivery and funding

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options continued, with the Council seeking external grant funding in particular to facilitate delivery.

- 1.9 The opportunity to bid for Levelling Up Funds (LUF), announced in the autumn of 2020, provided a potential route to the necessary GAP funding and delivery. This despite the challenges of the LUF Programme and Sefton status as a Priority 3 area (priorities from 1 to 3 were set for all areas across the Country with priority 1 areas being the highest priority).

The Levelling Up Fund criteria in Round 1 of the fund presented a very good fit for the Crosby New Library project with the following key themes:

- a) Transport
- b) Regeneration and Town Centre Investment
- c) Cultural Investment

- 1.10 A Levelling Up Fund bid was therefore prepared for submission in the summer of 2021, had wide ranging support amongst partners and stakeholders and had the necessary support of the local MPs.
- 1.11 Associated with the process of both developing the LUF funding bid and fixing the detailed content of the project at that time, this including the new library complex and a wider scheme of access and public realm improvements, a process of wider community engagement and consultation was set in train.
- 1.12 During the autumn of 2021 a consultation and engagement exercise took place using a range of formats including a local mail shot, an on-line questionnaire, a social media campaign, stakeholder workshops and as we came out of lock down, a face to face public exhibition in the town centre. The proposed programme for the consultation was reported to the Councils Consultation and Engagement Panel in September 2021 and the outcome of the engagement and consultation work was reported back to the Councils Consultation and Engagement Panel. This work went on in part to inform significant design changes to the scheme reflected in the current proposals.
- 1.13 The Round 1 Levelling Up Fund bid for Crosby was not successful but feedback received from our lead regional officer from government, was that the bid was strong but that competition for funding was very high. on this basis the Council should not be discouraged from making a further bid in future LUF Rounds with an anticipated second round of funding in spring of 2022.
- 1.14 In working through the process of preparing a second Levelling Up Funding Bid in summer of 2022 feedback from the previous consultation work was used to help inform the scheme development and associated bid. Significantly the residential elements of the original proposal were dropped in response to the concerns about the scale of the original design at 5 storeys, pressures on car parking and issues linked to residential amenity from a planning perspective.
- 1.15 In January 2023 the Government announced the successful bids for Round 2 of the Levelling Up Fund and Crosby was amongst the 80% of schemes submitted which were not successful in securing funds. Formal feedback has been provided by DLUHC and the bid was recognised as a strong submission but again

competition remained very high for funds (and as we now know Sefton were more successful in securing Levelling Up Funding support for Bootle).

2. Town Centre Challenges

- 2.1. The imperatives for developing a new library remain. Crosby Central Library has a very significant level of risk associated with its operation day to day by virtue of the poor condition of the building. The building is in effect reaching the end of its useful life. The likely full life cost of the building and costs associated with making the building more energy efficient in line with the Councils Climate Emergency declaration and associated zero carbon ambitions would also be prohibitive. All of this means doing nothing at this time is not an option.
- 2.2. The challenge to our town centres remain, the traditional high street is not returning and finding a way to balance a repurposing of or town centres set against the current economic situation is reliant at least in part on interventions driven by public providers or community services where a town centre location is sustainable, accessible and complementary to wider objectives.

3. Health

- 3.1. The health challenges we face locally as an ageing population with poor local infrastructure and push to community based provision has been brought into particular focus over the past two years. We have local GP Service providers keen to link with a project in Crosby and we have the in principle support of the Integrated Care Partnership and Primary Care Network.

4. Highways and Access Works

- 4.1. The Crosby New Library Facility has been developed alongside a range of access, public realm and parking improvement proposals and elements of these proposals were included within the Levelling Up Fund bidding and associated consultation.
- 4.2. As a reflection of wider ongoing work linked to sustainable transport provision across the Borough, an opportunity arose in 2022 to submit a funding bid to the Combined Authority for City Region Sustainable Transport Strategy funding for access and accessibility works in Crosby Village. This bid was successful, funds of £1.54m have been confirmed and final design work and an associated planning application is in preparation. Once statutory approvals are in place the access improvements works will be carried out. A firm programme for these works is not yet in place but the expectation is that works should be underway toward the end of 2023.
- 4.3. The current position as outlined above and recognising funding as the biggest challenge to delivering the New Library has provided the driver for re assessing an Outline Business Case (OBC) for the project. To do this in a structured and formal way following a Treasury Green Book 5 Case approach and in order to

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progress this piece alongside other priority work, consultants Savills were engaged to support the production of a project OBC for the New Library Project.

5. The Outline Business Case for Crosby New Library

- 5.1. Developing an Outline Business Case for Crosby New Library has involved revisiting previous work and had a start point in considering a set of options.
- 5.2. In considering options for the project and reflecting on the consultation and planning feedback, the proposal to include 30 residential apartments within the development was not included within the options considered adding no value to the project and creating additional risk.
- 5.3. What is however included within the options is a link between the two sites being the existing central library site in Waterloo and the proposed New Library ie the development of the Green Car Park in Crosby. The viability issue remains a constant throughout this process but combining the two sites as a single development opportunity together with delivery of the New Library helps address an overall position on viability. The work in production of the OBC has relied in part on the guidance provided through the planning brief prepared for the existing library site as detailed in Appendix B. Maximizing the development value on the existing library site in a manner consistent with the approved site planning brief should significantly help reduce the overall funding gap on the new library development.
- 5.4. The following three principal options were identified through a process of review and also a technical workshop:
 - a) Business As Usual (in effect 'do nothing')*
 - b) New Library Only
 - c) New Library, Health Centre and Offices
- 5.5. As set out within the OBC and this report, these three principal options were expanded to include for variation in approach to delivery and also the previous designed project which included residential on the Green Car Park site within New Library and Health Hub development.
- 5.6. It should in particular be recognised throughout that a Business as Usual option is not a low cost revenue based option. As identified elsewhere in this report, urgent capital works in excess of £1.5m have been identified in association with the current library building. This together with an identified full life cost (25 years) for the library of over £3.5m (base on 2018 Building Cost Information Service (BICS) costs plus Bank of England inflation) , there is no specific budget provision identified for these costs. There is some overlap across these costs (urgent works and full life costs) and the costs identified in addressing the energy efficiency challenges of the existing library however with construction cost inflation likely to be above Bank of England base level a full life cost update will be included in the development of the full business case (FBC) in the next stage of work.

- 5.7. The above options were then tested against a range of delivery routes which considered cost and risk to the Council.
- 5.8. In order to carry out the evaluation of delivery options a significant level of financial modeling was developed to allow for the identification of a preferred approach. This modeling and associated detail is contained in the main body of the OBC presentation within the confidential appendices to this report.
- 5.9. Each option and delivery route is tested against the following criteria to determine which option provides the best outcome this is accordance with the Treasury Green Book 5 case model:
 - a) The Strategic Fit
 - b) The Economic Case
 - c) The Commercial Case
 - d) The Financial Case
 - e) The Management Case
- 5.10. The tables in Appendix D summarise the strategic case and best fit from the options considered, the OBC explores these in more detail and other elements of the case in identifying a preferred option(s):
- 5.11. In summary this process concludes that the provision of a New Library, Health and Office development on the Green Car Park site in Crosby Town centre is the best option based on the modeling used. Within the OBC there are in outline two principal ways to deliver the new library and Health Hub, one led by the Council with the Council acting as developer and taking all the associated control and responsibility for the project. The other way to deliver the scheme would involve the Council working with a third party to build and operate the New Library Development, this would see the Council as a tenant of the new building under the control and management of a third party.
- 5.12. Based on the evidence and outcome of the Outline Business Case Modeling direct delivery of the Crosby New Library Project by the council represents overall the best 'fit' and the most beneficial route to deliver and operate the new library and associated health and office facility. The preferred Options 3 & 8 both involve the Council directly delivering the New Library and Health Hub. The difference between the two and reason for carrying both into the Full Business Case process is to consider the most beneficial way to redevelop the existing Library site, whether directly developed by the Council or through a managed disposal to a suitable third party developer.

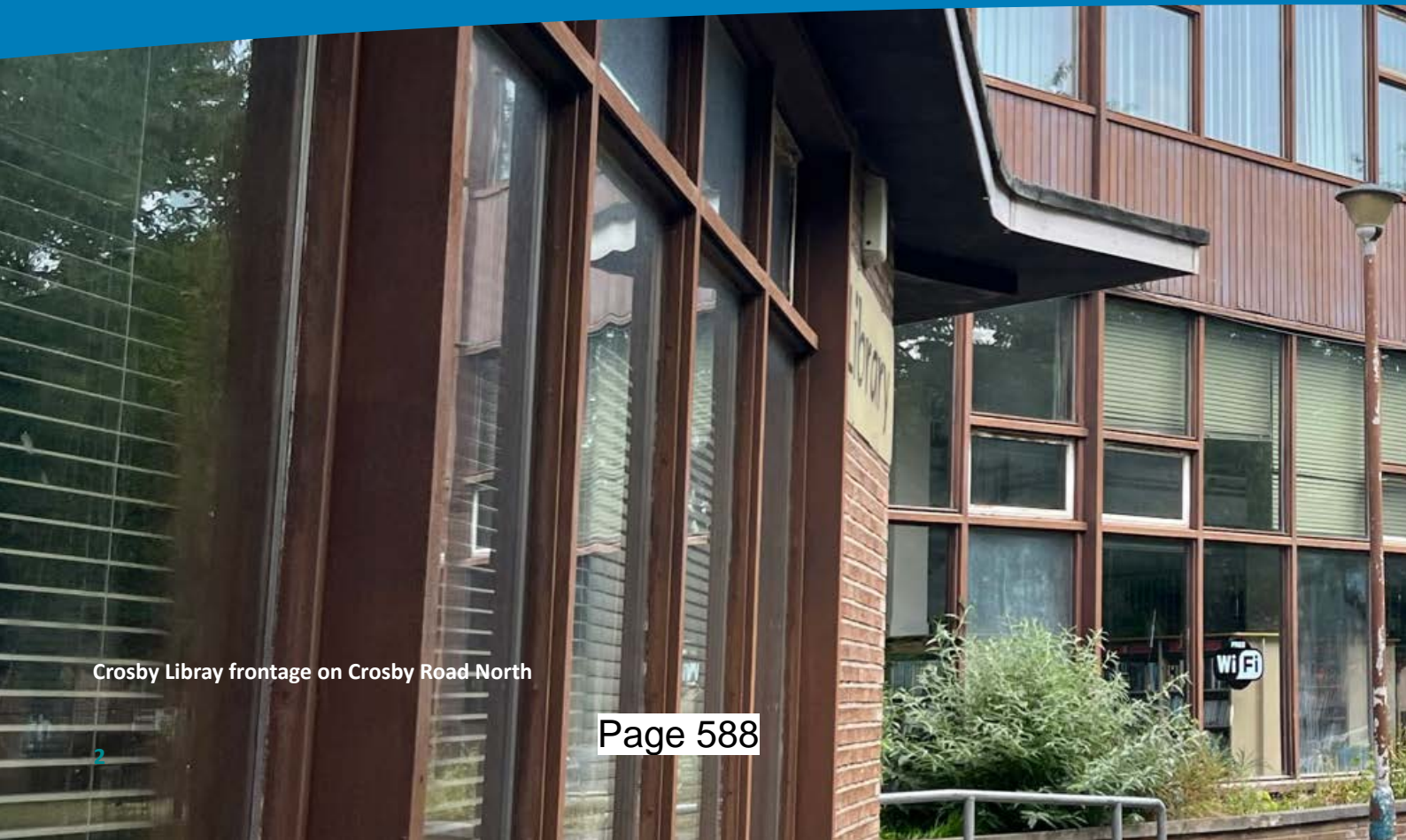
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Development Brief **Crosby Library and Civic Hall Site**

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Crosby Library frontage on Crosby Road North

1.0 Purpose of this brief

This note has been produced in order to provide guidance for the redevelopment of the Crosby Library and Civic Hall site. It sets out the broad planning issues relevant to the site and what uses may or may not be acceptable. This planning brief identifies the key issues that the developer will need to address as part of any redevelopment of the site.

This guidance is not exhaustive and there are likely to be other issues that will need to be addressed as part of a planning application. This guidance represents informal advice only to assist prospective developers and will not prejudice any decision by the Council should an application be submitted.

It is essential that in all cases formal pre-application advice is sought from the Council. This will allow a detailed consideration of any scheme, including the input of specialists in various fields.

Details can be found at <https://www.sefton.gov.uk/planning-building-control/apply-for-permission/pre-application-advice-on-development-proposals.aspx> A fee is charged for this service.

The Council can offer in house building control service – see www.sefton.gov.uk/planning-building-control/building-control/ for more details.



2.0 Site Description

The site includes a library and civic centre, and includes associated car park areas to both the south (public pay and display) and northeast of the site (private serving the library and centre and providing access for deliveries). The site is bounded by the A565 (Crosby Road North) to the west; Haigh Road to the south; Park Road to the east; and buildings, including the Waterloo United Free Church (a grade II listed building) to the north. There is a Mormon Church to the immediate south west of the site. The area is located within Waterloo District Centre to the east of the main shopping areas. Commercial and community buildings dominate on Crosby Road North, whilst residential properties are located on Park Road. The building is mainly two-storey with a part being three-storey.



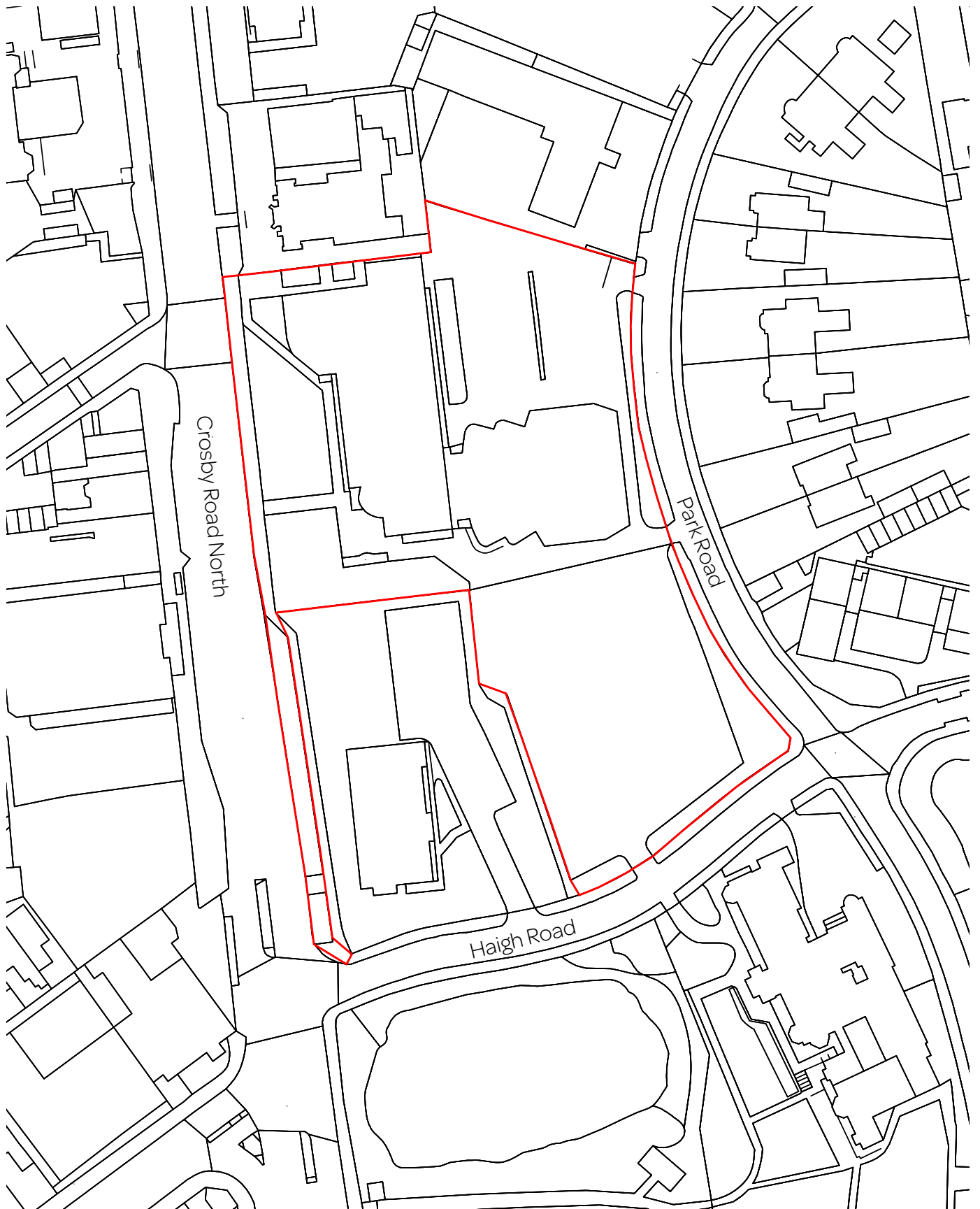
Rear entrance to Crosby Library



Public Car Park located in the southern section of the site



Existing trees running along the Crosby Road North frontage to the site



Site Boundary Plan

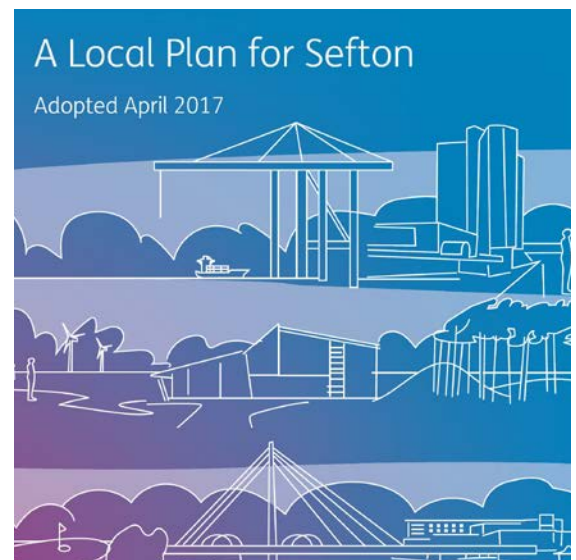
3.0 Policy Context

Sefton has an adopted development plan; the Sefton Local Plan (2017). The site is designated in the Local Plan as being within Waterloo District Centre. Policy ED2 of the Local Plan sets out the key policies for district centres. Many other policies will be relevant depending upon what is proposed. The Local Plan can be viewed in the following location, <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/local-plan.aspx>

The Local Plan is supported by a series of Supplementary Planning Documents (SPDs) and Information Notes. Due to the potential different uses that the site could accommodate, a number of the SPDs and information notes may be applicable. The SPDs and Information note can be viewed here, <https://www.sefton.gov.uk/SPD>.

There is also a highways developers pack which any developer should use to help guide their development. <https://www.sefton.gov.uk/parking,-roads-travel/highway-development-and-design.aspx>.

The National Planning Policy Framework (NPPF) also sets out the national planning policy context. The NPPF can be viewed here, <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



Sefton Local Plan

4.0 Potential Use

The site is designated in the Local Plan as being policy ED2, Waterloo District Centre, although it is outside the Primary Shopping Area. District Centres are the main focus of retail development in Sefton to serve local convenience needs. Many uses that will help maintain and improve the vitality and viability of the district centre may be appropriate for the site. This part of the centre is characterised by a variety of uses, including offices, a church, a cinema, community uses, a public house, a fire station, petrol station and various other uses. The part of the site opposite the Plaza has potential for community and health uses. To the rear of the site on Haigh Road, the character changes completely with residential surrounding the site.

The site lends itself to a mixed-use scheme. The main consideration is to provide a ground floor use to Crosby Road North that enhances the vitality and viability of Waterloo District Centre. This could include a variety of uses but if a retail use, a Sequential Test will be required and a Retail Impact Test may be required to protect the primary shopping area in accordance with policy ED2.

It will not be appropriate for ground floor residential to front onto Crosby Road North due to the need to protect the vitality and viability of the town centre and possibly due to air quality and noise issues (see below). It may also not be appropriate for residential to cover the whole site as some uses consistent with the town centre location should be included. Residential apartments on upper storeys or homes that front Haigh and Park Roads may be appropriate. The main issue with a residential use on the site is the living conditions of future occupiers. There are minimum standards for room sizes in apartments, interface distances between properties and for outdoor amenity space. Any developer should look at the SPD for New Housing Development and the HMOs and Flats SPD. These can be found on: <https://www.sefton.gov.uk/spd>. Please note that these are due to be updated later in 2022.



Residential properties along Park Road



Plaza Cinema along Crosby Road North



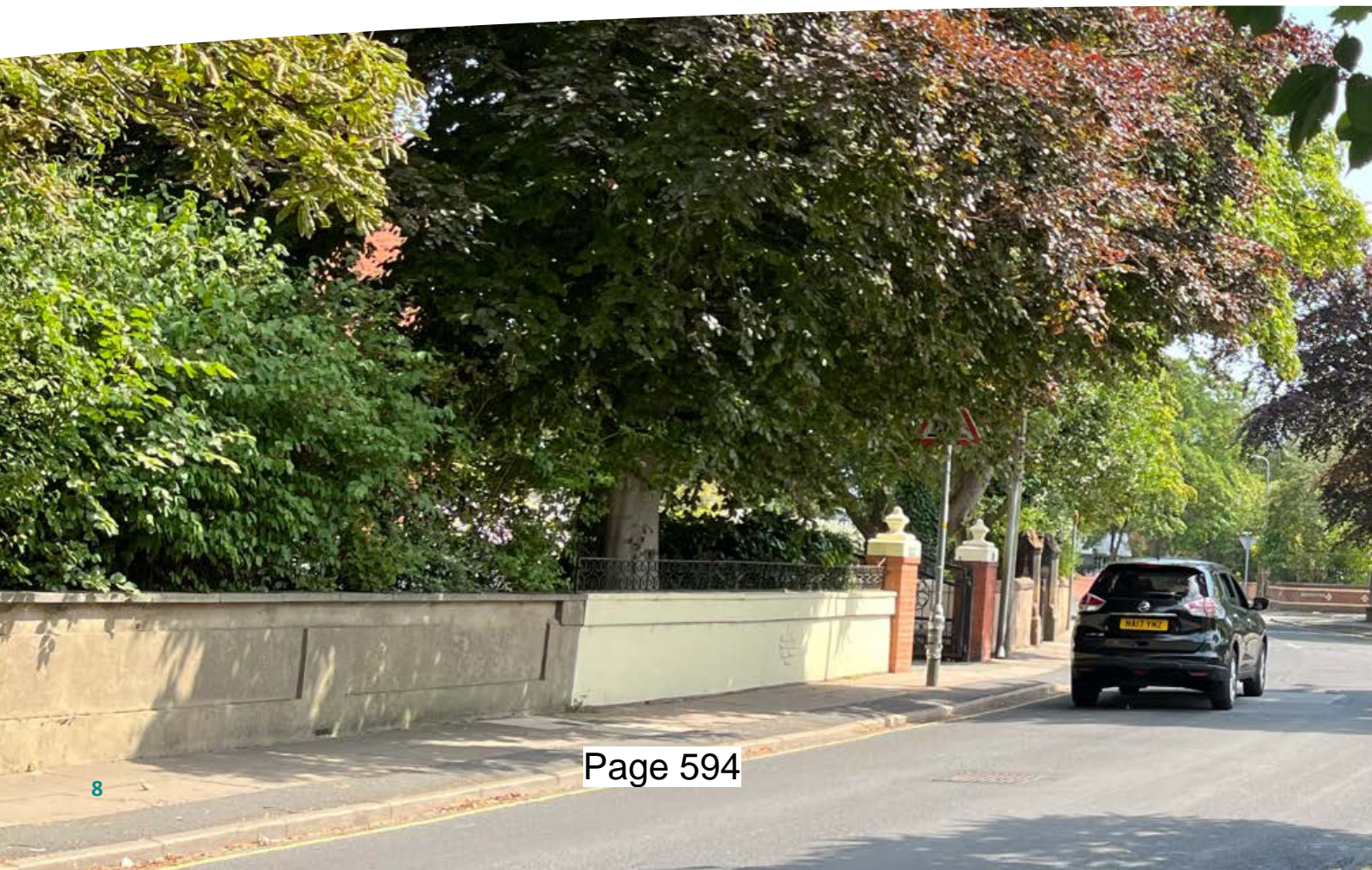
Waterloo United Free Church along Crosby Road North

5.0 Key Issues

Design

Local Plan policy EQ2 Design sets out a number of design considerations that would be relevant to the redevelopment of this site. These include responding to the character of the area and the importance of landmark (prominent) sites. The site is in a prominent location and is very visible. It is also something of a gateway site between Crosby Road North and South Road and a high-quality building in terms of size, appearance and materials with very high design standards is essential. It is important that any proposal respects the immediate area and context. Local features in the immediate area that are noteworthy include some relatively tall and imposing buildings such as office blocks, a church and the community cinema.

Given the context and character of the site, it is considered inappropriate for a low-density residential scheme covering the whole site, particularly the frontage to Crosby Road North.



Built Heritage

Neither the library and civic hall are listed and currently have immunity from listing until September 2024.

The site is next to Waterloo United Free Church and Church Hall which is a grade II listed building. Any development must respect the setting of the Listed Building. Specifically, this may include:

- The design, height, scale and massing must be sympathetic to the setting of the Listed Building and not seek to compete or be over dominant in its scale, height, form or materials.
- The layout of the site should respect and, if possible, enhance the setting of the listed building.
- The area of green space that fronts Crosby Road North should be retained and green landscaping should be designed into any proposal for the site to help soften the built form and add interest within the predominantly urban area. Trees which line the front boundary wall to the site should be retained and additional tree planting is encouraged.
- The low front boundary wall to the site should be retained. Boundary walls are a characteristic feature along Crosby Road North and make an important contribution to the street scene.



View looking south along Park Road

Access and parking

The site cannot be served from Crosby Road North and will need to be served off Haigh Road and Park Road.

Any planning application will need to provide full details of the proposed pedestrian/vehicular access arrangements. Car parking should to be provided in accordance with Sefton's Supplementary Planning Document 'Sustainable Travel and Development'. The proposal should not result in additional car parking off site. Given the proximity of existing residential properties, if commercial development is proposed details of any proposed servicing and delivery arrangements will need to be discussed with the Council.

It is important to note that uses that generate a significant amount of traffic may not be acceptable in this location. The Council will expect to see a transport assessment.

The Council have standards for electric car charging points which are expected to be addressed.

Any development will be expected to be fully accessible to a range of non-transport modes including walking and cycling. The site is in a very good location of access to public transport and shops and services.

Other issues

Any external works or alterations, such as provision of any additional parking, servicing or access areas or alterations to doors and windows may be subject to contamination, flood risk, ecology, invasive species, a Habitats Regulation Assessment and other relevant issues. In relation to ecology, a bat roost assessment is almost certainly going to be required.

For any residential development, education contributions towards primary school places may be required and fibre optic broadband will be required to serve the site.

Environmental Health and Air Quality

The site is next to the A565 Crosby Road North. This is a section of road that is very close to the current national air quality standard objective for Nitrogen Dioxide. Any use that would generate a significant number of additional car journeys has the potential to increase those levels to a dangerous level. Therefore, any future development must not result in increased nitrogen dioxide emissions and an air quality assessment must be carried out by any potential developer.

Should the intended use of the site be partially or wholly for residential, then an air quality assessment will be needed to determine the impact upon future residents. This may have an impact upon the layout of the site.

The site is next to the main road and this may result in noise issues for more sensitive users of the site. Likewise, the site is adjacent to residential properties to the east and these may be sensitive to some uses, plant and equipment and vehicle movements. Any scheme will need to be supported by an appropriate noise assessment.

Likewise lighting, both as part of a proposed scheme and existing lighting, could have an impact upon amenity of future users of the site and on neighbours and must be considered fully.



View looking into the site at the junction of Park Road and Haigh Road

6.0 Site Constraints

Existing Context

The brown field site currently comprises a public library and civic centre building and a public car park which are to be demolished. The site's immediate surroundings are mixed-use, including a grade II listed church to the north, mixed-use development along Crosby Road North and a residential area to the east.

Buildings around the site range from 2-3 storey along the southern and eastern edges of the site and increase up to 4-6 storeys along the sites northern and western boundaries.

Access

Crosby Road North runs along the site's western boundary and is a primary public transport corridor hosting a number of bus connections between the site, Liverpool and the wider area. Waterloo MerseyRail Station is located a short distance to the west of the site offering direct rail connections to stations between Liverpool City Centre and Southport.

Vehicular access to the site is gained from two vehicular access points off Park Road and one off Haigh Road. There are no known Public Rights of Way or Cycleways contained within the site.

Site conditions

The site comprises a number of trees protected by TPO along Park Road and Haigh Road which will need to be retained in the future redevelopment of the site. A cluster of trees along Crosby Road north should also be considered when planning any future development in order to protect existing habitats and environmental assets.

The site also contains a memorial to the victims of the Hillsborough Disaster which should be retained on the site within any future development.

No below ground surveys have been undertaken to date with regard to utilities and ground conditions



Existing trees throughout the site and along Crosby Road North



Hillsborough Memorial to be retained on-site



Existing library and civic centre buildings to be demolished



Constraints Plan

7.0 Opportunities

Development Form

The site's location, within a district centre and accessibility to high-quality transport links, lends itself to a higher density form of development. Building heights should relate to that of the surrounding uses with heights ranging from 2-3 storeys along Park Lane and Haigh Road and increase up to 4-6 storeys along Crosby Road North. The scale of any proposed development will need to be responsive to the adjacent Waterloo United Free Church.

Existing development along Crosby Road North is set back from the highway. This should be incorporated into proposals allowing greater potential to retain existing/protected trees along the frontage. This should also help mitigate potential future impacts of noise.

Development proposals need to carefully consider a positive relationship with the site of The Church of Jesus Christ of Latter-day Saints located immediately adjacent southwest of the site.

Uses

Higher density forms of development will be encouraged on the site with a range of uses being considered due to the sites District Centre setting. Notwithstanding the above, all proposals will need to include active retail/commercial ground floor uses along Crosby Road North to help support the health and diversity of the local centre.

Uses not considered suitable for the site, in line with Local Plan policies, include employment (except offices), uses that generate high volumes of traffic, or uses that require large areas of on-site parking.

Access and Movement

Benefiting from high quality public transport links, developments which promote the use of sustainable and public forms of transport will be encouraged. The provision of allocated private parking should therefore be limited in line with planning policy.

Vehicular access into the site should be gained off Haigh Road and Park Road, although existing access points do not need to be retained in situ. Vehicular access off Crosby Road North is not deemed appropriate.



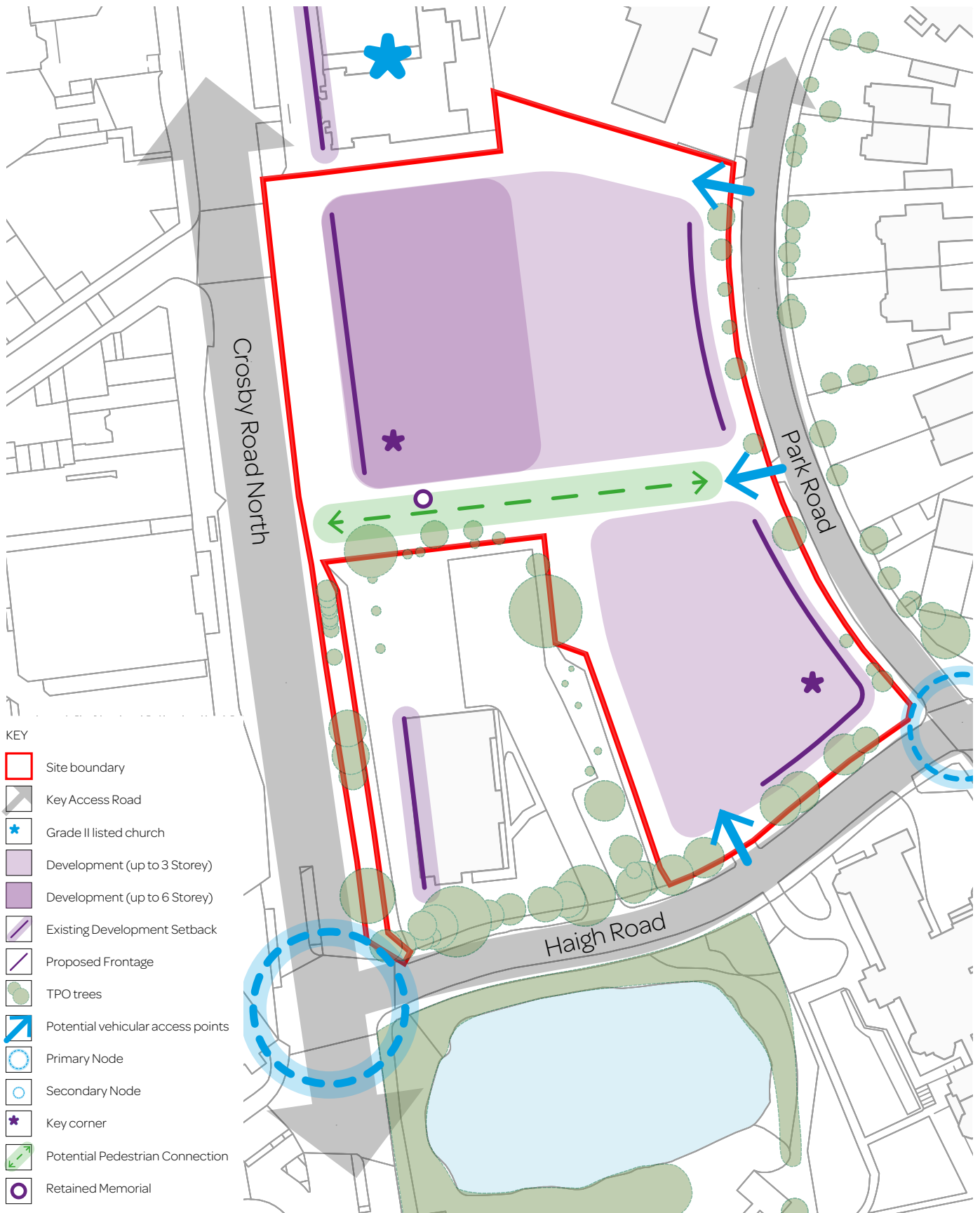
Higher density contemporary forms of development will be encouraged



Active ground floor uses to be located along Crosby Road North



High quality designs responding to local vernacular will be promoted



- KEY**
- Site boundary
 - Key Access Road
 - ★ Grade II listed church
 - Development (up to 3 Storey)
 - Development (up to 6 Storey)
 - Existing Development Setback
 - Proposed Frontage
 - TPO trees
 - ↗ Potential vehicular access points
 - Primary Node
 - Secondary Node
 - ★ Key corner
 - Potential Pedestrian Connection
 - Retained Memorial

Option / Scenario	Description	Floor space	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Business as Usual	No investment in new facilities. The Green Car Park site will remain as a car park. The existing Library in Waterloo will still require significant investment in the short term, and continue to provide high costs to council in management and maintenance.	NA	This option does not support any local, regional or national priorities in terms of improving access or life outcomes for our communities.	<ul style="list-style-type: none"> Upfront Costs: High, including emergency repairs Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: lower than Option 2 Wider public welfare benefits: lower than Option 2 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option
Option 1 - New Library only	The Green Car Park will be developed to deliver a new Library only. The existing library will be closed, but not developed. Healthcare services will continue to be distributed, and no other development proposed.	800 sqm	Aligns with local strategy to improve Crosby village centre, but creates a high financial burden on Council for the development and continued maintenance of the existing library site.	<ul style="list-style-type: none"> Upfront Costs: High, for the development of new facility Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: lower than Option 2 Wider public welfare benefits: lower than Option 2 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option
Option 2 - New Library, Healthcare centre and Office provision	The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be closed, land will remain in Council's ownership (no new development proposed here).	2,360 sqm	Aligns with local strategy to improve Crosby village centre, and delivers a range of services from one site. But creates a high financial burden on Council for the development and continued maintenance of the existing library site.	<ul style="list-style-type: none"> Upfront Costs: Very High Whole Life Costs: High, but revenue potential by renting out the Healthcare and Office space 	<ul style="list-style-type: none"> Economic Benefits: High (~£5.1m p.a.) Wider public welfare benefits: High (£28.8m over a 5 year appraisal period) 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option

Option / Scenario	Description	Floorspace	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Option 3 – As per Option 2, but existing Library site sold to private developer	The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be sold to a developer for residential led redevelopment.	2,360 sqm	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement.	<ul style="list-style-type: none"> ▪ Upfront Costs: unclear; likely to be upfront revenue due to the sale of the existing library site which could be used to cross subsidise the development of the new facilities. ▪ Whole Life Costs: Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> ▪ Economic Benefits: High ▪ Wider public welfare benefits: High 	<ul style="list-style-type: none"> ▪ Achievability: Good ▪ Financial delivery: Potentially Good 	<ul style="list-style-type: none"> ▪ Taken forward
Option 4 - New Library, healthcare and residential development	The Green Car Park site will be developed into a new Library and healthcare hub, with residential development above (As per LUF Round 1 funding bid scheme). The existing library will be closed, but remain in council ownership.	4,470 sqm	Aligns with local strategy to improve Crosby village centre, and delivers a range of services from one site. But creates potential policy challenges due to amenity and open space for incoming residents in the town centre.	<ul style="list-style-type: none"> ▪ Upfront Costs: higher than option 2 ▪ Whole Life Costs: higher than option 2 	<ul style="list-style-type: none"> ▪ Economic Benefits: High ▪ Wider public welfare benefits: High 	<ul style="list-style-type: none"> ▪ Achievability: Poor, due to planning restrictions ▪ Financial delivery: Poor 	Discounted - Not a suitable option
Option 5 – As per Option 4, but existing Library site sold to private developer	As above, but the existing Library site in Waterloo will be sold off to a developer to deliver housing led development.	4,470 sqm	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement. Also creates potential policy challenges due to amenity and open space for incoming residents into town centre residential units.	<ul style="list-style-type: none"> ▪ Upfront Costs: Potential for revenue generation from sale of housing ▪ Whole Life Costs: Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> ▪ Economic Benefits: High ▪ Wider public welfare benefits: High 	<ul style="list-style-type: none"> ▪ Achievability: Poor, due to planning restrictions ▪ Financial delivery: Good 	Discounted - Not a suitable option

Option / Scenario	Description	Floors pace	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Option 6 – New Library and Residential development	Green Car Park will be developed into a new Library with residential development above. The existing library will be closed, land will remain in Council's ownership.	2,250 sqm	Generally good alignment. But creates potential policy challenges due to amenity and open space for incoming residents.	<ul style="list-style-type: none"> Upfront Costs: High Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: High Wider public welfare benefits: High 	<ul style="list-style-type: none"> Achievability: Poor Financial delivery: Poor 	Discounted - Not a suitable option
Option 7 – Development partnership approach – New Library, Old Library plus further sites as the Page 605	Developer takes over both the existing library site and the Green Car Park. Green car park to be developed to library, health hub/office space. Existing library to be developed to provide homes. Further sites need to be added to make project viable for developer – potentially between 10-20 sites across the borough	Sig.	Generally good in terms of overall policy alignment. However potentially too many issues associated with local procurement, social value and potential planning and policy challenges.	<ul style="list-style-type: none"> Unclear, however likely a positive financial position could be negotiated for the Council 	<ul style="list-style-type: none"> Benefits likely to be high in fast tracking economic and regeneration projects 	<ul style="list-style-type: none"> Achievability: unclear Financial delivery: Good 	Discounted - Not a suitable option
Option 8 – Council led redevelopment of the Green car park and existing library site (Waterloo)	Similar to Option 3, but Council led. Green Car Park will be developed into a Library and health hub/office. The existing library site will be redeveloped for residential led mixed-use development.	2,250 sqm	Good alignment and covers a number of strategic policy drivers including affordable residential development and improved town centres.	<ul style="list-style-type: none"> Upfront Costs – High, but potentially offset by sale of residential development on Waterloo site, leading to funds to cross subsidise the Green Car Park Whole Life Costs – Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> Economic Benefits - High Wider public welfare benefits – High 	<ul style="list-style-type: none"> Achievability – Good Financial delivery – Good 	Taken forward

Crosby New Library Business Case (Redacted Append)

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16th January 2023

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Executive Summary

Introduction

Crosby village is at the heart of a vibrant and active community, however like all town centres it has struggled to remain relevant to the needs of residents and respond to changing shopping and socialising patterns. At the same time, pressure on SMBC and other public service providers to deliver improved services at reduced costs, means that library and healthcare facilities need to improve the quality and accessibility to the community. SMBC has been active in considering solutions to reinvigorate the centre and deliver services, to ensure it supports social and economic benefits. Two Levelling Up Funding bids have been prepared that would fund the redevelopment of the Green Car Park site into a new modern library, health centre and business hub in the town. This report has been prepared to consider the potential delivery options and business case for investment in the scheme if LUF is not secured.

Strategic Case

Sefton has a fairly static population, with limited growth compared to the wider region. At the same time this population is ageing, and the ageing demographic will place increased pressure and demand on our public services. Current healthcare facilities are at capacity or in poor condition and there is recognised need for consolidated service delivery in modern, well accessed sites.

Sefton also has a need for services that support knowledge, learning and community integration. Library visits are low and have been decreasing as the facilities have failed to keep up with latest demand from residents in terms of digital learning, and community capacity building. There are high rates of educational attainment, but also challenges which new library provision could resolve.

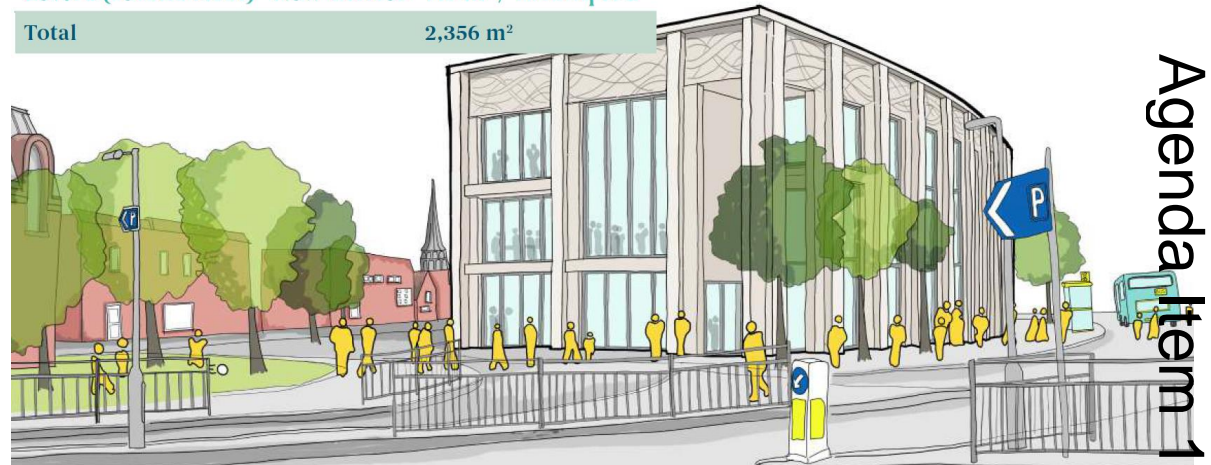
Community wellbeing and productivity has been declining, and there are low rates of business start up, which new knowledge and business space could improve.

Overall there is a demonstrated need for a new library, healthcare facility and business space that Green Car Park could deliver on. This could deliver significant economic and social value benefits.

However the deliverability of such a scheme is challenging. The costs are high and values low. As such a wide range of delivery options have been reviewed. The review suggests that there is potential to cross subsidise the delivery of the Green Car Park redevelopment with the sale and development of the existing Library site at Waterloo. This could be done via a Council led, or developer led approach.

The following sections present a summary of the financial and economic benefits of this, and delivery strategy options.

Building Gross Internal Area (GIA)		
Level 0 (Ground)	Library	800 m ² / 8611 sq ft 2
Level 1 (First Floor)	Healthcare	841 m ² / 9052 sq ft 2
Level 2 (Second Floor)	New Offices	715 m ² / 7696 sq ft 2
Total		2,356 m ²



Executive Summary

Financial Case

[Redacted content]

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[Redacted content]

Economic Case

There could be significant benefits to undertaking both linked projects. A Green Book Compliant analysis has quantified and monetised the following benefits:

- £2.8m** of Direct Land Value Uplift
- £40.8m** of Wider Land Value Uplift, including house price growth in the area
- £234k** worth of employment benefits
- £133k** worth of crime reduction benefits
- £145k** worth of amenity benefits

£44m Total Economic and Social Benefit

Executive Summary

Delivery Strategy

A review of various delivery approaches suggests that a Council Led approach to Green Car Park, with the final sale and leaseback of the scheme could deliver the highest values, lowest risk, lowest resourcing demand, while still delivering good impacts to the area. The sale of the Waterloo site to a developer would also be the simplest and best value way for council to unlock the site for development while also delivering the Green Car Park scheme.

There are significant risks and uncertainties in the current development market, and council decisions should be made based on the appetite for risk against the need for control and retaining freehold ownership.

Recommendations and Next Steps

Further analysis could help inform decisions including:

- Reviewing car park financial models
- Undertaking financial appraisals and red book valuation of sites
- Visiting the masterplans for both sites to engineer the highest value schemes
- Obtaining guidance from SMBC planning on the maximum development scheme deliverable
- Soft market testing of the opportunity with agents and developers

Next Steps

We hope to hear back on the results of the Levelling Up Funding soon. In the meantime, SMBC should consider:

- Key factors for decision making including risk, resource, values, and costs, short term income vs long term sustainability
- Consider SMBC ambitions for both sites and the role they play in the economic growth and delivery of community services

1

Introduction

Introduction

Background

Savills has been commissioned by Sefton Metropolitan Borough Council (SMBC) to review options and prepare a Business Case to inform investment decisions relating to the proposed development of a new Library and Healthcare facility in Crosby Village. The aim of the research is to consider the potential delivery options for the scheme, and identify a potential preferred strategy for delivery, while also demonstrating the financial and economic benefits of the scheme.

In 2021 Savills was commissioned by SMBC to prepare a Levelling Up Funding (LUF) Round 1 bid for £19.2m for the proposed development of new Library, Health Hub and residential scheme on the Green Car Park site in Crosby Village. The bid was unsuccessful, with feedback from Department for Levelling Up Housing and Communities (DLUHC) stating that deliverability of the scheme was uncertain. In 2020 Savills supported SMBC to submit a second LUF Round 2 Funding bid for £19.2m to deliver a revised scheme including a knowledge hub, library, and healthcare facility, and commercial office space. We are still waiting on the outcome of the Round 2 LUF bid.

A successful Round 2 LUF bid would enable the delivery of the scheme. However LUF is extremely competitive. There were 300 bids in Round 1 and only 100 successful schemes (30% success rate). For Round 2 it is estimated that there have been over 500 bids. Sefton is currently identified as a Tier 3 location for Levelling Up, which suggests a low priority for funding.

Due to the current pressure on health care, library facilities and Crosby town centres vibrancy post Covid, demand for the project has increased and it is prudent to investigate delivery options for the scheme that do not depend on LUF.

This project, and the analysis presented in this report, aims to consider delivery

options that would enable the delivery of the proposed scheme, consider the financial implications for SMBC, and assess the wider economic benefits that such a scheme would deliver.

We provide recommendations and next steps to take forward the project.

Site Details

The proposed development site is known as 'Green Car Park' located off The Green Crosby Village, and covers 0.25 hectares.

Site Location



Introduction

Scheme Details

The proposed development aimed to amalgamate both knowledge and healthcare facilities into a single, efficient, modern and accessible facility in Crosby Village. This would replace existing, underutilised and sub-optimal facilities across the area, and bring them together into the town to improve access and outcomes. A range of options for the development have been considered, but two core schemes have been developed as outlined below.

LUF Round 1 Scheme

A detailed, fully costed and RIBA Stage 2 designed scheme was prepared by K2 Architects in 2020. This was reviewed by RIBA Places Matter Independent Design Panel which commended the scheme.

The scheme included a 1,010 sqm library and study space; 1,300 sqm health and wellbeing hub for 3 GP's, and 30 residential units on upper floors.

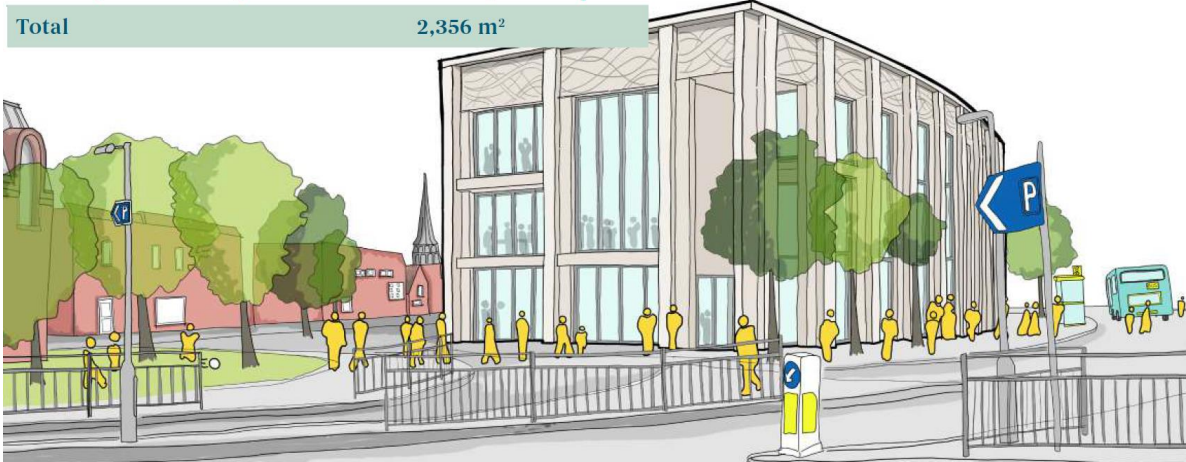


LUF Round 2 Scheme

Following the unsuccessful LUF Round 1 funding bid, the proposed scheme was reviewed again. The residential element of the proposal was removed due to the lack of residential amenity and open space. Commercial office floorspace was included.

The scheme proposed a 800 sqm library, 841 sqm healthcare facility, and 715 sqm of commercial office floorspace.

Building Gross Internal Area (GIA)		
Level 0 (Ground)	Library	800 m ² / 8611 sq ft 2
Level 1 (First Floor)	Healthcare	841 m ² / 9052 sq ft 2
Level 2 (Second Floor)	New Offices	715 m ² / 7696 sq ft 2
Total		2,356 m ²



Introduction

Linked Sites

The proposed development of the Green Car Park site would have knock on implications for a number of other sites across Crosby, including the following:

Existing Crosby Library

The existing Crosby Library is located on Crosby Road North in Waterloo (L22 0LQ) on a site opposite the Plaza Community Cinema. The site covers approximately 0.9ha.

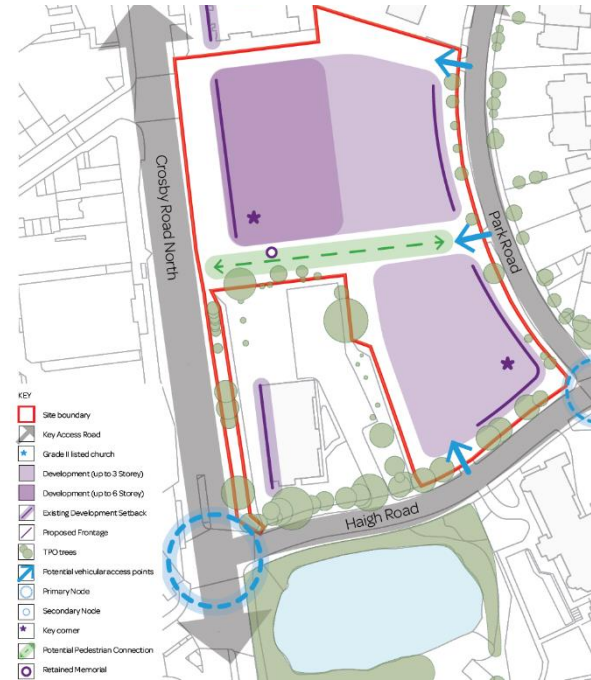
The existing Library is no longer fit for purpose for a number of reasons, it is: disconnected from the town; has in part been mothballed; is a significant maintenance and management liability; has prohibitive upgrade costs and very poor energy performance without obvious solution.

SLC owns the site, and the relocation of the Library to Green Car Park could free up SLC's significant site for potential redevelopment. Early capacity and development potential analysis, including high level initial plans prepared by Turley in 2022, suggest that the site could yield up to 85 new homes, including potential for extension of the high street or commercial use.

Car Parks in Crosby Village

The redevelopment of the Green Car Park would reduce overall car parking provision in Crosby by around 100 spaces. This would be offset by the reorganisation and rationalisation of space at the Cooks Land and Alexandra Road Car Parks which could deliver 28 additional spaces.

Existing Crosby Library Site, Waterloo, Development Opportunities



Health Care Facilities

Existing GPs are dispersed across multiple sub-optimal locations, in converted homes, with limited capacity to meet the growing health care needs of the community. These premises are recognised as no longer fit for purpose by the Primary Care Network and South Sefton Clinical Commissioning Group. We have not been provided with detailed locations of the GP facilities which could be amalgamated into the new facility at this stage.

Introduction

This Report

The following sections of this report present an outline business case for the development of the new Library and Healthcare Centre on Green Car Park in Crosby. Analysis includes:

- **Strategic Case** – Considering the need for intervention and action, the options that have been considered, the strategic alignment, and the preferred option for intervention
- **Financial Case** – Considering the costs and revenue implications for SMBC
- **Economic Case** – The social and economic benefits that could arise from the proposed scheme and how this compares to the investment costs
- **Delivery Strategy** – An initial review of the potential options to deliver the scheme for further review and discussion
- **Recommendations and Next Steps** – Suggestions from Savills on the way forward.

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Strategic Case

Strategic Case

Introduction

The Strategic Case of a Business Case sets out the need for action and investment, considering the challenges or opportunities facing an area and the evidence of 'Market Failure'. It also considers a range of options that could resolve the situation, and considers the strategic alignment of these options against wider local, regional and national policy drivers.

Need for Action

The need for the scheme is clear and pressing:

- The current library is: disconnected from the town; has in part been mothballed; is of significant maintenance and management liability; has prohibitive upgrade costs and very poor energy performance without obvious solution.
- Disadvantaged groups in Crosby currently suffer from poor educational outcomes linked in part to poor access to learning facilities. Learning and skills development will be enhanced within the new library and help address inequalities in access to learning facilities outside of the classroom and help to close the gap in educational outcomes.
- Existing GPs are dispersed across multiple sub-optimal locations, in converted homes, with limited capacity to meet the growing health care needs of the community. These premises are recognised as no longer fit for purpose by the Primary Care Network and South Sefton Clinical Commissioning Group
- Demand for health services is anticipated to increase in the foreseeable future due to an ageing population. Health inequalities in the Crosby area exacerbate bad health outcomes leading to poor Healthy Life Expectancy.

- There are various traffic pinch points and congestion and related access issues
- High quality office space is lacking in Crosby, which results in the town struggling to attract high 'value added' companies requiring modern premises. This in turn leads to out-commuting being common in Crosby due to a lack of good employment opportunities.

The proposed development will help address all of these matters in a comprehensive manner, a sustainable repurposing, making sure that Crosby is future proofed, green, offers exciting investment opportunities and provides what its local communities need .

The following sections of the report provide an overview of some of the data and evidence supporting the need for action and investment in new library and healthcare facilities in Crosby.

Ageing

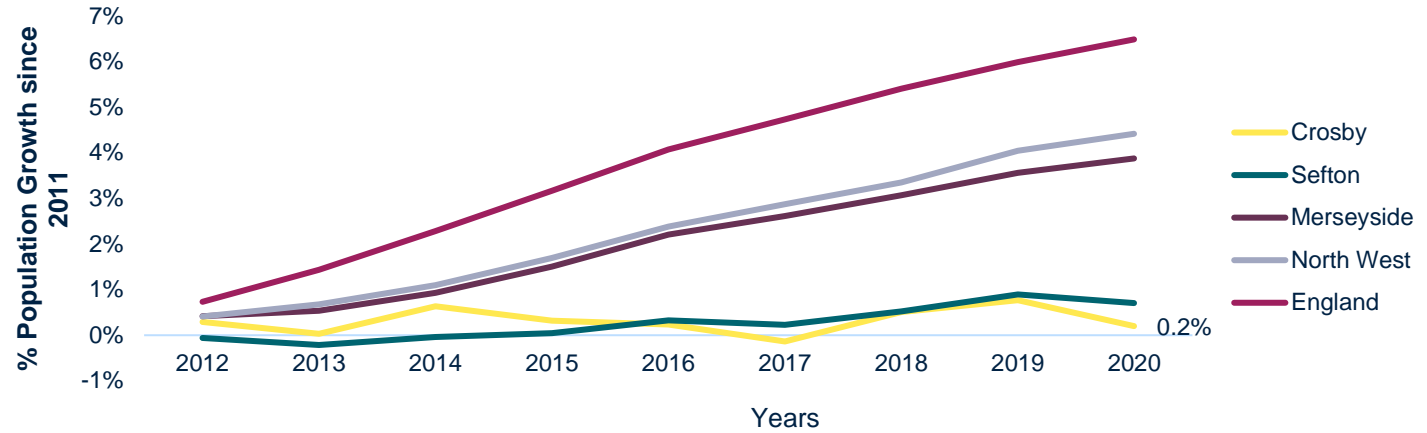
The population of Crosby and Sefton as a whole has remained fairly static over recent years, while the rest of the region and country have experienced growth.

However while the overall population has not grown the proportion of residents over 65 years has increased from 19% in 2011 to 23% in 2020. This equates to over 1,200 more over 65s in Crosby alone.

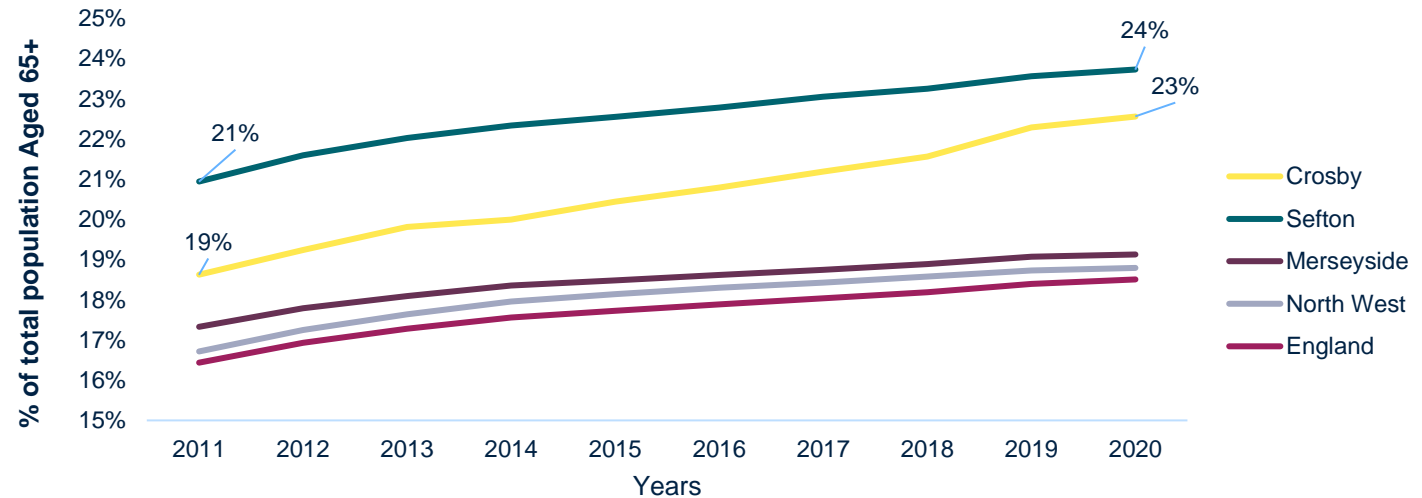
This age group is also likely to see the greatest projected growth across Sefton by around 22,200 or 37.6% by 2031. Also in Sefton the over 85 age group is projected to increase by around 6,900 or 87.0%, by 2031, while the number of adults of working age is due to fall by 17,207, or 11.4%.

To service this ageing population requires high quality, well accessible, healthcare facilities.

Population Growth since 2011



The change of Aged 65+ population over last 10 years



Strategic Case

Health Conditions

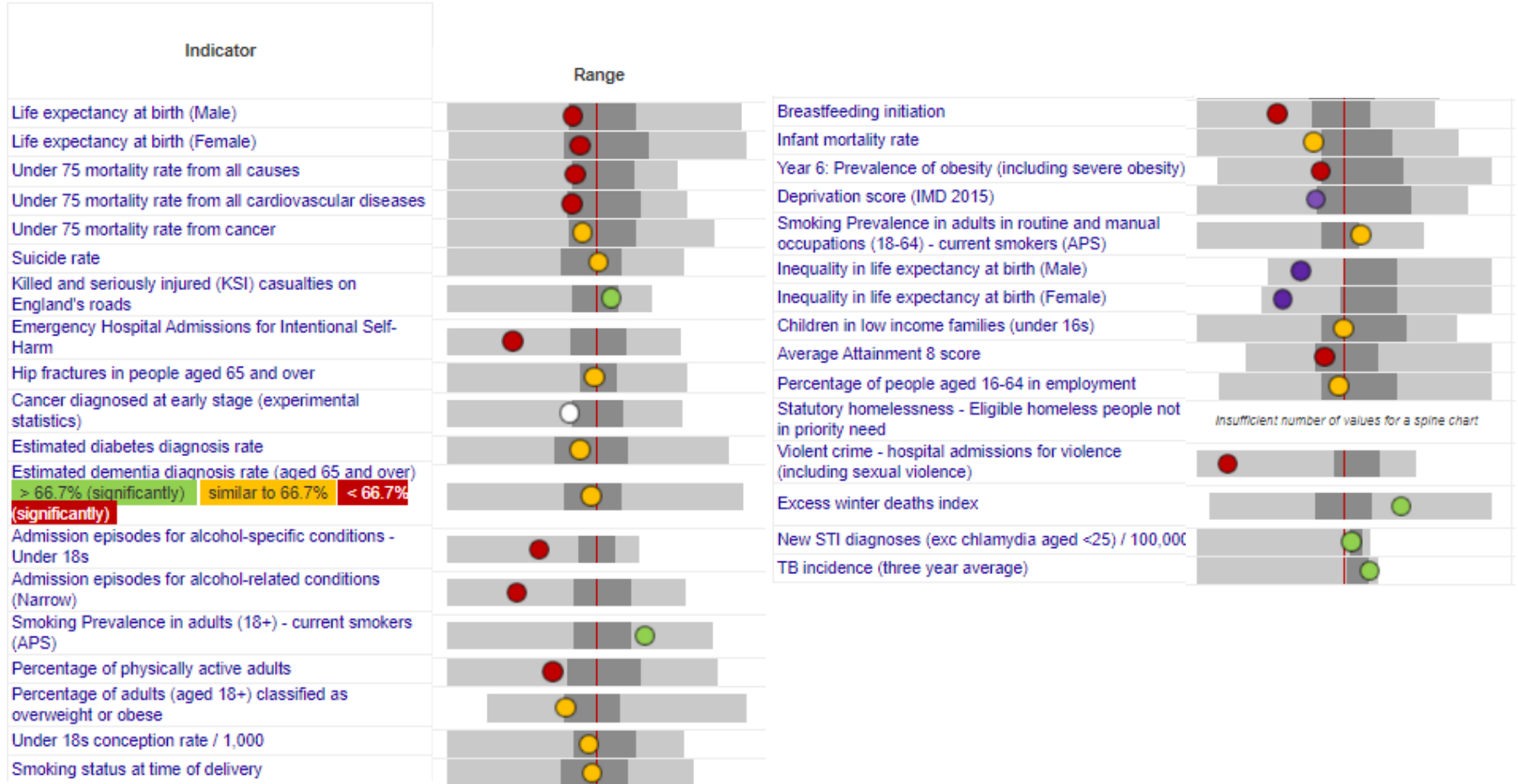
The data shows that Sefton faces a number of healthcare challenges with the local population experiencing higher incidents of:

- Low life expectancy
- Cardiovascular disease
- Admissions
- Alcohol related conditions
- Increasing overweight

These conditions and the burden they place on the health service, and impact they have on wellbeing outcomes, will increase with an ageing population unless improvements are made to the access and quality of healthcare services.

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Health Profile of residents in Sefton (coloured dots) Compared to the England Average (shaded bars)



Source: Local Authority Health Profile, 2020, Public Health England (Accessed 2021)

Strategic Case

Health Deprivation

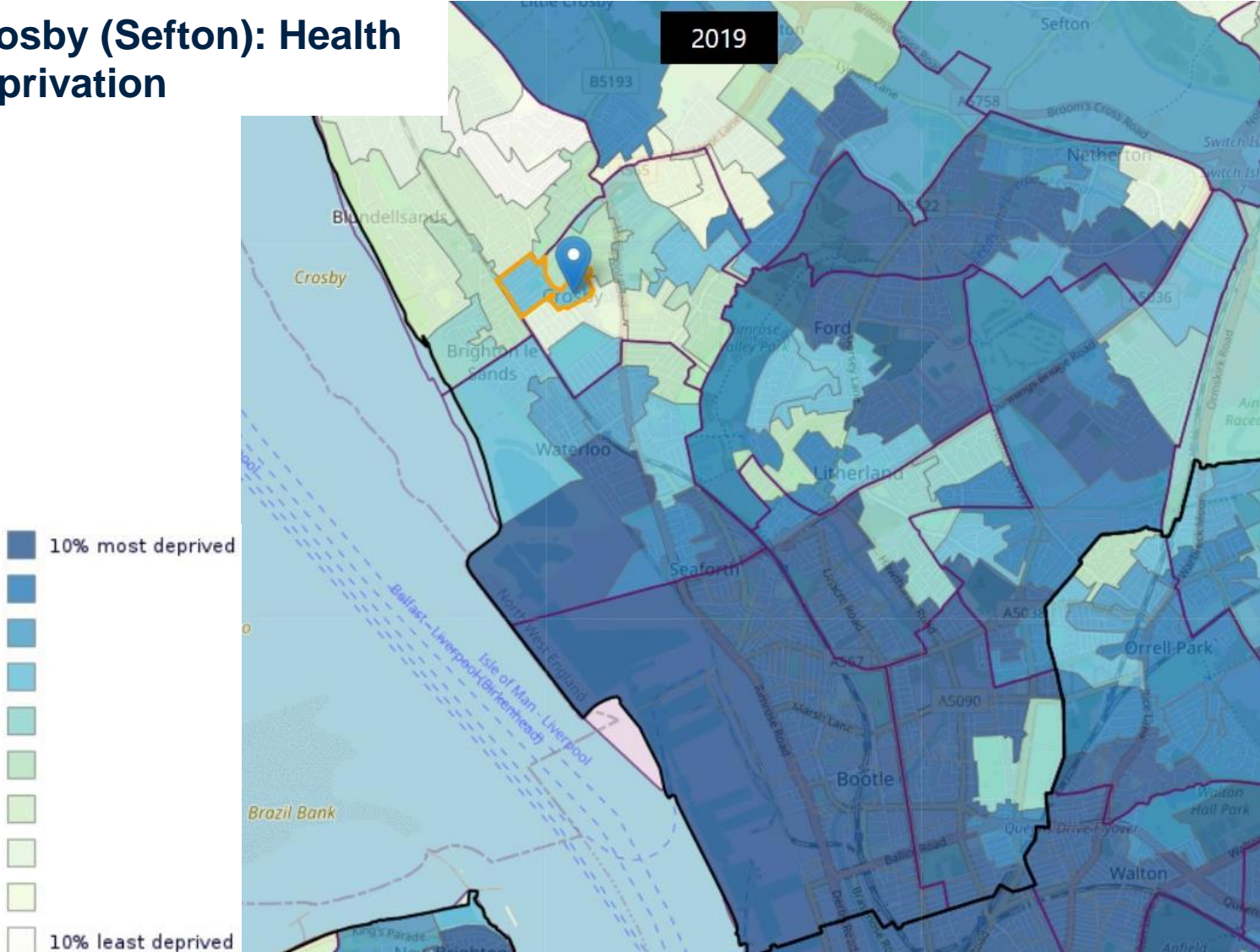
This graph shows 'Health Deprivation' ranking data from the Index of Multiple Deprivation for Crosby.

This shows that in 2019, this LSOA (Crosby) is ranked **13,091** out of 32,844 LSOA's in England; where 1 is the most deprived LSOA. This is amongst the 40% most deprived neighbourhoods in the country.

In 2015, this Crosby was ranked 13,659 out of 32,844, amongst the 50% most deprived neighbourhoods.

This suggests that health deprivation in Crosby is getting worse and needs addressing.

Crosby (Sefton): Health deprivation



Strategic Case

Healthcare Services

Health care services, including 3 GP surgeries [REDACTED]

The current healthcare services are delivered at a number of residential properties converted for healthcare use that are dispersed throughout the area [REDACTED]

Due to the demographic makeup of Crosby, the overall level of deprivation is high when assessing the health and wellbeing of existing residents. It is anticipated that the demand for healthcare services will increase in the foreseeable future due to an aging population. Demand on services relating to older people including adult social care and health services.

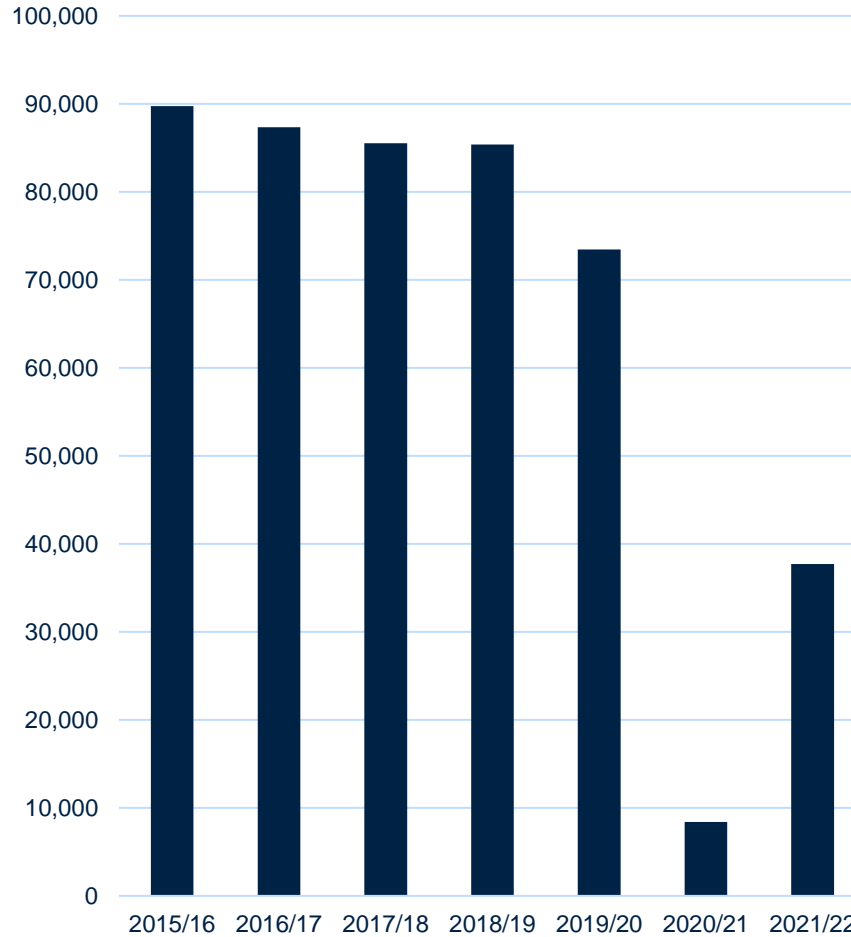


Skills and Learning

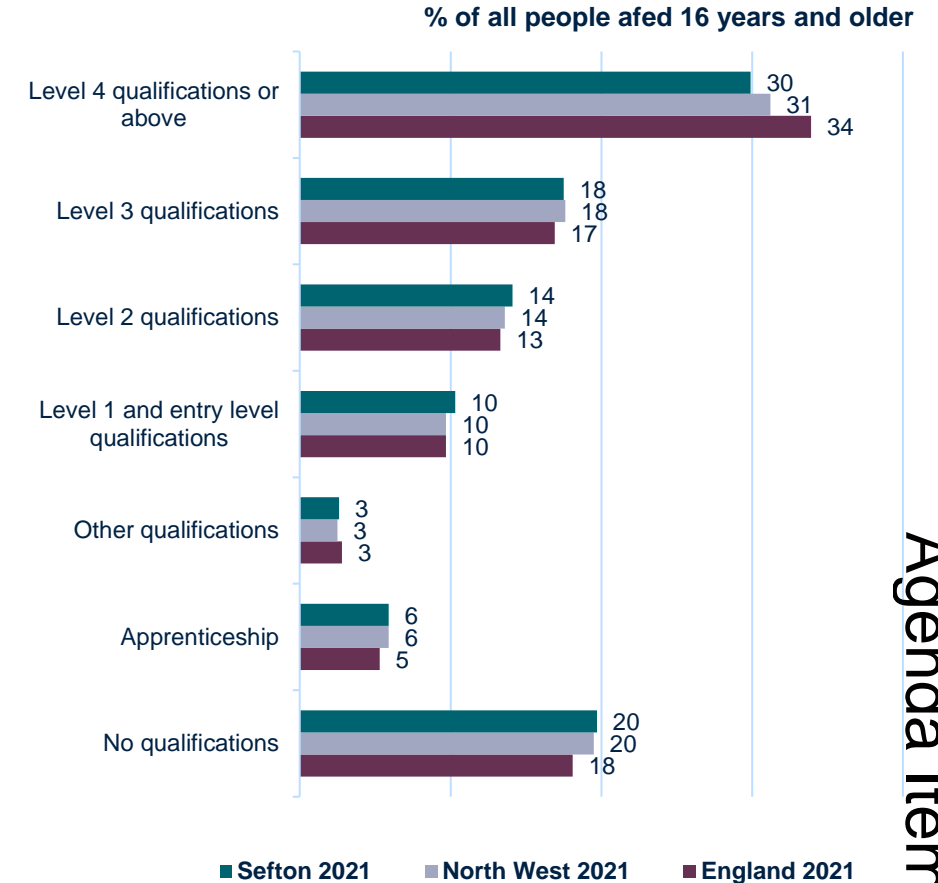
Modern, well designed libraries are important elements of community infrastructure that can support with learning, training and education outcomes, as well as health and wellbeing, community cohesion, and cultural outcomes. The current library is located 1.6km from the town centre and is disconnected from the community. Visits have been decreasing over recent years and are currently recovering from the pandemic's impact. The opportunity to bring this important asset into the town centre will deliver benefits to the centre itself, acting as a driver for footfall and activity, but also the wider benefits to the community from access of this valuable shared public resource.

While Crosby has good rates of skills and qualification attainment compared to the national average, Sefton as a whole does not. Sefton has a higher proportion of residents with no qualifications (20%) and those in apprenticeships (10%) and obtaining other qualifications (3%). These residents in particular would benefit from access to modern knowledge hubs provided by libraries to improve learning, education and skills outcomes.

Number of Library Visits



Level of qualifications 2021



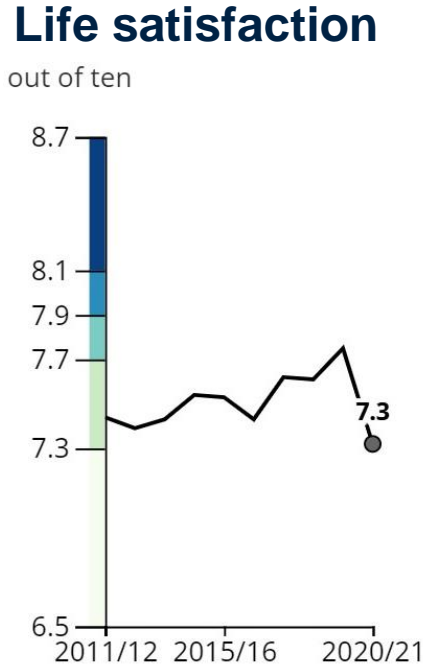
Strategic Case

Wellbeing

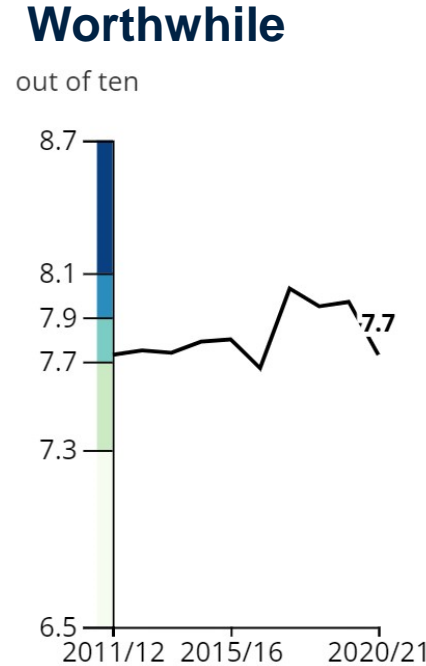
Across a range of indicators, including life satisfaction, happiness and anxiety, Sefton residents rank lower than national average, with a significant downward trend in wellbeing and life satisfaction scores over recent years.

Improvements, and investment to our centres, including essential services can improve sense of and wellbeing outcomes for communities.

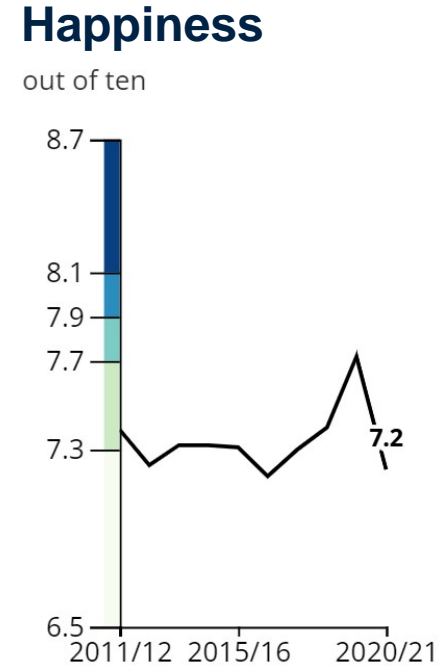
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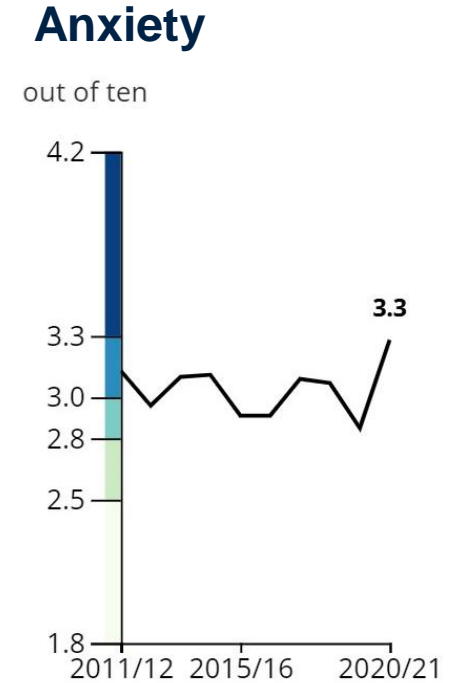
UK Average 7.39



UK Average 7.71



UK Average 7.31



UK Average 3.31

Strategic Case

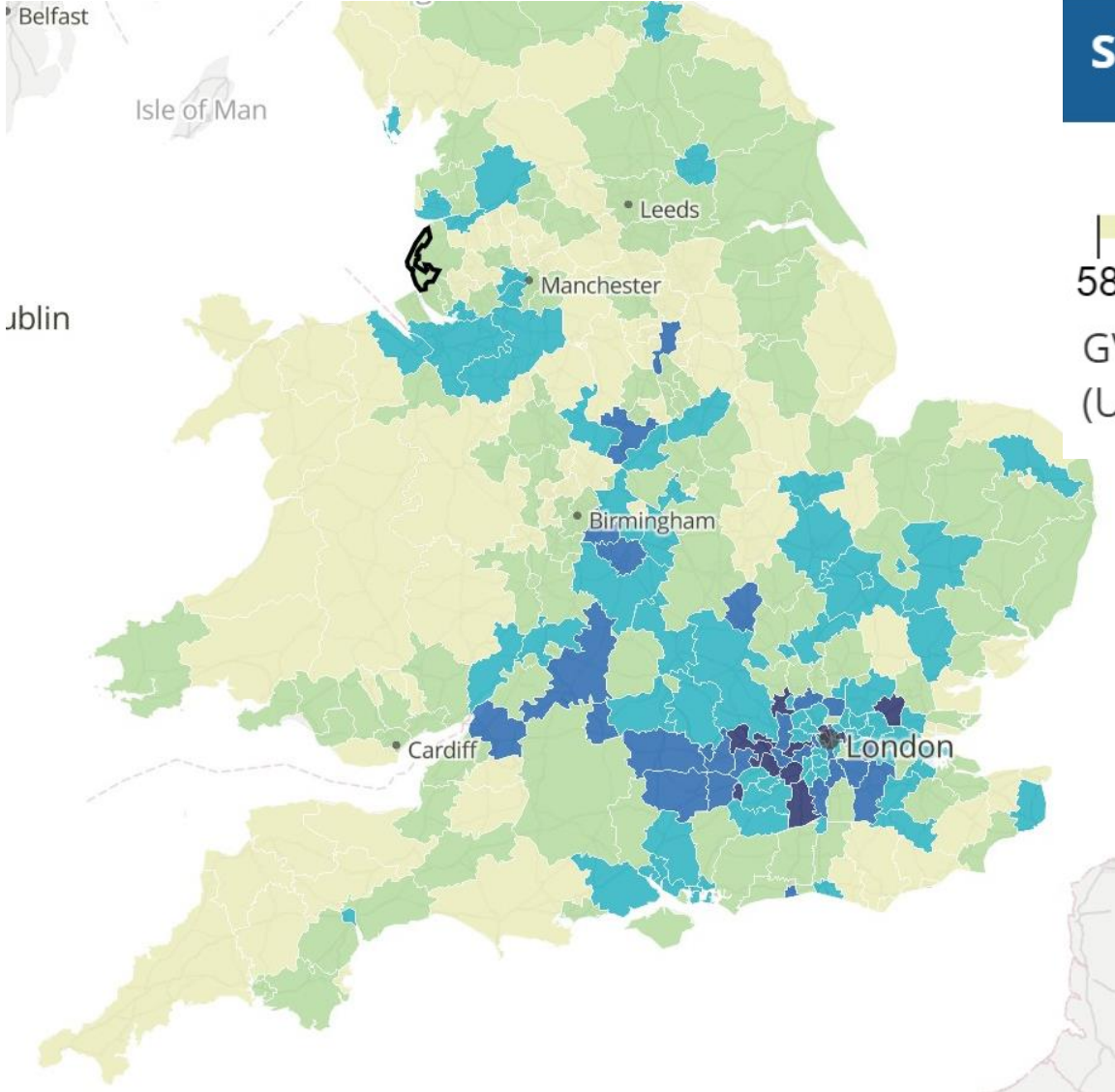
Productivity

Sefton generally has lower productivity compared to most other locations across the country.

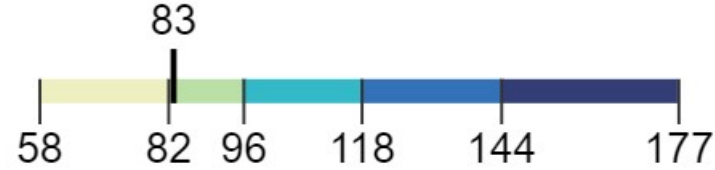
It is ranked in the lowest 30% of places in terms of productivity.

This suggests that the LA lacks high quality, high value, productive jobs and a diverse economy.

The potential to deliver flexible office employment space in the vibrant town centre could help unlock economic growth, business start ups, and retention of skilled and highly productive residents in the LA, rather than migrating out for work.



Sefton ✕



GVA per hour worked
(UK average = 100)

Rank 254 out of 363*

*Table A3: Nominal (smoothed) GVA (B) per hour worked (£); Local Authority District, 2019

Strategic Case

Businesses

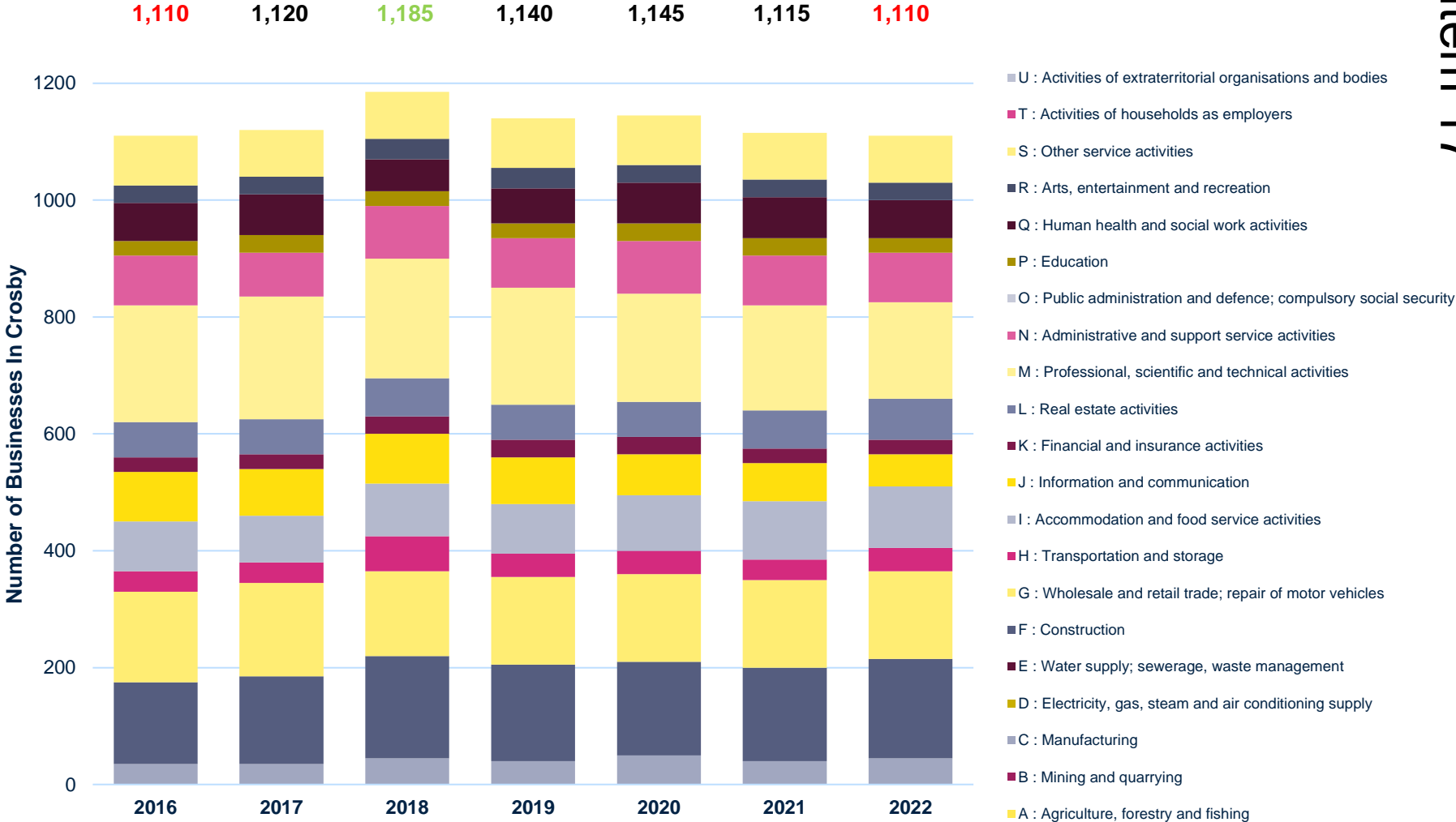
The total number of business in Crosby has been declining since its peak in 2018.

There are now 1,110 business in the town, the same level as in 2016.

This represents just 14% of the total Sefton business base, which has decreased from 15% in 2018.

The delivery of office space, as well as increasing footfall and vibrancy delivered to the town centre, will help to support business growth and productivity.

Total Businesses in Crosby, by Industry



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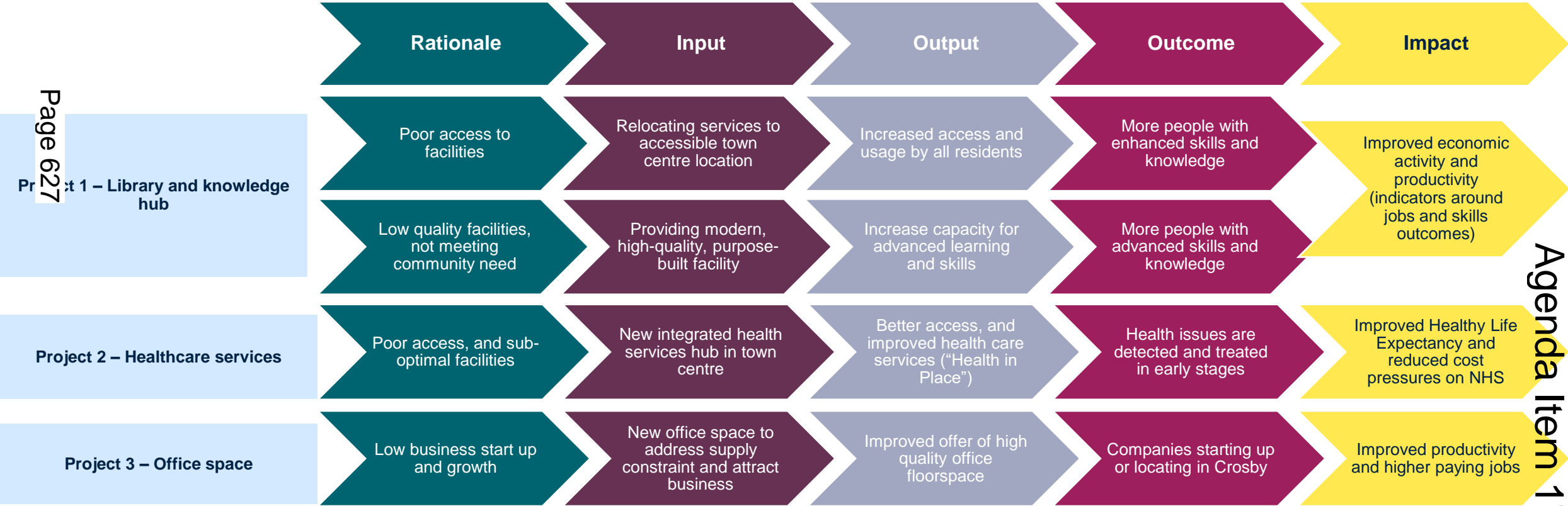
Strategic Case



Program Logic / Theory of Change

The Program Logic, or Theory of Change, creates a rationale and link between a challenge or opportunity facing our communities, a proposed or suggested action to intervene, and the expected outputs, outcomes and impacts that intervention will have. This Logic chain is an essential part of Government decision making at all levels. For the Crosby Library and Healthcare scheme the program logic is outlined below.

Program Logic / Theory of Change for Crosby New Library and Healthcare Centre



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Agenda Item 17

Strategic Case

Strategic Alignment

The proposal for Crosby New Library and Healthcare Centre aligns well with Local, Regional and National Policy.

Local and Regional Alignment

'Crosby Investment Strategy' & 'Crosby Village SPD'

The 2015 Investment Strategy and 2017 SPD articulates the vision that by 2030 Crosby will be a vibrant centre recognised for its distinctive character, high design quality and diverse mix of uses, and accessible to all sections of the community:

- re-establish Crosby village centre as the heart of the community, whilst complementing other pockets of activity in neighbourhoods through Crosby.
- have an attractive, clear and shared plan of action for Crosby village that the Council, community and investors can work together to achieve.
- To improve the fabric and appearance of the village centre through development.
- To enable the redevelopment of key sites to introduce new uses and occupiers, to increase footfall and activity within the centre that will support local independents.
- To deliver a series of short, medium and long term community and development projects.

From the vision and these objectives follows that developments attracting residents to the town centre are needed. Given the trend in e-commerce and online shopping, a retail-led redevelopment of Moor Lane as suggested in the SPD is no longer appropriate. Instead, community and leisure focussed redevelopments would be more likely to achieve the objectives.

Local Plan

This site is one of three core sites which are integral to the town centres continued prosperity. Local Plan Policy ED2 states that town centre uses will be directed towards existing centres, of which Crosby is the second highest priority group.

This development also addresses policies relating to non-retail town centre developments set out in the Local Plan. Firstly, the retail function of the Centre will not be compromised as this development would help to drive footfall through the centre. Secondly, the proposed use would make a positive contribution to the overall vitality and viability, by introducing a new cultural offer through the new library and the health centre. Finally, the site will be accessible by being located next to the bus interchange, drawing people in the town centre and servicing their needs in one central location; creating a cluster of essential services.

The proposed use on the site will positively contribute to the community's health and wellbeing, aligning with Policy EQ1, to increase accessibility of homes, education, jobs, public transport services, health and other services, recreational opportunities and community, cultural and leisure facilities.

Sefton Future Recovery Plan

The proposed scheme supports a number of themes in the Recovery Plan, in particular 'Live life well', 'No one left behind' and 'connecting it up' which looks to improve Health and Wellbeing for all, new and improved homes, town centre living, vibrant town centres and community focus.

LCR Spatial Development Strategy

The scheme also aligns with the LCR Spatial Development Strategy, which has a focus on Health and Wellbeing, along with a greater focus on place making and communities in which the modern health and leisure facilities will address.

National Policy Alignment

The Government's levelling up objectives are to improve connectivity and skills, to increase productivity, to enable business growth, and to maximise employment. LUF targets improvements in pay, work, and health, as well as the attractiveness of local areas for living and working. Projects should deliver highly visible investments in transport, regeneration and culture to improve pride of place.

Options Analysis

In order to ensure an informed decision is made a range of options have been considered at a high level to resolve the issues of poor access and poor quality library and healthcare facilities in Crosby. High level analysis has been undertaken on a range of options and these have been RAG Rated ('Red, Amber, Green') to identify preferred options to take through to the next stage of financial and economic analysis.

The following pages outline the options analysis and RAG rating.

This indicates that doing nothing, no investment, and continuing with Business As Usual (BAU), is not a suitable response due to the challenges and issues already outlined in this report, as well as the ongoing financial burden on the existing Library and need for urgent repair works.

Options which would see only partial development of the Green Car Park site (Option 1) are not taken forward as they are high in cost and do not maximise the productive use of that land to delivery wider community benefit.

Options which include residential development on the Green Car Park site (Option

4, 5 and 6) have also been rejected due to the potential planning policy issues associated with delivering residential development without sufficient outdoor space or amenity space.

Options which do not provide a solution to the existing library site have also been discounted. This would result in creating a derelict and unproductive area and would not deliver any significant cost savings to have an overall positive financial impact on councils bottom line.

The two options selected for further analysis, Option 3 and 8, both involve the full redevelopment of the Green Car Park site for community and health use, and also the residential led development of the existing Library site at Waterloo. The difference between these options is that one is developer led (Option 3), the other council led (Option 8).

The rationale for selecting these two options are that they both deliver maximum productive use of council land, while also being able to leverage value and funding to cross subsidise high upfront costs. They are also both likely to deliver long term cost savings to council, and wider economic and social value benefits to the community.

These options have been taken through into the full assessment.

Strategic Case

Option / Scenario	Description	Floor space	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Business as Usual	No investment in new facilities. The Green Car Park site will remain as a car park. The existing Library in Waterloo will still require significant investment in the short term, and continue to provide high costs to council in management and maintenance.	NA	This option does not support any local, regional or national priorities in terms of improving access or life outcomes for our communities.	<ul style="list-style-type: none"> Upfront Costs: High, including emergency repairs Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: lower than Option 2 Wider public welfare benefits: lower than Option 2 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option
Opt Libr 1 - New only	The Green Car Park will be developed to deliver a new Library only. The existing library will be closed, but not developed. Healthcare services will continue to be distributed, and no other development proposed.	800 sqm	Aligns with local strategy to improve Crosby village centre, but creates a high financial burden on Council for the development and continued maintenance of the existing library site.	<ul style="list-style-type: none"> Upfront Costs: High, for the development of new facility Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: lower than Option 2 Wider public welfare benefits: lower than Option 2 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option
Option 2 - New Library, Healthcare centre and Office provision	The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be closed, land will remain in Council's ownership (no new development proposed here).	2,360 sqm	Aligns with local strategy to improve Crosby village centre, and delivers a range of services from one site. But creates a high financial burden on Council for the development and continued maintenance of the existing library site.	<ul style="list-style-type: none"> Upfront Costs: Very High Whole Life Costs: High, but revenue potential by renting out the Healthcare and Office space 	<ul style="list-style-type: none"> Economic Benefits: High (~£5.1m p.a.) Wider public welfare benefits: High (£28.8m over a 5 year appraisal period) 	<ul style="list-style-type: none"> Achievability : Good Financial delivery: Poor 	Discounted - Not a suitable option

Strategic Case

Option / Scenario	Description	Floors pace	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Option 3 – As per Option 2, but existing Library site sold to private developer	The Green Car Park site will be developed into a new Library, healthcare, and office hub. The existing library will be sold to a developer for residential led redevelopment.	2,360 sqm	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement.	<ul style="list-style-type: none"> Upfront Costs: unclear; likely to be upfront revenue due to the sale of the existing library site which could be used to cross subsidise the development of the new facilities. Whole Life Costs: Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> Economic Benefits: High Wider public welfare benefits: High 	<ul style="list-style-type: none"> Achievability: Good Financial delivery: Potentially Good 	<ul style="list-style-type: none"> Taken forward
Option 4 - New Library are and Res abo	The Green Car Park site will be developed into a new Library and healthcare hub, with residential development above (As per LUF Round 1 funding bid scheme). The existing library will be closed, but remain in council ownership.	4,470 sqm	Aligns with local strategy to improve Crosby village centre, and delivers a range of services from one site. But creates potential policy challenges due to amenity and open space for incoming residents in the town centre.	<ul style="list-style-type: none"> Upfront Costs: higher than option 2 Whole Life Costs: higher than option 2 	<ul style="list-style-type: none"> Economic Benefits: High Wider public welfare benefits: High 	<ul style="list-style-type: none"> Achievability: Poor, due to planning restrictions Financial delivery: Poor 	Discounted - Not a suitable option
Option 5 – As per Option 4, but existing Library site sold to private developer	As above, but the existing Library site in Waterloo will be sold off to a developer to deliver housing led development.	4,470 sqm	Generally good alignment with local, regional and national policy. Potential issues with developer led approach to former library site, however this could be mitigated through negotiation and SMBC control of any development agreement. Also creates potential policy challenges due to amenity and open space for incoming residents into town centre residential units.	<ul style="list-style-type: none"> Upfront Costs: Potential for revenue generation from sale of housing Whole Life Costs: Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> Economic Benefits: High Wider public welfare benefits: High 	<ul style="list-style-type: none"> Achievability: Poor, due to planning restrictions Financial delivery: Good 	Discounted - Not a suitable option

Strategic Case

Option / Scenario	Description	Floor space	Strategic Alignment	Financials	Economic Case	Deliverability	Overall Rating
Option 6 – New Library and Residential development	Green Car Park will be developed into a new Library with residential development above. The existing library will be closed, land will remain in Council's ownership.	2,250 sqm	Generally good alignment. But creates potential policy challenges due to amenity and open space for incoming residents.	<ul style="list-style-type: none"> Upfront Costs: High Whole Life Costs: High 	<ul style="list-style-type: none"> Economic Benefits: High Wider public welfare benefits: High 	<ul style="list-style-type: none"> Achievability: Poor Financial delivery: Poor 	Discounted - Not a suitable option
Option 7 – Developer partnership approach – New Library, Old Library plus further sites across the borough	Developer takes over both the existing library site and the Green Car Park. Green car park to be developed to library, health hub/office space. Existing library to be developed to provide homes. Further sites need to be added to make project viable for developer – potentially between 10-20 sites across the borough	Sig.	Generally good in terms of overall policy alignment. However potentially too many issues associated with local procurement, social value and potential planning and policy challenges.	<ul style="list-style-type: none"> Unclear, however likely a positive financial position could be negotiated for the Council 	<ul style="list-style-type: none"> Benefits likely to be high in fast tracking economic and regeneration projects 	<ul style="list-style-type: none"> Achievability: unclear Financial delivery: Good 	Discounted - Not a suitable option
Option 8 – Council led redevelopment of the Green car park and existing library site (Waterloo)	Similar to Option 3, but Council led. Green Car Park will be developed into a Library and health hub/office. The existing library site will be redeveloped for residential led mixed-use development.	2,250 sqm	Good alignment and covers a number of strategic policy drivers including affordable residential development and improved town centres.	<ul style="list-style-type: none"> Upfront Costs – High, but potentially offset by sale of residential development on Waterloo site, leading to funds to cross subsidise the Green Car Park Whole Life Costs – Low, rental costs at new Library site only. 	<ul style="list-style-type: none"> Economic Benefits - High Wider public welfare benefits – High 	<ul style="list-style-type: none"> Achievability – Good Financial delivery – Good 	Taken forward

Strategic Case

Preferred Option

The options that are seen as most likely to be deliverable (both financially and from a policy alignment perspective) and are in line with local stakeholders' ambitions are Option 3 and 8. Both options deliver the same development outcomes. The Green Car Park site is redeveloped for a new library, healthcare centre and offices, while the existing library site in Waterloo is redeveloped for residential development. The only difference between the options is the delivery strategy. In Option 3 the Waterloo site is sold to a private developer to deliver residential development. In Option 8, Council retain ownership and deliver the scheme. The remainder of this report assesses both delivery options.

Green Car Park Redevelopment



Green Car Park to be redeveloped into a Library and Health Hub including

- Health hub (1,559 sqm)
- Library/Community space (800 sqm)
- Public Realm enhancement (3,354 sqm; Library Square and Car Park only)

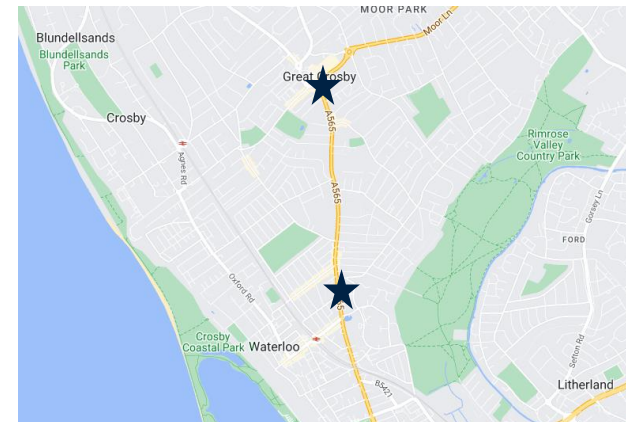
Waterloo Existing Library Redevelopment



Existing library at Waterloo to be redeveloped into 98 residential units with a focus on affordable housing and starter homes in line with local ambitions

- 48 units of 2 Bedroom flats (starter homes)
- 12 units of affordable 2 Bedroom houses
- 5 units of 2 Bedroom houses at market rates
- 13 units of affordable 3 Bedroom houses
- 20 units of 3 Bedroom houses at market rates

Contextual Map both Sites



The star in Great Crosby shows the location of the Green Car Park. The star further south near the Waterloo Station shows the current Waterloo library.

3

Financial Case

Introduction

This section considers the Financial Case for the preferred Options. This considers the real financial costs against the likely financial values of the scheme to demonstrate the long-term viability of the scheme (i.e. Waterloo site and Green Car Park site).

This considers the operational financial implications for council, as well as the costs and potential profit of capital development works which could be undertaken by council on both sites.

To assess the Financial Case at OBC stage we have based our analysis on the Development Viability Appraisal prepared by Savills. This was undertaken using the latest BCIS data for Sefton as well as analyzing the Government's Land Registry to compare residential values. It has also considered advice from Avison Young (advice provided to SMBC) on the potential commercial values from healthcare occupiers.

We have conducted a blend of Residual Land Value (RLV) Appraisal and long-term revenue/cost saving analysis in excel to provide an estimate.

Caveats and Limitations

- The financial appraisal is based on data provided by SMBC directly, regarding the operational model of the current facilities, or consultants working for SMBC (e.g. AY) regarding potential costs and values of the schemes. Savills has also used data from BCIS and local property market data.
- The financial analysis for development schemes has applied a RLV estimate based on the DCLG Appraisal Guide which is suitable high-level analysis to inform policy appraisal.
- The financial analysis is not a Red Book valuation, and should the scheme require valuation for sale then a Red Book appraisal would be required.
- The analysis is based on point in time data and as such subject to change. The market is changing rapidly at the moment, with high-cost inflation and forecasts

for decreased property values, as such caution should be used when reviewing the viability of the schemes and analysis regularly updated.

Financial Case

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NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt.

Page 636

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4

Economic Case

Economic Case

Introduction

The Economic Case sets out the economic benefits of the investment to the wider public, thus, these do not represent financial gains to the Council. It presents evidence of the expected impact of the investment on the economy as well as its social and wider impacts. At this stage, no wider Health and Wellbeing factors having been considered.

Approach

The HMT Green Book and DCLG Appraisal Guide set out guidance on how the benefits of property and development interventions should be measured. Land Value Uplift (LVU), which is the impact an intervention will have on the productivity and value of land, is the core and preferred metric for assessing property related interventions. The LVU impacts are seen as a catch all for a range of different benefits and are a move away from traditional economic benefits such as Jobs and GVA. However the guidance also provides flexibility to allow other economic, social and environment benefits to be claimed as part of the economic case for schemes.

The following sections set out our working and estimate of the economic benefits that the investment in the Option 3/8 redevelopment project could deliver.

Direct Land Value Uplift

This considers the potential of the scheme to bring low quality and low productive land into more productive and valuable use. This considers the Existing Use Value (EUV) of the current site and the Future Use Value (FUV) of the site once development has been completed. The FUV is assessed using the Residual Land Value (RLV) appraisal approach which considers the Gross Development Value (GDV) of the development produced minus the development costs. In line with Green Book guidance, affordable homes are valued at market prices to demonstrate their value to society.

The analysis presented in the tables shows that the Green Car Park site as a negative LVU impact as it is already in a productive and valuable use as a car park.

The Waterloo site would have a positive LVU impact as this site is not currently used as productively as it could be and redevelopment could deliver additional benefits.

Direct LVU Green Car Park site		
	Reference Case	Green Car Park site
GDV	£ 380,000	£ 11,395,000
Costs	£ -	£ 11,183,635
RLV	£ 380,000	£ 211,365
LVU	-£	168,635
Additionality		
Leakage	25%	
Displacement	25%	
Net Additional Impact	-£	94,857
NPV Discounting		
NPSV LVU	-£	82,663

Direct LVU Waterloo Site		
	Reference Case	Homes on Current Library Site
GDV	-£ 1,000,000	£ 18,538,000
Costs	£ -	£ 14,040,303
RLV	-£ 1,000,000	£ 4,497,697
LVU	£	5,497,697
Additionality		
Leakage	25%	
Displacement	25%	
Net Additional Impact	£	3,092,455
NPV Discounting		
NPSV LVU	£	2,886,840

Economic Case

Wider Land Value Uplift

This considers the same LVU metric principles as the above, however it is focused on the impact of the intervention on the wider area. This considers the amount and type of development in the surrounding area which is impacted by the site in its current state, and will be impacted by the future redevelopment of the site. A displacement factor of 20% is applied to all WLVUs to account for the fact that some uplifts will come at the expense of others.

Waterloo site

The site would generate a WLVU of approx. £6.8m. This is mainly driven by an increase in prices of residential units in Postcode areas adjacent to the site. Office units also benefits from a substantial uplift. This uplift is relatively large due to office rents in the area currently being very depressed. Retail units also stand to benefit, however, to a smaller extent since these are already relatively high.

Green Car Park site

Because the site would host a larger scheme including Public Realm elements, a wider impact radius of 500 Meters was deemed appropriate for the assessment. The WLVU is mainly driven by residential values in the area, which are expected to increase. Retail values are also anticipated to increase substantially due to the increase in footfall driven by the hub and the revived town centre. Because office rents are already relatively high, little impact is expected here.

NPVB WLVU Waterloo	
Residential	£ 3,339,936
Office	£ 2,399,879
Retail	£ 1,027,614
Industrial	£ -
Total NPVB WLVU	£ 6,767,428



0.15 Miles radius around Waterloo site, source: CoStar

NPVB WLVU	
Residential	£ 30,166,600
Retail	£ 3,750,194
Commerical	£ 191,991
Industrial	£ -
Total NPVB WLVU	£ 34,108,785



0.3 Miles radius around Green Car Park, source: CoStar

Economic Case

Labour supply impacts

The scheme will create job opportunities for local people. This will include opportunities for long term unemployed or new entrants into employment. This will deliver wages uplift impacts. We anticipate only 10% of the jobs supported at the site will go to new entrants and that only 40% of the benefits will be welfare benefits, this will be benefited over 5 years. Because no productive premises are delivered at Waterloo, no labour supply impacts are assessed here.

Crime reduction impacts

The scheme will replace a redundant car park overlooking back of properties, which creates safety and crime issues, into a high quality new mixed use development including public space with both passive and active surveillance from residents. Crime reduction impacts were estimated for both sites. Reductions are estimated for a 1-mile radius for the Green Car Park and for a 0.25-mile radius for the Waterloo site. Displacement for both sites is assumed to be high reflecting that reduced crime is likely to occur elsewhere instead.

Amenity

The public realm improvements will have additional amenity benefits, and according to MHCLG of £109,000 per ha, which is calculated over 5 years.

Since only the Green Car Park site will deliver Public Realm improvements, amenity value can only be estimated for this part of the scheme.

Labour Supply Impact Green Car Park	
Number of jobs generated as a result of investment	31
Percentage of jobs taken up by new/re-entrants to labour market	10%
Number of labour market entrants/re-entrants	3.13
GVA per worker (current prices)	£44,517
Welfare impact of labour market entrants/re-entrants	40%
Total benefit per year, current prices	£ 55,697
Present Value of Benefit	£ 234,751

Crime Reduction Green Car Park	
Incidences of crime	600
Reduction	10%
Monetary cost of crime (at current prices)	£1,244
Reduction in number of incidents (Gross)	60
Displacement	75%
Net Reduction in Number of incidents	15
Benefit per annum	£ 18,666
Duration	5
Present Value of Benefit	£ 74,428

Crime Reduction Waterloo site	
Incidences of crime	476
Reduction	10%
Monetary cost of crime (at current prices)	£1,244
Reduction in number of incidents (Gross)	48
Displacement	75%
Net Reduction in Number of incidents	12
Benefit per annum	£ 14,809
Present Value of Benefit	£ 59,046

Amenity Benefits Green Car Park	
Area (sqm)	3,354
Benefit per annum	£ 36,605
Present Value of Benefit	£ 145,956

Economic Case



Economic Case Appraisal Summary

This demonstrates that the redevelopment of both sites would deliver substantial benefits to Crosby and its residents. When compared to the amount of money (approx. £15m) the council would have to borrow beyond 2025 (the assumed completion date for both sites), the BCR works out at around 2.75, which is 'Very High' Value for Money.

Benefits Waterloo Site	
Direct Land Value Uplift (LVU)	£2,886,840
Wider LVU	£6,767,428
Labour supply impacts	£0
Crime reduction impacts	£59,046
Amenity benefits	£0
Total benefits	£9,713,314

Benefits GCP Site	
Direct Land Value Uplift (LVU)	-£82,663
Wider LVU	£34,108,785
Labour supply impacts	£234,751
Crime reduction impacts	£74,428
Amenity benefits	£145,956
Total benefits	£34,481,257

Benefits both Sites	
Direct Land Value Uplift (LVU)	£2,804,177
Wider LVU	£40,876,213
Labour supply impacts	£234,751
Crime reduction impacts	£133,475
Amenity benefits	£145,956
Total benefits	£44,194,571

5

Delivery Strategy

Introduction

This section considers the potential delivery strategies which could be utilised by Council to deliver the schemes. Again a Red, Amber, Green (RAG) rating has been applied based on an initial assessment (rather than detailed financial analysis) of which option would have the greatest impact on Council. This considers value, in terms of the likely profit or value to SMBC; Costs, in terms of SMBC financial contribution; Risk and uncertainty shared by SMBC; Resource, including SMBC staff resource to manage delivery; Impact, including the potential to deliver an impactful scheme which will have wider economic and social benefits to the area; and Control, in terms of the level of influence SMBC will retain in the process (including retained freehold).

Delivery Strategy overview

The following diagrams present a logic flow between a Council Led and Developer Led process for the delivery of both the Waterloo Library site and Green Car Park site

This suggests that for the Green Car park, a Council led approach, which would see SMBC deliver the scheme, and then sell and lease back the site could be most effective. This would require SMBC to raise capital to fund the development, and then agree a sale of the final scheme to an operator. At the same time the council would agree a lease deal with the operator for the Library site. The operator would then take on the management responsibility for the entire site.

This would give SMBC an initial capital return (selling the long term lease of the scheme), low maintenance costs (as that would be for the operator), retain control (including freehold of the asset) and agree a set rent for the library site and secure its long term operation.

However, for the Waterloo Site, a initial sale of the site and development potential on the site would seem to be the most appropriate, highest value, and deliverable.

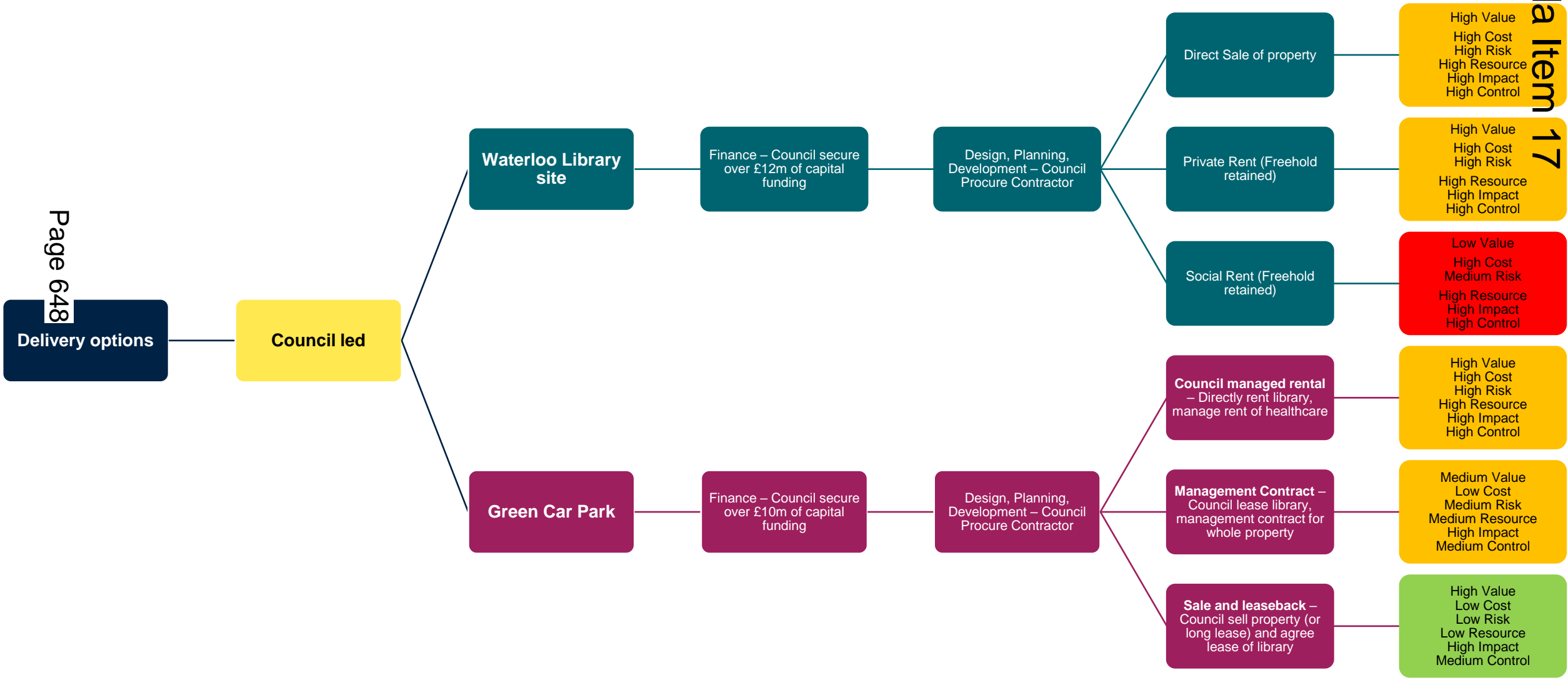
This would see SMBC sell the site and the development opportunity on the site to a

potential developer. This would deliver an initial capital return which SMBC could invest in the delivery of the Green Car Park.

This sale could allow a developer to come forward with revised and highest value scheme for the site. There may be potential for SMBC to retain ownership (freehold) in part of the site, depending on the deal done. This is a low risk, low resource, and high impact strategy.

All of these delivery options require further investigation as well as decision making by SMBC over appetite for risk and control in the scheme.

Delivery Strategy – Council led



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Delivery Strategy – Developer led

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Delivery options

Developer led

Waterloo Library site

Green Car Park



Agenda Item 17

Delivery Strategy

Development Team view

Advice was sought from Savills Development Team who have experience of delivering similar projects elsewhere. Their initial review of the scheme, site and development potential, led to similar conclusions on the overall delivery strategy that would deliver best returns to SMBC. They suggest the following two delivery options:

- **Sale of both sites to Developer;** Health - focused Developer to deliver site and enter long term lease deal with GP surgeries' partners. Council to become tenant entering a long-term lease deal for town centre hub (i.e. Library + Health).

Advantages:

- Developer taking on financial liability and associated risks;
- Potential to hand Waterloo site over to Affordable Housing association who can apply for grant funding from Homes England to improve overall viability

Disadvantages:

- Council giving up control over delivery
 - Council potentially having to agree to pay higher rent for library premises to make delivery viable for Developer
 - Council potentially having to review plans for homes at Waterloo and a) decrease the share of affordable housing, or b) increase density, or c) include mixed-use elements to make delivery viable
 - Homes England grant funding only available if no affordable housing commitment in Planning Permission
 - Only health focused or smaller scale developers will likely be interested, such as Cityheart who specialise in working with the public sector to deliver and manage regeneration projects
- **Council delivery of both sites.** This would require SMBC to either allocate existing staff or employ additional staff to manage the delivery. Alternatively, the

Council could outsource the management of the delivery to a developer for a fixed fee (likely around 3% of construction costs).

Advantages:

- Developer to manage contractors, thus, no additional staff required at SMBC
- Council remaining in full control of delivery

Disadvantage:

- Council taking on financial liability and associated risks

Other Factors to Consider

The market is currently very tight due to reduced availability of funding. This is expected to ease next year. This may mean initial sales of the site are difficult to achieve. However developers would be interested in low risk sites and schemes such as this, with good support from the LA. This also increases the risk of a Council led delivery, as it increases the risk and pressure on Council to deliver and then offload the scheme.

While costs for build materials seem to have plateaued and have shown signs of starting to decrease indicating that construction inflation is likely to ease. However, there is still significant uncertainty in the market, and potential for future fluctuations.

6

Recommendations and Next Steps

Recommendations and Next Steps

Recommendations

In summary, the analysis finds that the approach should be a blend of a Council led approach – for the Green Car Park site – and a Developer led approach – for the Waterloo site.

For the Green Car Park site to be cross subsidized by the sale of the Waterloo site to a developer, the approach to the Waterloo redevelopment should be reconsidered. Further densification, commercial elements and more market homes could contribute to increasing the land receipt from selling the site.

A council owned Green Car Park site would generate an income to the Council that can be used to pay for the ongoing financing costs of the site.

We recommend the following:

- Further analysis on existing car parking revenues and costs at Green Car Park is undertaken to understand the true financial position
- Further financial analysis and more detailed development appraisals are undertaken on both schemes to consider the financial implications with the aim of defining a Red Book land valuation for both sites
- The initial draft Waterloo Library site scheme is reviewed and revised to consider the potential for increased density and mixed use options to maximise value, return to council and delivery of social and community outcomes
- Further advice from SMBC Planning division is sought on the potential development potential of both sites. This should consider the potential of the Green Car Park site to accommodate high density residential development without amenity provision. This could help create a more viable and self sufficient scheme
- Soft market testing or initial discussions with real estate agents, developers and occupiers is undertaken to inform the delivery strategy.

We feel that the above would support SMBC to further advance thinking and decision making regarding a preferred delivery strategy for the scheme.

Next Steps

We are still waiting on the outcome of the LUF bid. In the meantime, next steps may include:

- SMBC to review the evidence presented here and consider the key factors driving decision making. Is the key priority reducing risk, exposure, and resource, or is it about maintaining control and maximising values?
- What are SMBC's ambitions for both sites, and is high density mixed use development a priority to unlock the significant benefits of both sites? If so, values and financial variability could be improved with higher density schemes
- The recommendations presented here would form a useful next stage of work, which would provide SMBC will all of the information needed to inform a delivery strategy and commence negotiations and discussions.