

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 7 MARCH 2024

PRESENT: Councillor Atkinson (in the Chair)

Councillors Cummins, Doyle, Fairclough, Howard, Lappin, Moncur, Roscoe and Veidman

134. TRISH HARDY

The Leader referred to former Councillor Trish Hardy's decision to step down from her role as a Councillor, and she paid tribute to Trish Hardy, wishing her well for the future.

135. APOLOGIES FOR ABSENCE

No apologies for absence were received.

136. DECLARATIONS OF INTEREST

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

137. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the meeting held on 8 February 2024 be confirmed as a correct record.

138. PROCUREMENT OF COMMUNITY INFECTION PREVENTION AND CONTROL SERVICE

The Cabinet considered the report of the Director of Public Health seeking approval to:

- undertake a Direct Award under Process C of the Health Care Services Provider Selection Regime (PSR) 2023, including publication of a notice to make an award to the existing provider (as set out in schedule 3 PSR 2023) to Mersey Care NHS Trust to provide community infection prevention and control services from the 1 September 2024 for a core period of 3 years with the option to extend (subject to satisfactory on-going performance) for a further 2 X 1-year periods.

- grant delegated authority for the Director of Public Health in consultation with the Cabinet Member - Health and Wellbeing, to authorise and execute extensions to the contract within the terms of the Direct Award.

An Equality Analysis Report - Sefton Community Infection, Prevention and Control Service 2024 was attached to the report as an appendix.

Reference was made to key criteria for assessing provider eligibility and for meeting social value in particular. Additional information could be obtained.

Decisions Made:

That the Director of Public Health, in conjunction with the Cabinet Member - Health and Wellbeing, be authorised to:

- (1) make a Direct Award to Mersey Care NHS Trust from 1 September 2024 for the provision of community infection prevention and control services under Process C of the provider selection process; and
- (2) exercise any extension options within the terms of the Direct Award.

Reasons for the Decisions:

1. The current contracts would expire on 31 August 2024.
2. The existing provider of services, Mersey Care NHS Trust, was satisfying the original contract and was likely to satisfy the proposed new contract meeting the selection criteria for Direct Award Process C.
3. Assurance of satisfactory performance was evidenced against the five key criteria for assessing provider eligibility under Direct Award Process C:
 - Value
 - Integration, collaboration, and service sustainability
 - Improving Access, reducing health inequalities, and facilitating choice
 - Social Value

Having determined through written confirmation that Mersey Care NHS Trust wished to continue to provide services under the conditions outlined in the current service specification, officers assessed and evaluated the above key criteria using an agreed set of service specific quality and performance questions and Sefton Council's outline for meeting social value as set out in the PSR Process C guidance.

Scores were compared and moderated. All scores reached satisfactory or above outcomes with all five assessed areas achieving a pass score of 3 or above.

Alternative Options Considered and Rejected:

- 1) **Direct Award Process A** – while the service required highly specialist trained staff limiting the number of providers able to provide the required services, the Council did not consider the existing provider to be the only capable provider and the Council was not concluding a framework agreement. Therefore, Direct Award Process A was not appropriate.
- 2) **Direct Award Process B** – this service provided specialist and technical assurance to the local authority on infection, prevention and control standards and safety measures relating a number of commissioned health and social care settings and environments. It was not a service where people had a choice of providers or where the number of providers was restricted by the authority. Therefore, Direct Award Process B was not appropriate.
- 3) **Most suitable provider process** – where the relevant authority was able to identify the most suitable provider this option could be considered without running a competitive process. This process was not required as the existing provider met the criteria for Direct award process C. Therefore, most suitable provider process was not appropriate.
- 4) **Competitive Process** – previous competitive commissioning exercises resulted in very little interest in this service contract. The local authority only received one bid for consideration within the last competitive tendering exercise.

In line with the PSR criteria for Direct Award Process C, Services were not changing considerably. Public health officers had recently (within the previous three months) reviewed the service specification in conjunction with the existing service provider, to ensure that it was 'fit for purpose' and up to date in view of changes to Covid-19 guidance and regulations. The Council did not anticipate further changes to the specification being required. Any changes to the financial value of the contract would reflect annual inflationary uplifts and would remain within 25% of the overall contract value.

The Council therefore concluded that the most appropriate option was to pursue Direct Award Process C. There was an existing provider for the service and that existing provider is satisfying the original contract and would likely satisfy the proposed new contract, and the services did not meet the considerable change threshold as defined in the Health Care Services (Provider Selection Regime) Regulations 2023.

139. APPROVAL OF LEGAL DOCUMENTATION FOR ACADEMY CONVERSIONS - SPONSORED AND VOLUNTARY CONVERSIONS

The Cabinet considered the report of the Assistant Director of Children's Services (Education Excellence) advising of the decision by the following Governing Bodies to voluntarily convert to Academy Status:

- Waterloo Primary School, Valewood Primary School, Forefield Infant School, Forefield Junior School and Rowan Park School to convert to Mersey View Learning Trust
- Thomas Gray Primary School to become part of the Northern Schools Trust
- Ainsdale St Johns CE Primary School to become part of the Liverpool Diocesan Schools Academy Trust (LDST)

In accordance with statutory requirements the report sought authorisation for officers to sign the documentation required by the academy conversion process. The Education Skills Funding Agency (ESFA) had indicated that the date of conversion would be 1 April 2024. The report also advised the Cabinet of the decision by the Secretary of State for Education to convert the Impact Pupil Referral Unit, to the Peoples Learning Multi Academy Trust in accordance with statutory requirements and sought authorisation for officers to sign the documentation required by the academy conversion process. The ESFA had indicated that the date of conversion would be 1 April 2024

Reference was made to the revenue costs and the implications of reductions in Traded Services. Further detailed information would be provided to Cabinet Members in due course.

Reference was also made to the consistency of the report template and this would be addressed.

Decisions Made:

That

- (1) the statutory requirements regarding academy conversions be noted;
- (2) the financial implications to the Council of the academy conversions be noted; and
- (3) authority be delegated to the Executive Director of Corporate Resources and Customer Services, in conjunction with the Executive Director of Children's Social Care and Education, in consultation with the Cabinet Member – Education, to complete the necessary agreements required as part of the academy conversion process as outlined in the report.

Reasons for the Decisions:

The Cabinet needed to authorise appropriate officers to enter into the agreements required as part of the academy conversion process.

Alternative Options Considered and Rejected:

None – this was a statutory process following the exercise of the educational establishments’ discretion to choose to convert to academy status under the Academies Act 2010.

The Secretary of State had the powers to direct that the academy conversion process could continue if the agreements were not signed.

140. DETERMINATION OF PROPOSAL TO ESTABLISH SEND RESOURCE PROVISION AT WATERLOO PRIMARY SCHOOL

The Cabinet considered the report of the Executive Director of Children’s Social Care and Education seeking a determination on the proposal to establish SEND Resourced Provision.

The following appendix was attached to the report:

Appendix A - Public Notices and Proposal for the Establishing SEND Resource Bases.

Decision Made:

That the proposal as detailed in the statutory notice to establish a SEND Resourced Provision with effect from 1 September 2024, be approved.

Reasons for the Decision:

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

The proposal would build on the good standards for teaching and learning already in place at the schools. The development would provide places for children and young people with SEND within the Resourced Provision. Waterloo Primary School had been judged by Ofsted to be providing good quality education.

This development would not have any negative impact on other schools, academies, and educational institutions in the area.

The proposed resource base would not replace existing provision but would supplement and improve provision across the borough.

The addition of the Specialist Resource Base to the school would not have a direct impact on admissions or provision at other schools within the area.

Long-term value for money would be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This would free special school

places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out-of-borough provision.

Alternative Options Considered and Rejected:

Failure to provide sufficient places for children with Special Education Needs and Disability (SEND) in the borough would result in additional costs for the Council through more expensive specialist placements.

**141. THE STRAND SHOPPING CENTRE, BOOTLE -
TRANSFORMATION PROGRAMME PHASE 1 CONTRACTOR
APPOINTMENT**

Further to Minute No. 98 of the meeting of the Cabinet held on 7 December 2023, the Cabinet considered the report of the Executive Director (Place) setting out the results of the procurement process conducted during the period December 2023 to February 2024 to appoint a contractor for works on Phase 1 of the Strand Transformation Programme. The report recommended that the contractor identified as providing the Most Economically Advantageous Tender should now be appointed and that the Executive Director of Place be delegated the authority, in consultation with the Portfolio Cabinet Members, to sign the contracts when they were complete. The report followed a report approved by Cabinet in December 2023, which set out the case for proceeding with delivery of Phase 1 of the planned Bootle Strand Transformation Programme and the new five-year Business Plan for the fiscal years 2023/24 to 2027/28 for the Strand Shopping Centre, reflecting the impacts on operations of proceeding with the programme works. The report approved in December 2023 included the recommendation that the Executive Director - Place be delegated authority, in consultation with Portfolio Cabinet Members, to proceed with the procurement. That procurement had now been completed under the supervision of the Council's Procurement and Legal Services and with the support of the Programme's appointed Project and Cost Managers, the Development Manager and the specialist construction legal advisers retained to provide legal advice to the Council in relation to all aspects of the Programme.

Decisions Made:

That

- (1) the appointment of Vinci Construction UK Limited as contractor for the Strand Transformation Programme Phase 1 demolition works and a Pre-construction Services Agreement to develop detailed requirements for the remainder of the approved Phase 1 works, be approved; and
- (2) the Executive Director for Place, in consultation with the Portfolio Cabinet Members, be authorised to sign the contracts.

Reasons for the Decisions:

The procurement had been carried out in full compliance with the Public Contracts Regulations and the Council's financial procedures and provided a clear and evidenced result in favour of Vinci as the Most Economically Advantageous Tender. The timely appointment of the contractor, and commencement of the works, was critical to realising the objectives and outcomes of Phase 1 of the Strand Transformation Programme, which were approved by the Cabinet in December 2023.

Alternative Options Considered and Rejected:

Not proceeding with Phase 1 of the Transformation Programme had been considered but discounted as the deterioration to the financial sustainability of the Strand would continue unchecked, which would inevitably lead to it no longer being viable. This would also fail to realise any of the regeneration objectives the Programme was designed to provide as well as require the return of the £20m grant funding award that the Council has secured from central government for Phase 1 of the Programme.

142. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

The Cabinet considered the report of the Chief Legal and Democratic Officer on the appointment of the Council's representatives to serve on the Outside Bodies named in the report for the remainder of 2023/24.

Decisions Made:

That the proposed appointments to the Outside Bodies indicated below, for the remainder of 2023/24, be approved:

Local Government Association General Assembly

Councillor Atkinson to replace Councillor Ian Maher

Mersey Port Health Committee

Councillor Chris Page to replace Councillor Howard

Peterhouse School, Southport – Governance Committee

Councillor Harrison Kelly to replace Councillor Lunn-Bates

Sefton Hospitality Operations Ltd. Board

Councillor Spring to replace Councillor Howard, as a member

Reasons for the Decisions:

The Cabinet had 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:

None

143. ICT MANAGED SERVICE CONTRACT

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services setting out the background for the Council's current ICT provision, delivered by an external provider, which briefly comprised of Core Operational services, Ad hoc Services; including (but not limited to) Project Management, major upgrade support and Data Security Services, as well as the provision of School ICT Services. The report summarised the performance of the current contract and proposes the procurement of a supplier to continue service provision, in line with the requirements of the authority, once the existing contract ended in 2025. The report recommended the use of the Crown Commercial Service Framework CSS Technology Services 3 Lot 3b Operational Management, to source a service provider for a period of a three years, plus a further optional two years (which was the maximum contract term allowed).

Decision Made:

That the Executive Director of Corporate Resources and Customer Services be authorised to conduct a procurement compliant exercise for the provision of ICT Managed Services to the Council, the resulting recommendation to be submitted to the Cabinet for an award decision.

Reasons for the Decision:

To ensure that critical ICT Services continued to be provided and that support was in place for all staff across the authority as well as ensuring that robust Cyber security defences remained in place to reduce the threat of a Cyber-attack.

Alternative Options Considered and Rejected:

To conduct an open competition for a new provider - rejected as the CCS framework proposed provided a route to market in line with public procurement regulations, reduces the complexity of the process and included over 100 potential suppliers.

144. FINANCIAL MANAGEMENT 2023/24 TO 2026/27 - REVENUE AND CAPITAL BUDGET UPDATE 2023/24 – MARCH UPDATE

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services informing the Cabinet of:

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- 1) The current position relating to the 2023/24 revenue budget.
- 2) The current forecast on Council Tax and Business Rates collection for 2023/24.
- 3) The monitoring position of the Council's capital programme to the end of January 2024:
 - The forecast expenditure to year end.
 - Variations against the approved budgets and an explanation of those variations for consideration by Members.
 - Updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects.
- 4) The latest prudential indicator, performance and risk management information for 2023/24.

The following appendices were attached to the report:

Appendix A – Capital Programme 2023/24 to 2025/26

Appendix B – Summary Performance Report 2023/24 – Quarter 3

Appendix C – Corporate Risk Register – February 2024

Decisions Made:

That

Revenue Budget

- (1) the current position relating to the 2023/24 revenue budget be noted;
- (2) the actions being taken to refine forecasts and identify mitigating efficiencies to ensure each service achieves a balanced position, be noted;
- (3) the financial risks associated with the delivery of the 2023/24 revenue budget be recognised and it be acknowledged that the forecast outturn position will continue to be reviewed, and remedial actions put in place, to ensure that a balanced forecast outturn position and financial sustainability can be achieved.

Capital Programme

- (4) the spending profiles across financial years for the approved capital programme, as set out at paragraph 7.1 of the report, be noted;
- (5) **the Council be recommended to approve** a supplementary capital estimate for £2.644m for the Food Waste Collection grant externally funded by Defra, as set out at paragraphs 7.3-7.4 of the report;

- (6) it be noted the latest capital expenditure position as at 31 January 2024 of £26.793m, as set out at paragraph 7.5 of the report and the latest full year forecast is £46.241m, as set out at paragraph 7.6 of the report;
- (7) it be noted that capital resources will be managed by the Executive Director of Corporate Resources and Customer Services to ensure the capital programme remains fully funded and that capital funding arrangements secure the maximum financial benefit to the Council, as set out at paragraphs 7.9-7.11 of the report;

Prudential Indicators

- (8) the forecasts for the Prudential Indicators relating to capital expenditure and financing as at 30th December 2023 be noted; and

Performance

- (9) the latest position relating to key performance measures be noted;

Risk Management

- (10) the latest position relating to key risk management areas be noted.

Reasons for the Decisions:

To ensure the Cabinet was informed of the current position in relation to the 2023/24 revenue budget.

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

To keep Members informed of the progress of the Capital Programme against the profiled budget for 2023/24 and agreed allocations for future years.

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

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

To ensure the Cabinet was informed of prudential indicators, key performance information and key risk management areas.

Alternative Options Considered and Rejected:

Not applicable.

