

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 17 APRIL 2024. MINUTES NOD. 153 (4) AND 158 ARE NOT SUBJECT TO "CALL-IN"

CABINET

**MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL,
SOUTHPORT
ON 4 APRIL 2024**

PRESENT: Councillor Atkinson (in the Chair)

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

ALSO PRESENT: Councillor Sir Ron Watson

145. APOLOGIES FOR ABSENCE

No apologies for absence were received.

146. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of personal interest was made and the Member concerned remained in the room during the consideration of the item, took part in the consideration of the item and voted thereon:

Member	Minute No.	Nature of Interest
Councillor Cummins	Minute No. 150 - Approval of Legal Documentation for Academy Conversions	He is a Governor at one of the schools referred to.

147. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the meeting held on 7 March 2024 be confirmed as a correct record.

148. ADULT SOCIAL CARE FEES 2024/25

Mr. Jonathan Cunningham, a Care Home Provider, spoke in support of a petition containing 25 signatures which stated:

We the undersigned believe, “the proposed Sefton social care fees increase of 8.02% is inadequate to cover the true cost of care and request that Sefton Council reconsider and increase this fee.”

The Cabinet then considered the joint report of the Executive Director of Adult Social Care and Health and the Executive Director of Corporate Resources and Customer Services requesting the Cabinet to determine the fees payable for Sefton Adult Social Care services for the financial period 2024/2025. The fees proposed included a range of care and support services to adults, including Direct Payment Recipients.

The following appendices were attached to the report:

- Appendix A – 2024/25 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 Initial Equality Impact Assessment
- Appendix E – Domiciliary Care Initial Equality Impact Assessment
- Appendix F – Supported Living Initial Equality Impact Assessment
- Appendix G – Extra Care Housing Initial Equality Impact Assessment
- Appendix H – Community Support Initial Equality Impact Assessment
- Appendix I – Day Care Initial Equality Impact Assessment

Decisions Made: That

- (1) the petition be noted;
- (2) the contents of the report be noted 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, and the Equality Impact Assessments undertaken as part of the work, the implementation of the following fee increases set out below from 1 April 2024 be authorised, which for some sectors are higher than those originally consulted upon, having taken into account a range of factors including the response from Providers, national context, risks raised in relation to additional costs and other information available at the time of the consultation and the availability of financial resources;
- (3) **Residential & Nursing Care** – the following rates be implemented:

	Residential Care	Residential Dementia	Nursing	Nursing Dementia
2024/25 Fee	£701.81	£794.04	£721.67	£802.06
<i>2023/24 Fee</i>	£649.70	£735.09	£668.09	£742.51
Weekly Increase	£52.11	£58.95	£53.58	£59.55
% Increase	8.02%	8.02%	8.02%	8.02%

(4) it be noted that for Residential and 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. It also be noted 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;

(5) **Domiciliary Care** – the following rates be implemented for contracted / Pseudo Dynamic Purchasing System (PDPS) Providers:

Duration / Service Element*	2024/25 Rate	<i>2023/24 Rate</i>
1 Hour	£23.42	£21.56
45 Minutes	£17.57	£16.17
30 Minutes	£11.71	£10.78
Sleep-in (8 Hour Night)	£105.25	£95.86
Waking Night (8 Hour Night)	£187.36	£172.48

*Any call duration outside of this framework will also be uplifted. It be noted that the consultation letter sent to Providers highlighted the Council's ongoing commitment to not commissioning 15-minute visit durations;

(6) **Community Support Services**

Duration / Service Element	2024/25 Rate	<i>2023/24 Rates</i>
1 Hour	£22.55	£21.56

- (7) **Direct Payment recipients who access a CQC Agency for Community Support** - that the above Community Support hourly rate be implemented:

Duration / Service Element	2024/25 Proposed Rate	2023/24 Rates
1 Hour	£22.55	£21.56

- (8) **Direct Payment recipients who access a CQC Agency for Domiciliary Care** - that the above Domiciliary Care hourly rate be implemented and that rates for night services be increased to the following:

Duration / Service Element	2024/25 Rate	2023/24 Rate
1 Hour (Domiciliary Care & Community Support)	£23.42	£21.56
Sleep-in (10 Hour Night)	£131.56	£119.83
Waking Night (10 Hour Night)	£234.20	£215.60

- (9) **Direct Payment Recipients who utilise a Personal Assistant for Domiciliary Care or Community Support:**

Duration / Service Element	2024/25	2023/24
1 Hour	£15.84	£14.55
Sleep-in (10 Hour Night)	£131.56	£119.83
Waking Night (10 Hour Night)	£158.40	£145.50

- (10) **Direct Payment Recipients who utilise Day Care / Day Opportunity Services:**

Dependency Level	2024/25 Proposed Rate	2023/24 Rates
Low	£40	£37
Medium	£61	£56
High	£121	£112

- (11) **Supported Living** – the following rates be implemented which are higher than those originally proposed at the commencement of the consultation exercise (apart from the sleep-in rates):

Duration / Service Element	2024/25 Rate	Originally Proposed 2024/25 Rate	2023/24 Rates
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Hourly Rate	£20.64	£20.53	£18.91
Sleep-in (9 Hours)	£118.40	£118.40	£107.85
Sleep-in (10 Hours)	£131.56	£131.56	£119.83
Waking Night (9 Hours)	£185.76	£184.77	£170.19
Waking Night (10 Hours)	£206.40	£205.30	£189.10

- (12) **Extra Care Housing Services** - the following rates be implemented which are higher than the rate originally proposed at the commencement of the consultation exercise:

Duration / Service Element	2024/25 Rate	<i>Originally Proposed 2024/25 Rate</i>	<i>2023/24 Rate</i>
Hourly Rate	£20.64	£20.53	£18.91

- (13) **Individual Service Funds** – the following rates be implemented which are higher than those originally proposed at the commencement of the consultation exercise (apart from the sleep-in rate):

Duration / Service Element	2024/25 Rate	<i>Originally Proposed 2024/25 Rates</i>	<i>2023/24 Rates</i>
1 Hour	£21.66	£21.54	£19.84
Sleep-in (9 Hour Night)	£118.40	£118.40	£107.85
Waking Night (9 Hour Night)	£194.94	£193.86	£178.56

- (14) **Day Care** – the rates be increased by **9.15%** (original proposal consulted on was for an increase of 8.57%);
- (15) **Shared Lives** – the rates be increased by **9.15%**;
- (16) based on the average inflationary increases awarded to Providers and/or calculated required increases to existing agreements/contracts, that inflationary increases also be awarded to Voluntary, Community and Faith (VCF) grants, contracts for the delivery of Carers services and contracts with Partner Providers;
- (17) the method applied to the calculation and payment of sleep-in services be 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. In the event that it is evidenced that this is not the case, Council Officers be authorised to review current contractual, Direct Payment and pilot project arrangements and adjust payments, if appropriate;

- (18) further to Decision (5) above, relating to the Domiciliary Care rate, this rate be used to formulate a rate to be implemented as a 'guide price' / hourly rate for any additional 1:1 care commissioned for individual care home placements to support people to remain safe and achieve their assessed needs, and as part of a policy and process relating to the provision of 1:1 care. The 'guide price' / hourly rate be formulated by using elements of the Domiciliary Care rate and that decisions on the 'guide price' / hourly rate formulated be 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;
- (19) it be noted 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. Such decisions be 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;
- (20) the ongoing fee modelling approaches outlined in the report, particularly with respect to the Real Living Wage, be noted; and
- (21) it be noted that with respect to the Residential and Nursing sector, the above work will link into the wider market work taking place, such as the development of a new commissioning framework for which a separate report will be submitted to the Cabinet on this matter at a future date, and work taking place to update Sefton's Market Position Statement and Market Sustainability Plan.

Reasons for the Decisions:

To enable the Council to set the fees payable for services, during the financial year period 2024/25.

Alternative Options Considered and Rejected:

1. **Not awarding increases** – this option was rejected in relation to all service areas as there was a requirement to ensure that fee levels were increased to consider the outcome of consultation and in relation to increases to Provider's costs.

2. **Awarding originally proposed fee increases for some sectors** – this option was considered and rejected following an evaluation of the consultation responses and wider market analysis work, which resulted in the revised proposals being recommended in the report.

149. HEALTHY ADVERTISING

The Cabinet considered the report of the Director of Public Health seeking approval to adopt a healthier food and drink advertising policy for council-owned sites in Sefton.

Equality Impact Assessments were attached to the report, together with the draft policy which had been published and circulated to the Cabinet prior to the meeting.

Decisions Made:

That

- (1) the proposed policy be approved for immediate implementation; and
- (2) the approach be championed with other Local Authorities and stakeholders with advertising space in the borough.

Reasons for the Decisions:

Implementation of the policy will support the Council to meet multiple priorities:

- Reducing inequalities
- Improved health - specifically diet-related diseases such as obesity, diabetes, cancer, heart disease and tooth decay, as well as saving local health and social care services money
- Climate change
- At negligible cost - the policy was expected to maintain advertising revenues and had done so when implemented by other local authorities

The policy also supported the aims of Sefton's Healthy Weight Declaration.

Alternative Options Considered and Rejected:

None.

150. APPROVAL OF LEGAL DOCUMENTATION FOR ACADEMY 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:

- St Edmunds and St Thomas, Our Lady of Lourdes, St Mary's, and Our Lady of Walsingham Catholic Primary Schools to convert to Pope Francis Learning Trust
- The Grange Primary School to become part of the Lydiate Learning Trust
- Lander Road Primary School to become part of the Great Schools Trust.
- Trinity St Peters to become part of the All Saints Multi Academy Trust.

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 September 2024.

The report also advised the Cabinet of the decisions by the Secretary of State for Education, as follows:

- to convert Linacre Primary School, to the Great Schools 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 September 2024
- to convert Linaker Primary School, Southport to a trust that was to be identified by the Regional Schools Group 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 September 2024

Reference was made to the tight timescales and Cabinet Members thanked staff for their work on the conversions.

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.

151. EXTENSION OF HIGHWAY MAINTENANCE CONTRACTS

Further to Minute No. 68 of 5 October 2023, the Cabinet considered the report of the Assistant Director of Place (Highways and Public Protection) seeking approval to amend the contract end dates of three Highway Maintenance Service Contracts, namely HM01 (Carriageway Resurfacing); HM08 (Surface Treatments); and HM10 (Highway Maintenance).

Decisions Made:

That

- (1) the Highway Term Maintenance Contract HM01 (Carriageway resurfacing) be extended until 31 July 2026;
- (2) the Highway Term Maintenance Contract HM08 (Surface treatments) be extended until 31st August 2026;
- (3) the Highway Term Maintenance Contract HM10 (Highway Maintenance) be extended until 30 September 2026; and
- (4) the Assistant Director of Place (Highways and Public Protection), in consultation with the Chief Legal and Democratic Officer, be authorised to formally extend the contracts to the revised dates.

Reasons for the Decisions:

To align the end dates with the delayed start dates of the contracts.

Alternative Options Considered and Rejected:

All three contracts were currently due to end on 31 March 2026, as per the original contract documents, and the Council could decide not to change this date.

In accordance with the provisions within the Contract, the Council agreed 2-year contract extensions with the Contractors. However, as the commencement dates were delayed when the original contracts were issued in 2016, recent advice had highlighted that the current end dates would result in the contracts running for a shorter term than tendered for. Therefore, not changing the end dates to align with the actual commencement of the contracts could result in challenge, a need to re-negotiate rates and potential compensation events.

152. HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2024 - 2029

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) indicating that the Homelessness Act 2002 required every Local Authority to publish a Homelessness Strategy at least every 5 years. The Strategy sought to tackle all forms of homelessness, including those owed a statutory duty.

Appendix A to the report set out the Homelessness and Rough Sleeping Strategy 2024-29.

Decisions Made:

That

- (1) the Council's Homelessness and Rough Sleeping Strategy 2024-29 be approved;
- (2) the Assistant Director of Place (Economic Growth and Housing), in consultation with Cabinet Member - Communities and Housing, be given delegated authority to put in place a Homelessness Strategy action plan, which would help deliver the strategy and monitor delivery; and
- (3) the Executive Director – People, in consultation with the Leader, be given delegated authority to make any typographical and presentation amendments to the Strategy.

Reasons for the Decisions:

The Homelessness Act 2002 required every Local Authority to publish a Homelessness Strategy at least every 5 years. The existing Strategy was published in January 2019 and was due to be renewed.

Alternative Options Considered and Rejected:

The Homelessness Act 2002 made it a legal requirement for every Local Authority to carry out a homelessness review every 5 years, and to develop and publish a Homelessness Strategy based on the review. The only options related to the agreed contents of a Strategy.

153. COUNCIL HOUSING GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) that sought delegated authority for the formal adoption of a suite of council housing policies required to facilitate the management and maintenance of any new Council owned homes as part of the Council Housing Programme; details the future governance arrangements for the management of the Council's homes; and also sought approval for an Early Acquisition Scheme including delegated authority to acquire additional properties for council housing provision.

The following appendix was attached to the report:

- Appendix 1 - Regulator of Social Housing Consumer Standards April 2024.

Decisions Made:

That

- (1) authority be given to the Assistant Director of Place (Economic Growth and Housing), in consultation with the Cabinet Member - Communities and Housing, to review and approve a suite of council housing policies to be adopted to facilitate the operational housing management of new council housing;
- (2) authority be given to the Assistant Director of Place (Economic Growth and Housing), in consultation with the Cabinet Member - Communities and Housing, to agree any amendments and/or additions to the suite of policies including the adoption of any future policies that may be required;
- (3) the proposal to create a Housing Advisory Board as part of the future governance arrangements in respect of housing management, be noted;
- (4) **the Council be recommended to approve** a supplementary capital estimate of £750,000, for an Early Acquisition Scheme to acquire additional properties for Council housing to be included within the Capital Programme, funded through historic right to buy sharing agreement receipts and Homes England grant funding where this may be available and suitable; and
- (5) in the event that the supplementary capital estimate is approved by the Council, authority be delegated to the Executive Director of

Corporate Resources and Customer Services and the Assistant Director of Place (Economic Growth and Housing), in consultation with the Cabinet Member - Communities and Housing and the Cabinet Member - Regulatory, Compliance and Corporate Services, to approve acquisitions to the Council Housing Programme up to a value of £750,000 funded through historic right to buy sharing agreement receipts and Homes England grant funding where this may be available and suitable.

Reasons for the Decisions:

To ensure that the Council had the necessary policies and governance arrangements in place ready to manage new council housing. Approval at this stage would allow the Council to progress to be operationally ready to take homes into management.

Given the homes at Buckley Hill Lane were not due for handover until early 2025, there was opportunity for the Council to consider early acquisitions to the Council Housing Programme to bring additional homes into management to help meet housing need as demand for social housing increased. The Council was seeing growing pressures on its homelessness service and temporary accommodation provided and early acquisitions into the programme could help to support this.

Alternative Options Considered and Rejected:

No alternative option in respect of the policy adoption was available. The Council was required to have a range of policies in place that would help to meet legislative and regulatory requirements for the management and maintenance of the Council's homes.

The Council could choose not to set up and operate a Housing Advisory Board. This option was not recommended. A number of existing stock holding local authorities operated a board type of arrangement. The creation of a Housing Advisory Board provided additional and strengthened governance arrangements to the landlord service that the Council would provide to future tenants. The Housing Advisory Board provided a good opportunity for tenants to help shape the service, be involved in and participate in decision making on key matters of the management and maintenance of the Council's homes. This also supported the new regulatory standard of 'Transparency, Influence and Accountability Standard' enabling opportunity for tenants to influence strategies, policies and services. The new standard would take effect from 1 April 2024 as part of the revised consumer standards and Code of Practice published by the Regulator of Social Housing. As referred to in Appendix 1 of the report.

The Council could choose not to support early acquisitions into the Council Housing Programme. However, given the Council intended to be operationally ready to manage homes in advance of the properties at Buckley Hill Lane being handed over, there were opportunities available to

start bringing homes into management earlier and respond to the housing and homelessness pressures being faced in Sefton.

154. PEER REVIEW

The Cabinet considered the joint report of the Chief Executive and the Executive Director of Corporate Resources and Customer Services that set out the key findings from the Local Government Association (LGA) Peer Review undertaken in October 2023 and sought approval of the action plan that would allow the Council to respond to the peer team's recommendations, subject to comments and observations.

The following Appendices were attached to the report:

- Appendix 1- Peer Review Report
- Appendix 2- Agreed Implementation Plan

Decisions Made:

That

- (1) thanks to the LGA peer team be recorded and the feedback report be welcomed;
- (2) the LGA peer review report and feedback received be noted;
- (3) the recommendations of the LGA peer review report be accepted; and
- (4) the associated action plan be approved.

Reasons for the Decisions:

Peer Reviews were a proven tool for sector-led improvement and the Council had always been open to learning from others and sharing good practice. The challenge provided external recognition of the things it believed the Council was doing well, highlighted where the Council could learn from other councils in light of best practice elsewhere, and had recommended a number of key actions.

Alternative Options Considered and Rejected:

There were no alternative options.

155. 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 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.

156. ACQUISITION OF MAGDALEN HOUSE, 30 TRINITY ROAD, BOOTLE - EXEMPT APPENDIX

The Cabinet considered exempt information provided by the Executive Director of Corporate Resources and Customer Services in relation to the Acquisition of Magdalen House, 30 Trinity Road, Bootle (Minute No. 158 below refers).

Decision Made:

That the exempt information be considered as part of the report in relation to the Acquisition of Magdalen House, 30 Trinity Road, Bootle (Minute No. 158 below refers).

Reasons for the Decision:

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

Alternative Options Considered and Rejected:

None.

157. RE-ADMITTANCE OF THE PUBLIC

Decision Made:

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

158. ACQUISITION OF MAGDALEN HOUSE, 30 TRINITY ROAD, BOOTLE

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services on the principal terms and conditions agreed for the acquisition of the freehold interest in Magdalen House, Bootle.

The following exempt appendix was attached to the report:

- Appendix 1 – Financial Details

Decisions Made:

That the Council be recommended to:

- (1) approve the acquisition of the freehold interest in Magdalen House on the basis of the price detailed within Appendix 1 of the report;
- (2) authorise the Chief Legal and Democratic Officer to complete the necessary legal documentation;
- (3) approve the seeking of Public Works Loan Board (PWLB) funding to meet the capital costs required; and
- (4) approve a supplementary capital estimate, as detailed within Appendix 1 of the report, for inclusion within the Capital Programme to be funded by borrowing, repayments to be met from the annual rental saving.

Reasons for the Decisions:

1. An acquisition would allow the Council to occupy the Property rent free for the Useful Economic Life (UEL) of the Property and remove the requirement to pay dilapidations (based upon continued office uses).
2. The Council would gain control and flexibility to react to its changing occupational needs and requirements, and with regards to the future of Bootle town centre (and beyond) – this included future opportunities around decanting into Bootle Town Hall, as associated capital costs to accommodate would no longer be required.
3. The capital expenditure in acquiring the property was less than the remaining rental and anticipated dilapidation liabilities.
4. The capital costs for acquisition would be sourced from PWLB.

Alternative Options Considered and Rejected:

Do nothing and remain as tenant.

The risks: The 'do nothing' approach was considered to be financially disadvantageous and also limited the Council in being able to affect change to meet its future occupational needs.