

MEETING: CABINET
DATE: Thursday 8th November, 2012
TIME: 10.00 am
VENUE: Town Hall, Southport

Member

Councillor

Councillor P. Dowd (Chair)
Councillor Cummins
Councillor Fairclough
Councillor Hardy
Councillor Maher
Councillor Moncur
Councillor Tweed

COMMITTEE OFFICER: Steve Pearce
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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.

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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 to give notice of any disclosable pecuniary interest, which is not already included in their Register of Members' Interests and the nature of that interest, relating to any item on the agenda in accordance with the Members Code of Conduct, before leaving the meeting room during the discussion on that particular item.		
3.	Minutes of Previous Meeting Minutes of the meeting held on 11 October 2012		(Pages 5 - 16)
* 4.	Public Health Annual Report 2012 - 'Protecting the Health of Sefton' Report of the Director of Public Health attached	All Wards	(Pages 17 - 20)
* 5.	Transformation Programme and Revenue Budget 2012 - 2015 Report of the Head of Corporate Finance and ICT and Head of Transformation to follow	All Wards	
* 6.	Review of Nursing and Residential Care Commissioning Report of the Director of Older People	All Wards	(Pages 21 - 30)
* 7.	Supporting People Review Update Report of the Director of Older People	All Wards	(Pages 31 - 86)
* 8.	Refurbishment of King's Gardens, Southport - Tender Award Report of the Strategic Director - Place	Ainsdale; Birkdale; Cambridge; Dukes; Kew; Meols; Norwood	(Pages 87 - 92)

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|------|---|-----------|------------------|
| * 9. | Employment and Housing - Anfield and Bedford/Queens Programme
Report of the Director of Built Environment | Linacre | (Pages 93 - 98) |
| 10. | Liverpool John Lennon Airport Consultative Committee - Change in Council's Appointed Representative
Report of the Director of Corporate Commissioning | All Wards | (Pages 99 - 102) |

THE "CALL-IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 23 OCTOBER 2012. MINUTE NOS. 64(4) AND 67 ARE NOT SUBJECT TO "CALL-IN".

CABINET

MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 11TH OCTOBER, 2012

PRESENT: Councillor P. Dowd (in the Chair)
Councillors Cummins, Fairclough, Hardy, Maher,
Moncur and Tweed

ALSO PRESENT: Councillors Ashton, Blackburn, Papworth,
Robertson and Shaw

59. APOLOGIES FOR ABSENCE

No apologies for absence were received.

60. DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

61. MINUTES OF PREVIOUS MEETING

Decision Made:

That the Minutes of the Cabinet meeting held on 13 September 2012 be confirmed as a correct record.

62. LOCAL POLICING ISSUES

Chief Constable Jon Murphy from Merseyside Police addressed the Cabinet on the current performance of the Merseyside Police Service and the budget savings to be made by the Police Authority for 2012/13 and subsequent years. He indicated that staffing levels were reducing, but priority had been given to maintaining front-line services and Area Commanders were giving particular focus to local needs when determining the pattern of service for Neighbourhood Policing. The Chief Constable also referred to the election of the Police and Crime Commissioner which would be held on 15 November 2012 and indicated that one of the first tasks for the Commissioner was to draw up a Four Year Policing Plan.

Superintendent Kevin Johnson (Sefton Division) then gave a presentation on the Area Police Performance during the period April to October 2012 and the previous twelve month period in relation to violence, robberies, domestic abuse, burglaries and car crime, and local community safety initiatives undertaken with the Council and other partners.

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The Chief Constable then responded to questions from Members of the Cabinet with regard to the future provision of safeguarding services for children's service and vulnerable adults, the youth offending service and Police Community Support Officers.

The Chair thanked the Chief Constable and Superintendent Johnson for attending the meeting and providing an update on Police activities in Sefton and the Police response to recent gun crime in Sefton.

Decision Made:

That the presentation be noted.

63. TRANSFORMATION PROGRAMME - 2012/13 BUDGET UPDATE

The Cabinet considered the report of the Head of Corporate Finance and ICT on the current position in respect of the achievement of the approved budget savings for 2012/13. The report also set out proposals for the transfer of service underspends to earmarked reserves and the utilisation of earmarked reserves to finance the non-achievement of specific budget savings.

Councillor Moncur raised the following question on the issue referred to in the report and the Strategic Director - People responded to the issue as referred to below:-

Question:

I note that on page 21 of the report, one of the underspends in the 2012/13 budget refers to Children's Social Care packages totalling £800k and on page 27 in the same report, the savings update relating to £700k for Children's Social Care is indicated as green. Given the current increasing demand in Children's Social Care, this level of saving would not seem to be compatible with this trend. Could I be given some background as to the factors leading to this saving?

Response :

There continued to be an increasing demand for Children's Social Care, whether it be the number of Referrals, Child Protection Plans or the number of children in care. Demands increased significantly following the national interest in the Baby 'P' case in 2008, and have generally stayed at that level. There was now a much better understanding of the family and risk factors relating to demand, differentiated by age cohort. It should be noted for example that the Cabinet had previously agreed to the closure of a Children's Care Home, Kirwan House, but those resources including staff has been reinvested to create a Strengthening Families Team. This had helped reduce the number of teenage young people coming into care through work with families and it reflected the Council's focus on early intervention and actively working with families to keep children and young people out of care as far as possible. Finally, the Turning the Taps commissioning approach for Children's Social Care, involved better market management / facilitation of the commissioned care placements. As well

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as being cost effective this was producing much better placements and better outcomes for children and young people.

Decisions Made:

- (1) approval be given to the transfer of specific areas of underspend in the revenue budget, as set out in the report, to earmarked reserves;
- (2) the progress to date on the achievement of approved savings for 2012/2013 be noted; and
- (3) approval be given to the utilisation of earmarked reserves, as set out in the report, to finance the non-achievement of specific budget savings.

Reasons for Decisions:

To ensure Cabinet are informed of the latest position on the achievement of savings for the current financial year and to facilitate the achievement of the savings targets for 2012/2013.

Alternative Options Considered and Rejected:

None.

64. TRANSFORMATION PROGRAMME AND REVENUE BUDGET 2012 - 2015

Further to Minute No. 54 of the meeting held on 13 September 2012, the Cabinet considered the joint report of the Head of Corporate Finance and ICT and the Head of Transformation which provided details of the progress made on the reviews of service and consultation processes being undertaken in order to move towards the achievement of a balanced budget in 2013/14 and 2014/15.

The report also set out a further package of savings proposals relating to internal consultation options, on which the first stage consultation is considered to be complete and requested the Cabinet to make an appropriate recommendation to the Council.

Councillor Dowd referred to the on-going discussions with the Trade Unions regarding the savings options within Corporate Support Services.

Councillor Moncur raised the following question on the issue referred to in the report and the Strategic Director - People responded to the issue as referred to below:-

Question:

Given the earlier comments relating to Children's Social Care savings on the previous agenda item there is a change option on Page 41 for a saving

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of £1m by reviewing commissioning of all residential beds for children. This is a significant figure and I wonder if I could have some further explanation of the feasibility of this change option.

Response:

I refer to the earlier response on agenda item 5, in which I outlined the increased demand, the importance of being more cost effective and the need to produce better outcomes. The Fostering Strategy as approved by Cabinet had been implemented and this was enabling more family placements for those children and young people in care. There are three key elements in relation to cost to Children's Social Care. These are the number of young people in care; where they were placed – whether it be in Borough fostering care, independent fostering care placements or Residential Homes; and how long they were in care for. I would refer once again to the Turning the Taps Strategy and the focus on better outcomes with regard to the Authority seeking to place the right child in the right place at the right time for the right cost.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

Decisions Made:

- (1) the work programme timetable contained in Annex A of the report be noted;
- (2) it be noted that consultation in respect of terms and conditions issues had been commenced with the Trade Unions;
- (3) it be noted that the first stage of consultation on the change proposals set out in Annex B of the report, is considered to be complete;
- (4) the Council at its meeting on 22 November 2012 be recommended to give approval to the change proposals set out in Annex B of the report and Officers be authorised to prepare for implementation immediately, pending the final decisions of Council, including the issue of relevant statutory and contractual notifications, if appropriate to achieve change;
- (5) it be noted that Officers will comply with Human Resource policies and procedures and this would include regular Human Resources monitoring reports to the Cabinet Member – Corporate Services and Performance; and
- (6) it be noted that the risks and mitigating actions identified in Annex B of the report had been taken into account during the consideration of recommendations to Council.

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Reasons for Decisions:

The Council continues to forecast a significant budget gap over the period 2013-2015 requiring estimated savings of £43.7m. Additional budget savings and options would need to be identified over the coming months to ensure that future years' budgets can be balanced. It is a legal requirement to set a balanced budget and to ensure the medium term financial position is robust.

Early consideration of budget options continued to be essential as this would lead to informed decision making, including the consideration of the outcome of any consultations undertaken, the impact of any decisions to be made and any steps that can be taken to mitigate the impact of a decision.

Alternative Options Considered and Rejected:

Additional budget savings and options would need to be identified over the coming months to ensure that future years' budgets can be balanced. It is a legal requirement to set a balanced budget and to ensure the medium term financial position is robust.

65. REVIEW OF LIBRARY SERVICE AND OPTIONS FOR CONSIDERATION

The Chair reported that 172 petition forms, containing 262 names, had been submitted "calling upon Sefton Council to make sure that Churchtown Library stays open following the review of the library service. Churchtown Library is an efficient, friendly library and is a vital part of our community." In accordance with the Council and Committee Procedure Rules, Councillor Ashton made a statement on behalf of the petitioners.

Further to Minute No. 104 of the meeting held on 16 February 2012, the Cabinet then considered the report of the Strategic Director – Place, which provided an update on the Library Service Review, including the public engagement findings and options for consideration emerging from the review. At this stage the report sought approval to consult communities, partners, key stakeholders and employees, as appropriate, on the options and to report back the outcome of the consultations prior to any consideration by Council.

The report contained the following annexes:

Annex A	<i>"Comprehensive and efficient"</i> and details of the Wirral Inquiry
Annex B	Library engagement questionnaires
Annex C	Summary of public engagement findings
Annex D	Summary table of costs and usage of libraries
Annex E	Sample of comparator data
Annex F	Maps of Sefton's population
Annex G	Summary table of socio-economic data

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- Annex H Libraries ranked on key indicators
Annex I List of background documents available to view on-line
Annex J Options considered but not recommended at this stage

The Strategic Director – Place indicated that the report provided an extensive summary of the work undertaken during the review of the library service and further details of the extensive background information were available on the Council’s website. The report sought approval to commence public consultations on the preferred option at this stage and the Public Engagement and Consultation Panel would be requested to approve the public consultation process at its next meeting.

Councillor P. Dowd referred to the challenge which the Council had in achieving £43.7 million of savings over the next two financial years and indicated that all service areas had to be examined for potential financial savings, prior to a balanced budget for 2013/14 been approved by the Council on 28 February 2013. He indicated that it was originally intended that the details of the review of the library service would be included in the report on potential savings options which had been submitted to the last Cabinet meeting but he had requested that a separate stand alone report on the review be submitted to this meeting to ensure that the details were more transparent.

Members of the Cabinet raised questions on the following issues referred to in the report and Officers responded to the issues as referred to below:-

Page in the report	Question/Response
Page 83 (Councillor Maher)	<p>Can Officers clarify the difference between the public engagement that has taken place to date and the public consultation referred to today</p> <p>Response: The Strategic Director – Place indicated that the public engagement activity had taken place during a twelve week period during May to July 2012, in order to gain information from both users and non users of the library service. The information gathered included which libraries people use; how often; why they use them; what other Council services they use; and why they do not use the library service.</p> <p>The next stage is to go to a true and full public consultation exercise to ascertain the views of the local community on the preferred option and any other options for the</p>

	<p>delivery of the library service. The full details of the public consultation process would be submitted to the Public Engagement and Consultation Panel for approval.</p>
<p>Page 85 (Councillor Cummins)</p>	<p>A significant amount of data has been considered so far in this review period, how did we develop the criteria for a sustainable service?</p> <p>Response: The Strategic Director – Place indicated that in the development of the criteria, Officers had examined the reviews of library services undertaken by other local authorities, the outcome of judicial reviews and the Secretary of State for Culture, Media and Sport intervention in Wirral.</p> <p>There is no statutory guidance on what a “comprehensive and efficient service” is but it is considered that the criteria should take into account the following factors:</p> <ul style="list-style-type: none"> • Geographical spread of population and library buildings; • Co-located facilities/services and opportunities for co-location; • Operating costs and the condition of library buildings infrastructure; • Social demographics; • Levels of library usage; and • Transport and methods of travel
<p>Page 83 (Councillor Fairclough)</p>	<p>Can you explain the difference between a registered and an active borrower and what is included in the items borrowed?</p> <p>Response: The Head of Library and Information Services indicated that an active borrower is someone who has borrowed one or more items in the</p>

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	<p>past 12 months and the borrowed items would include books, spoken word CD's, DVD's and maps.</p> <p>A registered borrower is someone who holds a current membership of a given library and had been on the library system during the last 5 years.</p>
<p>Page 80 (Councillor Tweed)</p>	<p>There is a significant number of background documents associated with the review. Apart from the Council website, how will the community gain access to this information?</p> <p>Response: The Strategic Director – Place indicated that it was hoped that as many people as possible would use the Council's website but in addition to that it was envisaged that key documents and questionnaires would be made available at the libraries and various Council offices in the Borough. Notices would be placed at Council offices and details sent to local residents groups. The local media would be requested to publicise the details of the consultation exercise.</p>
<p>Page 90 (Councillor Hardy)</p>	<p>Will the full Equality Impact Assessment be submitted to Members in due course? Can you give us an assurance that any other options which come forward from the public consultation exercise, in addition to those set out in Section 9 of the report would be submitted to Members and how long will the public consultation be for?</p> <p>Response: The Strategic Director – Place indicated that a full Equality Impact Assessment would be submitted to Members; that all of the options for the delivery of the library service would be explored and submitted to Members for consideration and that</p>

	<p>it was envisaged that subject to approval by the Public Engagement and Consultation Panel, that the consultation exercise would be from 29 October 2012 to 14 January 2013 and a report would be submitted to the Cabinet on 31 January 2013 for consideration prior to submission to the Council.</p>
<p>Page 81 (Councillor P. Dowd)</p>	<p>The report indicates that the overall associated budget for the library service for 2012/13 is £3.25m and the net controllable expenditure is £2.38m. Can you explain what the non - controllable expenditure includes?</p> <p>Response: The Head of Corporate Finance and ICT advised that the non - controllable expenditure included the cost of capital, depreciation costs, licensing costs and fixed costs for staff overheads.</p>

Councillor P. Dowd referred once again to the massive budget savings of £43.7m which had to be achieved and indicated that it was not easy for elected members to have to look at closing Council services, especially library services but some difficult decisions would have to be made in the near future in order to achieve a balanced budget. He hoped that members of the public would participate in the public consultation exercise and submit their views on the options available for the delivery of the library service and any alternative budget savings options they may have. All of the feedback from the consultation exercise would be considered and taken into account by Members before a final decision was taken.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

Decisions Made:

- (1) the petition be noted;
- (2) the outcome of the local needs analysis, including the results from the public engagement exercise, resulting in options for a new model of delivery for a modern, sustainable, comprehensive and efficient Sefton Library Service be noted;

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- (3) it be noted that all figures in the report are working assumptions in relation to the options to be considered and the figures should not be seen as predetermining any decisions;
- (4) it be agreed that the review process described in the report has been a robust process;
- (5) the general definition of a “*comprehensive and efficient*” library service for Sefton described in paragraph 2.3 of the report be approved;
- (6) the risks identified within the report be noted;
- (7) the option appraisal criteria set out in the report be approved and it be noted that they are influenced by previous Secretary of State/Judicial Review considerations and intervention;
- (8) Option B set out in the report be approved as the basis for consultation and engagement with the community, staff, partners, including businesses, voluntary, community and faith sectors, to transform the way Sefton delivers its library service;
- (9) it be noted that the equality implications would be thoroughly assessed in line with the Council’s Equality Impact Assessment process, should Members agree that the proposed option be taken forward at a later date; and
- (10) the potential mitigating actions identified to date be noted and that further work on Sefton’s Library Service offer, including the possible mitigating actions, be developed.

Reasons for Decisions:

This report provided an update on the Library Service Review and sought approval to commence consultation on options. Early consideration of potential budget options continued to be essential as this would lead to informed decision making, including the consideration of the outcome of any consultations undertaken, the impact of any decisions to be made and any steps that can be taken to mitigate the impact of a decision.

Alternative Options Considered and Rejected:

In developing options, Officers have considered the approach other library authorities are taking across the country as they too are impacted by reductions in resources. Some Public Library Authorities are proposing new models which include:

- the part or whole replacement of staff by volunteers;
- closure of libraries with buildings being handed over to community groups;

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- reducing the number of service points, reconfiguring the network and developing alternative service models;
- cutting opening hours across all libraries;
- replacing static buildings with additional mobile services;
- out-sourcing support and infrastructure services to commercial companies;
- commissioning services from other agencies, including other public library authorities;
- “friends of” groups raising funds external to council revenue.

The report identified elements of the above within the options for consideration. The options from the above list that relate to alternative methods of governance are complex. They would need time to evaluate and implement and most would need a lot of specialist legal support. Exploratory discussions had taken place which had indicated that the level of external support (e.g. volunteers) for taking over the full operation of individual libraries is very limited. Therefore, such proposals were not recommended to move forward at this stage. However, any partnership methods of service delivery would be investigated further. More detailed information about this was contained in Annex J of the report.

66. HOUSING BENEFIT TRANSITION FUNDING AND ESTABLISHING A LANDLORD ACCREDITATION SCHEME

The Cabinet considered the joint report of the Director of Built Environment and the Head of Corporate Finance and ICT seeking approval to the use of Housing Benefit Transition Funding to establish a new Private Landlord Accreditation scheme in Sefton.

This was a Key Decision and was included in the Council’s Forward Plan of Key Decisions.

Decisions Made:

- (1) approval be given to the use of Housing Benefit Transition resources to fund the establishment of a Landlord Accreditation scheme, and enhance financial advice services to assist clients adversely affected by changes to housing benefit regulations; and
- (2) approval be given to an Agreement being entered into with Wirral Borough Council to help establish a Landlord Accreditation scheme, at an estimated cost of £28,000.

Reasons for Decisions:

While there is a clear need and justification for establishing an Accreditation scheme, there are resource implications. While potential Housing Benefit Transition Fund resources have been identified to help establish a scheme, Officers need to alert Members to the resource implications which would arise in future years in retaining and operating a scheme. Officers do not have authority to enter into such a commitment.

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The Government's intention is that the Housing Benefit Transition Fund is used to target support to help meet the housing needs of claimants affected by Housing Benefit changes. Funding would be used to enhance financial advice services to assist clients adversely affected by changes to housing benefit regulations. A holistic service would be provided in One Stop Shops in Bootle and Southport by training selected staff to provide advice on benefits, money and debt and finding employment.

Alternative Options Considered and Rejected:

There was no obligation on the Council to establish a Landlord Accreditation scheme. Consequently, the options were to either pursue the establishment of a scheme or not. If the Council chose to pursue establishing a scheme, the feasibility report provided further options on how this could be taken forward.

67. CAPITAL PROGRAMME - CONTAMINATED LAND CAPITAL PROJECT GRANT

The Cabinet considered the report of the Director of Built Environment on the award of grant funding of £30,803 from the Department for Environment, Food and Rural Affairs to undertake further investigations into potentially contaminated land.

Decision Made:

The Council be recommended to include the grant of £30,803 in the Council's Capital Programme for 2012/13.

Reasons for Decision:

The acceptance of the grant funding and undertaking the investigation would assist the Council in discharging its statutory duty in relation to managing contaminated land in an appropriate manner.

Alternative Options Considered and Rejected:

Not to accept the time related grant and to fund further investigation from core resources.

Agenda Item 4

Report to: Overview and Scrutiny Committee **Date of Meeting:** 30 October 2012
(Health and Social Care)
Cabinet

8 November 2012

Subject: Public Health Annual Report 2012 - '*Protecting the Health of Sefton*'

Report of: Director of Public Health

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

The Public Health Annual Report provides an overview of the health of the population of Sefton, describes work currently being completed and makes recommendations about future priorities to improve health and wellbeing and to reduce health inequalities in Sefton.

Recommendation(s)

That the Public Health Annual Report 2012 be noted.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community			
2	Jobs and Prosperity		X	
3	Environmental Sustainability	X		
4	Health and Well-Being	X		
5	Children and Young People	X		
6	Creating Safe Communities	X		
7	Creating Inclusive Communities	X		
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

Reasons for the Recommendation:

To improve health and wellbeing and to reduce health inequalities in Sefton.

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What will it cost and how will it be financed?

(A) Revenue Costs N/A

(B) Capital Costs N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

The recommendations within the report are expected to inform policy to help improve health and to reduce health inequalities.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1903/12) and Head of Corporate Legal Services (LD1221/12) have been consulted on the content of the report.

Are there any other options available for consideration? No

Implementation Date for the Decision

Following the expiry of the call-in period following the publication of the minutes of the Cabinet meeting.

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Contact Officer: Janet Atherton, Director of Public Health
Tel: 0151 934 4866 (pa Carol Turton)
Email: janet.atherton@sefton.gov.uk

Background Papers:

There are no background papers available for inspection.

Background

1. The production of an annual report by the Director of Public Health is enshrined in law. The recommendations within the report are expected to inform policy to help improve health and to reduce health inequalities.
2. This year the report focuses on an area of public health that is often not very well understood health - protection. This area of public health is concerned with protecting the local population from disease and disability.
3. The report includes chapters relating to key areas of health protection including, screening, vaccinations and immunisations, sexual health, the control of communicable diseases and the environment. A number of key priorities for future work are identified in the report.
4. A copy of the report can be accessed via the following link to the Council's website:

<http://modgov.sefton.gov.uk/moderngov/documents/s42494/SeftonsHealth2012Report.pdf.pdf>

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Agenda Item 6

Report to: Cabinet

Report: 8 November 2012

Subject: Review of Nursing and Residential Care Commissioning

Report of: Director of Older People

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

The purpose of this report is to update Cabinet on the progress of the Review of Nursing and Residential Care Commissioning. At the 16th February 2012 meeting, Cabinet agreed the Review and key milestones for that Review, including reporting back to Cabinet on progress.

Recommendation(s)

Cabinet is recommended to:

1. Note progress on the Review of Nursing and Residential Care Commissioning;
2. Authorise officers, through dialogue and consultation with care providers, partners and other stakeholders to pursue the actions identified within Section 3 of this report, including the development of a revised Market Facilitation Strategy; and
3. Delegate approval of the Market Facilitation Strategy, once developed, to the Cabinet Member Health and Social Care.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

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Reasons for the Recommendation:

On 16th February 2012 Cabinet considered the report of the Chief Executive, *Transformation Programme 2011–2014*, detailing the progress made towards the establishment of the budget for 2012/13 and the reviews of services/consultation processes completed or in progress as part of the Transformation Programme. Within that report Cabinet considered a proposal for a Review of Nursing and Residential care commissioning and agreed that “*approval be given to a Review of Nursing and Residential Care commissioning and to explore alternative commissioning approaches*”. The Review is ongoing and this report updates Cabinet on progress and the current situation.

What will it cost and how will it be financed?

(A) Revenue Costs

Within the report to Cabinet on 16th February 2012 the Council stated the ambition that the alternative commissioning approaches would realise a saving of £1.5m in 2012/13, by a combination of the costs of care and operational and commissioning efficiencies and a further £1.5m in 2013/14. The report also stated that if the Review identifies that this is not achievable Members will be informed accordingly. Exploring alternative approaches to Residential and Nursing Care Commissioning involves many complex issues, significant risks and, at this stage, little certainty on the scale of savings that can be realised. For the reasons set out in the report, Members are advised that the full £1.5m saving will not be achieved in 2012/13 which will result in a shortfall in 2013/14. However, work is being undertaken to identify any areas of the Adult Social Care budget that may be utilised to assist in offsetting the unachieved saving.

(B) Capital Costs

There are no additional costs associated with this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal

LD 1098/2012

The Head of Corporate Legal Services has been consulted and her comments are incorporated within the report.

Finance

FD 1797/12

The Head of Corporate Finance and ICT has been consulted and her comments incorporated into the report

Human Resources

There are no Human Resource implications arising from this report.

Equality See Section 3

The Corporate Commissioning Team holds the responsibility for taking an overview on Equality Impact Assessments and assessing the impact of decisions. These will be published on the Council website.

1. No Equality Implication
2. Equality Implications identified and mitigated
3. Equality Implication identified and risk remains

x

In relation to compliance with the Equality Act 2010, Section 149, Members need to make decisions in an open minded balanced way showing due regard to the impact of the recommendations being presented. Members need to have a full understanding of any risks in terms of people with protected characteristics and any mitigation that has been put in place. Equality Impact Assessments, including consultation, provide a clear process to demonstrate that Cabinet and Council have consciously shown due regard and complied with the duty.

Impact on Service Delivery:

None directly from this report

What consultations have taken place on the proposals and when?

Since the Cabinet decision on 2nd February 2012, to defer a decision on Care Home Fees for 2011/12 and 2012/13 and the Cabinet decision on 16th February to review Nursing and Residential Care Commissioning, exploring alternative commissioning approaches, consultation with Care Home Proprietors has continued through a series of Feedback and Consultation Meetings, held on 13th February, 20th February, 1st May and 12th June 2012. During the first quarter of 2012/13 the priority action was to establish care home fees for 2011/12 and 2012/13, consequently this formed the main focus for consultation in the above meetings. The Review and how it would best be progressed was also discussed and will form the main focus of consultation in the next quarter.

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Following the call-in period for the minutes of this meeting

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Background Papers:

None

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1. Introduction/Background

- 1.1 At Cabinet Meetings on 2nd and 16th February 2012, following the conclusion of the initial consultation on the 2011/12 and 2012/13 fees, as well as deferring the decisions on fees, to allow a further period of consultation with providers, the Council also agreed a Review of Nursing and Residential Care Commissioning and to explore alternative commissioning approaches.
- 1.2 The Council should regularly review its commissioning arrangements to ensure they continue to provide the best means of meeting desired outcomes, particularly in the context of the Best Value Duty to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.3 Since the Cabinet decision on 2nd February 2012, to defer a decision on Care Home Fees for 2011/12 and 2012/13 and the Cabinet decision on 16th February to review Nursing and Residential Care Commissioning, exploring alternative commissioning approaches, consultation with Care Home Proprietors has continued through a series of Feedback and Consultation Meetings, held on 13th February, 20th February, 1st May and 12th June 2012.
- 1.4 During the first quarter of 2012/13 the priority action has been to establish care home fees for 2011/12 and 2012/13. The Judicial Review Judgment that quashed the Council's earlier decision on 2011/12 fees required the Council to make a fresh decision by February, this deadline was effectively extended by tacit agreement of the Claimants in that case and on the basis that the decision would be made as soon as it possibly could be. Statutory Guidance and "reasonable expectation" also indicates that the 2012/13 fees should have been set in March/April 2012, therefore unreasonable delay in making those decisions could have resulted in further legal action.
- 1.5 The importance of the consultation process and significance of the decisions for establishing the Council's "usual costs" for 2011/12 and 2012/13 resulted in a focus of resources on those issues and restricted the Review to information gathering and initial options appraisal to date. Although the main focus of the consultation since February was the urgent issue of setting the Council's care home fees, the Review and how it would best be progressed was also discussed. Following feedback from the Feedback and Consultation Meetings referred to above it was agreed that a regular Provider Forum should be established to enable and improve ongoing dialogue and partnership between Commissioners and Providers and that an Advisory Sub-Group of that Forum should be established to act as a reference point for the Review.
- 1.6 Having concluded the consultation and determined fees for 2011/12 and 2012/13, it is now proposed to establish the Forum and Advisory Sub-Group. This report provides an update on the Review ahead of further consultation with providers.

2. Review of Residential and Nursing Care Commissioning

- 2.1 Issues central to the Review and meeting the ongoing residential and nursing care needs of residents, include the cost of care, availability of suitable provision and service user choice. Put simply the commissioning approach(es) adopted need to ensure a sufficient supply of an appropriate standard of provision, in which service users will choose to reside, at an affordable cost.

Cost of Care

- 2.2 The report to Cabinet on 21st June 2012, *Care Home Fees 2011/12 and 2012/13*, provided an extensive analysis and explanation of the relevance of the cost of care to the fees paid by the Council in respect of residents placed by the Council into Residential and Nursing care. It is not intended to repeat that analysis and explanation in this report, instead the following paragraphs seek to summarise the key issues relevant to the Review.
- 2.3 People who are assessed as needing residential or nursing care are able to choose which care home they wish to reside in. The impact of that choice on the Local Authority is limited by the expectation that it shall not cost the LOCAL AUTHORITY more than it would usually expect to pay to meet those assessed care needs, otherwise referred to as the “usual cost” of care or Local Authority “care home fees”. Local Authorities are required to set and publish their “usual costs” of care on a regular basis, normally at the start of a financial year, and to set them so as to be “*sufficient to meet the assessed care needs of the supported resident*”.
- 2.4 The Council is required when determining the fees payable to Care Homes, in respect of residents it places in those homes, to have “due regard” to the “actual costs” of providing the care necessary to meet the person’s assessed care needs. There is no definition of “actual costs” and no set formula as to how it should be determined. It is extremely difficult to establish a definitive view on the “actual costs” of care as the evidence available shows that there is a wide range of “actual costs” within care homes in Sefton.
- 2.5 When setting its “*usual cost*”, statutory guidance, also requires the Council to have “*due regard*” to “other local factors” (again not further defined) and the Best Value requirements set out in Local Government Act 1999, i.e. to secure continuous improvement in the way its functions are exercised (including the goods and services it commissions/procures) having regard to a combination of economy, efficiency and effectiveness.
- 2.6 As well as formal statutory guidance, the Department of Health in October 2001 issued an agreement between the statutory and independent social care, health care and housing sectors entitled “*Building Capacity and Partnership in Care*” (the Agreement) in which the Secretary of State for Health set out his expectations of commissioners and providers and also how the Government would assist in “*building a new, more positive partnership between the statutory and independent social and health care and housing sectors*”. Whilst the Agreement is not formal statutory guidance the Council still needs to have regard to it and to justify any departure from it. It should also be noted that the Agreement was premised upon adequate funding being provided by central government.

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Choice

- 2.7 Once a person is assessed as needing residential or nursing care, the Authority is obliged to make arrangements to accommodate that person in a care home of his or her choice, provided that the following conditions are satisfied:
- (a) The preferred accommodation appears to the Authority to be suitable in relation to the person's needs as assessed by it.
 - (b) The cost of making the arrangements at the preferred accommodation would not require the Authority to pay more than it would usually expect to pay in regard to the assessed needs.
 - (c) The preferred accommodation and/or the persons in charge of the preferred accommodation will provide it subject to the Authority's usual terms and conditions for providing accommodation for such a person.
- 2.8 Where a person's preferred accommodation is more expensive than the accommodation proposed by the Authority, then he or she may nevertheless require the Authority to support him or her in that accommodation, provided a third party agrees to "top up" the difference (commonly referred to as "*Third Party Top Ups*") and that third party can reasonably be expected to pay the sum for the duration of the proposed placement. It is important that the third party is made aware that failure to keep up top up payments may result in the residents having to move to other accommodation, unless, after an assessment of need, it is shown that assessed needs can only be met in the current accommodation. In May 2012 61 care homes (59% of applicable homes) charged residents a "top-up" over and above the fee paid by Sefton Council, whilst 43 care homes (41% of applicable homes) charged no "top-up".
- 2.9 Residents are excluded from topping up their own fees except in certain specific circumstances (i.e. the resident is subject to the twelve weeks property disregard, or the resident has entered into a deferred payment scheme with the Local Authority under Section 53 of the Health and Social Care Act 2001).

3. Proposed Actions

- 3.1 The information gathering and initial options appraisal phases of the Review have identified a wide range of options to be explored further within the Council, with Care Home Providers (existing and potential future providers), partners and other stakeholders. These options fall broadly into two areas: improved and alternative contracting/procurement arrangements; and market facilitation (including the commissioning of alternatives to nursing and residential care).

Alternative Contracting/Procurement Arrangements

- 3.2 Residential and Nursing care are currently predominantly procured by Sefton from independent providers on a "*Spot-Purchase/Contract*" basis, i.e. each individual placement is procured at the point when that placement is needed. In many circumstances Spot purchasing can result in quite volatile prices for goods/services, as the price reflects supply and demand at that point in time. In the case of Residential and Nursing Care provision, the impact of this potential volatility/variability on the Council is restricted by the authority regularly setting its "*usual cost*" of care (Care Home Fees). Spot contracts can be effective in

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stimulating competition and promoting choice but are not always conducive to market stability due to the lack of guarantee that is offered to providers, they also don't provide for potential economies of scale provided for by alternative contracting arrangements.

- 3.3 Alternative procurement approaches would seek to agree contract terms, including price, standards and minimum/maximum levels of provision, ahead of the point when they might be needed, typically through a “*Block*” or “*Framework*” contract. These contracts typically offer the provider greater certainty of business, improved sustainability, enable economies of scale for the commissioner and can facilitate more effective partnership working between commissioners and providers. However such arrangements can also restrict competition and choice, having a longer-term impact on price competition, and are reliant upon the contracted providers having the capacity required. Conversely, Block Contracts can also be wasteful if the full “block” is subsequently not utilised, in that the authority will have paid for capacity it is not using. This unused capacity risk is lessened with Framework Contracts.
- 3.4 Whilst affordability of provision is an important consideration, price is not the only factor to take into account and not the only issue affected by different contracting arrangements. Quality of provision, market capacity, future market strategy, local circumstances, and potential longer-term impact of procurement arrangements need to be fully understood before any alternative arrangements are recommended or implemented. It may be that a more segmented approach to procurement of residential and nursing care provision would be more appropriate, maintaining a spot-purchase approach where competition and choice are considered most important or the most effective way of ensuring cost-effective provision and where capacity is not an issue, but considering Block or Framework approaches where the costs of meeting care needs are genuinely higher or where a guarantee of capacity/additional capacity are required.
- 3.5 There are a range of measures to be explored with providers and potentially incorporated within a new contract, contracting processes and contract monitoring, which will seek to deliver improvements for the Council, in terms of costs, provider performance and outcomes for service users, as well as for providers, through reduced contracting and compliance costs, including:
- Refreshed terms and conditions;
 - Improved performance framework and measurement;
 - Implementation of electronic/paperless processes – facilitated by the implementation of the new care management and contracting/financial ICT systems within the People Directorate during the later half of 2012/13;
 - More appropriate approach to managing the quality of provision - ensuring an appropriate quality of affordable provision, disincentivising failures to maintain quality and reducing the cost of quality audits for providers; and
 - Clearer and more robust arrangements for any “third-party top-ups” relating to Sefton-funded placements – more clearly stating the responsibility of the third-party to meet the cost of the top-up for the duration of the placement, together with the Council’s policy and potential implications of “top-up” defaults.

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- 3.6 For almost 10 years Sefton has very effectively incentivised improvements in quality within care homes, in particular the pursuit of excellent quality provision, through the application of the Quality Payment Scheme. Whilst not all homes participate in the Quality Payment Scheme, at the end of May 2012 83 (91%) of the homes that did were rated “4 Star” or above. The table below shows the descriptors for the star ratings awarded by two of the assessors, PQR and RDB:

Star Rating	PQR Descriptor	RDB Descriptor
5 Star	Exceptional/The ‘Top’ or ‘Very Best’/Market Leader/ Luxury standards/Exceptional service/Extra facilities & amenities. Fully meets the criteria for the level.	Demonstrates an excellent standard of care
4 Star	Excellent/Above average/Highly Developed/Very High Standard. Fully meets the criteria for the level	Demonstrates a very good standard of care
3 Star	Very Good / Strong Features /Good Condition/High Standard	Demonstrates a good standard of care
2 Star	Satisfactory	Demonstrates an average standard of care
1 Star	Basic/Nominal/Minimum Standard	N/A

- 3.7 If Sefton is to continue to protect its most vulnerable people, in light of the generally improved quality of provision; Sefton’s ageing population; increasing demand for social care services; government policy to reduce public sector funding; and the consequent reduction of many of Sefton’s services to the statutory minimum level, then it must consider whether it can continue with a scheme that seeks to specifically fund quality above that needed to meet its statutory obligation of meeting assessed care needs, as desirable as such an objective might be. The time is therefore right to reconsider the Quality Payment Scheme and the development of possible alternative arrangements for ensuring the appropriate quality of provision. This must be done carefully and in consultation with providers, having only recently established its “usual costs” for 2012/13, simple removal of the quality premium would not be an appropriate approach.

Market Facilitation

- 3.8 In January 2010, Sefton Council Adult Social Care Department published a Market Facilitation Strategy. That strategy defined Market Facilitation as “*the process by which commissioners ensure there is sufficient appropriate provision available at the right price to meet needs and deliver effective outcomes both now and in the future*”, based on a good understanding of need and demand. The strategy identifies 3 areas of activity:

- *Market intelligence* – The development of a common and shared perspective of supply and demand (including any gaps in provision), leading to an evidenced, published, market position statement for a given market.

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- *Market structuring* – This covers the activities of commissioners, where commissioner and provider behaviour is visible and the outcomes they are trying to achieve agreed, or at least accepted.
- *Market intervention* – The interventions commissioners make in order to deliver the kind of market believed to be necessary for any given opportunity.

- 3.9 The strategy further identifies that whilst in an ideal world these activities would be sequential, with Commissioners first of all learning all they need to know about the market and the factors that can influence it; then building this into a structured approach which covers everything from regulation to long-term planning with providers; and concluding with the commissioner intervening when necessary in order to achieve the market shape that it feels is required by its assessment of need; in reality, the three functions will inevitable run together.
- 3.10 Whilst there are areas where this approach can be seen to have been applied prior to and since publication of the strategy (e.g. Quality Payment Scheme and development of Extra-Care facilities), for a variety of reasons the Council has struggled to apply sufficient resource and focus to this aspect of its commissioning role. Whilst this approach applies to the whole social care market, it is essential if the Council is to meet its savings ambitions associated with the Review of Nursing and Residential Care Commissioning. Specifically, whilst acknowledging that there will always be a threshold beyond which residential care becomes the most cost-effective means of meeting care needs, much of the savings sought will only be realised through the facilitation of alternative provision and improving the cost-effectiveness of the alternatives as well as Nursing and Residential Care. There is therefore a need for a renewed emphasis on Market Facilitation, within the People Directorate, across the Council and in conjunction with potential commissioning partners, particularly in light of the Council's ambitions as a "Commissioning Council".
- 3.11 It is proposed to refresh and update the Market Facilitation Strategy and, through dialogue and consultation with care providers (existing and potential future providers), potential commissioning partners and other stakeholders, to develop a refreshed Action Plan. Elements/actions for consideration will include:
- Developing, with providers and other partners a better shared understanding of market needs, gaps and opportunities, together with more effective long-term sustainable business planning in-line with future market needs;
 - Developing appropriate and cost-effective alternatives to long-term Residential and Nursing Care, including Extra-Care opportunities, either through new-build or where appropriate conversion of existing facilities;
 - Replacement of the current Quality Payment Scheme with more appropriate arrangements for ensuring an appropriate quality of affordable provision;
 - Increasing emphasis on the re-ablement of individuals within all services, not just specific re-ablement services, promoting independence and reducing the progression towards long-term higher-dependency services;
 - Enabling opportunities for some care homes to expand or diversify their service offerings, either for the private market or for commissioned community services (e.g. providing a community hub for local people to access existing or new facilities/services such as day opportunities, lunches, outings, bathing, hairdressing, respite, or simply socialising);

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- Improving information to service users, potential service users and their families, to develop “informed consumers” more able to make informed choices about the services best suited to their needs and circumstances;
- Facilitating the development of facilities to better meet anticipated future need, either by/with existing or new care providers; through longer-term partnership with developers, housing and care providers; or through direct provision.

4. Risk Management Overview

- 4.1 The risks identified within the Cabinet report, *Care Home Fees 2011/12 and 2012/13*, on 13th June 2012, are also relevant to the Review. Any actions that destabilise the market, contribute to significant business failure or significant, un-managed reduction in market capacity for Local Authority placements could have significant impact upon the Council and the residents it has a duty to place.
- 4.2 Exploring alternative approaches to Residential and Nursing Care Commissioning involves many complex issues, significant risks and, at this stage, little certainty on the scale of savings that can be realised. It is important to recognise that this is not a simple re-procurement/re-commissioning process where the service provider can be readily replaced with a more competitively priced one. There are more than 1,600 mostly elderly residents who are already placed in their home of choice and for whom the service provider provides both the accommodation and care, any changes might require a resident to move to an alternative home and in some circumstances this may present logistical, health and human rights implications.

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Report to: Cabinet

Report: 8th November 2012

Subject: Supporting People Review Update Report

Report of: Director of Older People

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

The purpose of this report is to provide an update on the progress of the Supporting People Review and to enable Cabinet to determine the housing-related support services to be ceased, decommissioned or rationalised as a result of that review.

Recommendation(s)

Cabinet is recommended to

1. Note progress on the Supporting People Review;
2. Agree the changes to commissioned housing-related support services identified within Section 5 and Annex 1 of the report and authorise officers to proceed with implementation of those changes;
3. Note that a further report will be made to Cabinet to update Members on the progress of the as yet unresolved consultations with service providers, the Care and Support Reviews and Integrated Re-Commissioning of Supported/Assisted Living being undertaken as part of the Supporting people Review.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	

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7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy			√

Reasons for the Recommendation:

On 21st June 2012 Sefton Council Cabinet considered the report of the Director of Older People which provided an update on the progress of the Supporting People Review and set out the proposed commissioning priorities for the Supporting People Service with regard to the achievement of budget savings required for 2012/13 and 2013/14. Cabinet resolved that:

- (1) approval be given to the adoption of the principles set out in 5.1 of the report;
- (2) Officers be authorised to work with providers, utilising the principles, to formulate reduction proposals to meet the required budget savings in 2012/13 and 2013/14; and
- (3) that a further report be submitted to the next meeting of the Cabinet on 19 July 2012.

A further report was submitted on 19 July 2012 setting out the general budget reduction proposals that were subject to detailed consultation with service providers and further details of the proposed approach to commissioned Care & Support services. Cabinet resolved that:

- (1) the progress on the Supporting People Review be noted;
- (2) the managed review and re-commissioning processes outlined in Section 5 of the report, including the integrated re-commissioning of all supported/assisted living services be approved; and
- (3) a further update report be submitted to the next Cabinet meeting.

This report meets the requirements of point (3) above.

What will it cost and how will it be financed?

(A) Revenue Costs

On 16th February 2012 Cabinet approved an in principle budget reduction of £2m in 2012/13 and a further £1m in 2013/14 from Supporting people commissioned services. Approximately half of the £3m savings required are expected to arise from services commissioned for Older People and Excluded Groups and half from Care and Support services. The proposals within this report will realise savings, towards the required budget reduction from Older People and Excluded Groups service providers, of approximately £489,998.00 in 2012/13, rising to £1,048,735.00 in 2013/14. Consultation and other work necessary to secure the further savings required to meet the budget reduction, has had to be extended with a small number of Older People and Excluded Groups service providers. A future report to Cabinet will update Members on those further savings along with savings arising Care and Support services as a result of the managed review and integrated re-commissioning of all supported/assisted living services approved by Cabinet on 19th July 2012.

(B) Capital Costs

There are no additional costs associated with this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal

The Supporting People grant support (which was formerly aid under Local Government Act 2000, s93) was withdrawn in April 2011 and the monies formerly allocated under this grant are now paid as part of the local authority 'Formula Grant'.

Human Resources

Whilst the majority of Supporting People services are commissioned from external service providers services and consequently reductions to the funding for those services have no Human Resource implications for Sefton Council, a small number of services are commissioned within the Council, reductions to funding for those services do have potential Human Resource implications. These are highlighted within the report and are subject to formal consultation with employees and trade unions.

Equality See Section 3

The Corporate Commissioning Team holds the responsibility for taking an overview on Equality Impact Assessments and assessing the impact of decisions. These will be published on the Council website.

1. No Equality Implication
2. Equality Implications identified and mitigated
3. Equality Implication identified and risk remains

X

In relation to compliance with the Equality Act 2010, Section 149, Members need to make decisions in an open minded balanced way showing due regard to the impact of the recommendations being presented. Members need to have a full understanding of any risks in terms of people with protected characteristics and any mitigation that has been put in place. Equality Impact Assessments, including consultation, provide a clear process to demonstrate that Cabinet and Council have consciously shown due regard and complied with the duty.

Impact on Service Delivery:

E2.1 - There will be a reduction in the number of clients that will be able to be supported due to a reduction in units available, together with a change in the level of support available. This may have an impact on the community.

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There is a related saving (E2.2), to review staffing support for the Supporting People commissioning functions, which will be progressed alongside E.2.1 and as part of a wider review of directorate commissioning resources. This will result in a reduction in the number of staff directly supporting the commissioning of the re-commissioned services.

What consultations have taken place on the proposals and when?

Regular and ongoing consultations have taken place with Strategic Directors, Director of Older People, Director of Commissioning, Head of Personnel, Head of Corporate Finance & ICT (**FD 1906/12**), Head of Legal Services (**LD 1224/12**) and Trade Unions.

The methodology used followed Sefton's Public Engagement and Consultation framework and was approved by the Sefton's Engagement and Consultation panel.

A consultation plan was drafted by the Head of Service Commissioning and Partnerships and agreed by the consultation panel on 21st October 2011. It was agreed that the public consultation on the proposal would take place between 21st October 2011 and the 16th January 2012.

Since the Cabinet decision on the 16th February consultation has continued with service providers to identify if and how the in-principle budget reductions can be achieved. Since approval of the Commissioning Principles by Cabinet on 21st June, consultation has focused on more detailed discussions with providers to formulate reduction proposals to meet the required budget savings.

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Following the call-in period for the minutes of this meeting

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Background Papers:

None

1. Introduction/Background

- 1.1 Supporting People is a discretionary programme that funds housing-related support services to help vulnerable people live independently in their own accommodation or to move from temporary accommodation into a more permanent place. The report to Cabinet on 21st June 2012 detailed the specific client groups supported with the funding.
- 1.2 The programme funds a mixture of short-term (from a few weeks up to a maximum of two years) and long-term services, falling mainly into the following categories:
 - *Accommodation-based services* - where the support is linked to the person's temporary or permanent accommodation (e.g. sheltered accommodation, temporary hostels);
 - *Visiting/Floating support services* - where the support is not linked to the person's accommodation but is provided in the person's home; and
 - *Assistive Technology* - a "lifeline" community alarm system provided either as part of the accommodation or within someone's own home.
- 1.3 A more detailed description of the wide range of specific services commissioned through the Supporting People Programme was set out in the report to Cabinet on 21st June 2012.
- 1.4 On 21st June 2012, Cabinet gave approval to the adoption of the following Commissioning Principles, providing the basis for the targeting of the remaining funding and the development of reduction proposals.

That Commissioning would target the remaining funding at:

- Those at greatest risk of experiencing or causing harm
- Those most vulnerable to the loss of independence
- Services and interventions that prevent or minimise demand for higher level statutory services.

In this context the risk of harm and the vulnerability to loss of independence relates to the impact of the particular interventions funded rather than a general vulnerability, i.e. what impact does the presence/absence of the service have on risk of harm and vulnerability to loss of independence.

The focus of commissioning would be on:

- Prevention and early intervention/help
- Outreach, visiting support and shorter-term "move-on" accommodation
- Outreach, visiting support and early help services addressing multiple needs
- A more integrated approach to the commissioning of services across the Council and other partners to ensure the most effective use of the total available resources

In doing the above we will try to continue to deliver some service to all client groups

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2. Consultation and Engagement Update

- 2.1 Since the Cabinet decision on the 21st June consultation has continued with service providers to formulate specific reduction proposals, utilising the Commissioning Principles agreed by Cabinet, to meet the required budget savings in 2012/13 and 2013/14.
- 2.2 On 2nd and 3rd July all providers were invited to attend Provider Consultation Meetings. These meetings were organised to address four broad groupings of providers:
- Older People Services;
 - Excluded Groups - Accommodation-based Services;
 - Excluded Groups - Floating Support Services; and
 - Care & Support Services.

At those meetings providers were presented with: an overview of the Council's budget challenge; an update on the Cabinet decisions; confirmation of the agreed Commissioning Principles; and savings proposals for their particular service area.

- 2.3 At those meetings service providers were asked to: consider the information provided; consult with Service Users as necessary to inform their response; comment on how services might be re-modelled in line with savings required; and comment on impact and mitigation of changes. Service providers were requested to advise the Council of any feedback received from the consultation with Service Users and of any obstacles or particular problems that the timescales presented for their organisation, services or service users.
- 2.4 Since the last update report to Cabinet on 19th July 2012, officers have continued meeting with individual providers of Older People Services and Excluded Groups Services to discuss and understand the implications of implementing the proposals, to listen to alternatives and to formulate reduction proposals specific to each provider.
- 2.5 Details of the consultation undertaken with providers and service users, together with the feedback received is provided within Annex 2 to this report. Copies of consultation briefing papers and minutes/notes of meetings referred to in Annex 2 are available at:
<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13193&path=0>.

3. Impact Assessment Overview

- 3.1 There is a potential that a reduction in Supporting People funding will lead to negative impacts for the vulnerable adults supported by the funded services, including those with protected characteristics of age, disability and gender and those in receipt of a care package for assessed care needs.
- 3.2 The Equality Impact Analysis Report, attached at Annex 3 to this report, addresses the potential impacts and identified mitigation against those impacts.

4. Risk Management Overview

- 4.1 Details of risks and mitigating actions are addressed within the Equality Impact Analysis Report attached at Annex 3.
- 4.2 There are risks that a significant reduction in access to preventative services funded through Supporting People could increase the pressure on higher-cost statutory services, including, adult and children's social care services and services provided to meet the Council's statutory homelessness duties.
- 4.3 Services commissioned with Supporting People funding are generally recognised as discretionary/non-statutory services, however, the review recognised that the services commissioned may to a greater or lesser extent support or enhance statutory services and the meeting of statutory duties, in particular statutory duties relating to homelessness, Children leaving care and adults with an assessed care need.
- 4.4 The need to prioritise "*Services and interventions that prevent or minimise demand for higher level statutory services*" is clearly recognised within the Commissioning Principles and the approach taken to the review and the formulation of specific reduction proposals sought to understand the proximity and support provided by individual services and to reduce the risks highlighted above through a more integrated approach to commissioning and the provision of early intervention and prevention services, to ensure the most effective use of the total available resources. Service users with the highest needs will continue to receive services if they meet the social care eligibility criteria for adults or children's services.

5. Budget Reduction Proposals

- 5.1 At the Provider Consultation Meetings referred to in 2.2 above, the following budget reduction proposals were shared with service providers:

Older People Services

- To reduce overall cost by conducting a full service redesign of both hours and hourly rates being delivered into Category 2 Sheltered Housing, and reshaping current service delivery. (This same approach applies to the single provider of Category 1 Sheltered Housing)
- Explore Value for Money of Community Alarm Services to reduce cost whilst increasing capacity.

Excluded Groups - Accommodation-based Services

- To reduce overall cost by varying hours, hourly rates and reshaping service delivery
- To retain the number of clients accessing a service at any one time
- Increase the throughput of clients by varying the length of stay in a support service

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Excluded Groups - Visiting/Floating Support Services

- To reduce overall cost by varying hours and hourly rates and where necessary reshaping service delivery
- To retain the number of clients accessing a service at any one time
- Increase the throughput of clients by varying the length of stay in a support service

Care & Support Services.

- Managed Review of all Care & Support packages in line with assessed care needs and Fair Access to Care criteria.
- Integrated re-commissioning of supported/assisted living services across the People Directorate.

5.2 At these meetings providers were asked to consider the information provided; consult with Service Users as necessary to inform their response; comment on how services might be re-modelled in line with savings required; and to comment on the potential impact and mitigation of changes to services. The Provider Consultation Meetings were constructive meetings, with providers seemingly recognising the difficult situation that the Council faces and appearing to want to engage positively in seeking solutions.

5.3 As stated above, since the last update report to Cabinet on 19th July 2012, officers have continued meeting with individual providers of Older People Services and Excluded Groups Services to discuss and understand the implications of implementing the above proposals, to listen to any alternatives suggested by providers and to formulate the specific reduction proposals for each provider.

5.4 The following table provides an overview of the savings arising from the specific reduction proposals agreed with Providers to date:

Service	Current Value (£)	Future Value (£)	2013/14 Budget Saving (£)
Older People	613,162.60	227,833.32	385,329.28
Excluded Groups	1,686,577.51	1,023,171.08	663,406.44
Community Alarms	7,374.12	7,374.12	0
TOTAL	2,307,114.23	1,258,378.52	1,048,735.71

5.5 A more detailed presentation of these savings, identifying the service types and service providers affected, is attached at Annex 1.

5.6 The following Supporting People commissioned services (included within the above table and at Annex 1) that will be subject to funding reductions are commissioned from within the Council:

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Service	Service Description	Implications
Assistive Technology and Community Support Workers	Community Alarms, Lifeline Alarm system, pendant & Smoke Alarm for older people with support needs. Community Support Workers.	There are Human Resource implications. The reduction proposal includes the reduction of Community Support Workers from 5 posts (one currently vacant), to one re-configured post.
Energy Advice Services	Visiting Advice Team for Energy Efficiency.	Currently there are no Human Resource implications as an alternative source of external funding has been secured.

- 5.7 There are a small number of services where it is considered necessary for consultation, negotiations and other work to continue beyond 8th November 2012 in order to safely achieve the savings required. The outcome of those discussions will be reported as soon as they are concluded. Included within these services are the following services commissioned from within the Council:

Service	Service Description	Implications
Homeless Families With Support Needs	Hostel for homeless families with support needs with onsite scheme manager. 10 units	Potential implications for the Council's statutory duties relating to homelessness and general revenue budget. Potential Human Resource implications.
Vulnerable Victim Team	Vulnerable Victim Team	Potential implications for the Council's statutory duties relating to homelessness. Potential Human Resource implications.

- 5.8 Any recommendations relating to the potential cessation, decommissioning or rationalisation of the Vulnerable Victim Team will be determined by the ongoing corporate Review of Domestic Violence related services. A Supporting People funding reduction of 25% has been proposed, with savings achieved through more integrated commissioning across the Council and the allocation of the remaining 75% funding being determined by the outcome of that corporate review.
- 5.9 Discussions are still ongoing with the Homelessness Team to ensure a sound understanding of the potential implications, risks and costs that might arise for the Council from any reduction in Supporting People funding, before a firm reduction proposal can be formulated.
- 5.10 Following Cabinet approval on 19th July for the managed review of Care and Support packages and the integrated re-commissioning of all supported/assisted living, these

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projects have commenced and the Reviewing Team established. Progress of these projects will be reported to Cabinet in due course.

- 5.10 Subject to Cabinet approving the changes to commissioned housing-related support services identified within this report, officers will proceed with immediate implementation. It is proposed that Providers will be issued with a contract to provide the re-commissioned services until the end of March 2014, providing some stability for service providers and service users. These contracts will however include provision, in accordance with normal contracting practice, for the early termination of the contract in the event of performance failure or changes to commissioning priorities, including for example the need for further budgetary reductions.

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Annex 1 – Detailed breakdown by Service type

Service Type	Current (2012/13) yearly service cost	Agreed/latest (2013/14) yearly service cost	Full year (2013/14) saving - (Current yearly service cost minus Agreed yearly service cost)
Accommodation based short term visiting support	£545,992.49	£365,635.04	£180,357.45
Accommodation based service scheme manager	£55,384.68	£40,544.92	£14,839.76
Accommodation based with Live in Landlord	£13,000.00	£0.00	£13,000.00
Advocacy service	£39,425.00	£0.00	£39,425.00
Community Alarms	£7,374.12	£7,374.12	£0.00
Sheltered Accommodation with onsite scheme manager	£497,943.16	£227,833.32	£270,109.84
Handyperson	£36,870.36	£0.00	£36,870.36
Hostel	£203,242.95	£169,628.55	£33,614.40
Long term accommodation based service	£152,067.24	£104,790.92	£47,276.32
Sheltered Housing	£38,924.08	£0.00	£38,924.08
short term visiting support	£435,398.31	£199,704.96	£235,693.35
short term visiting support/drop in	£186,638.52	£86,985.60	£99,652.92
visiting advice team	£63,110.97	£31,555.49	£31,555.49
Visiting support service	£31,742.35	£24,325.60	£7,416.75
Grand Total	£2,307,114.23	£1,258,378.52	£1,048,735.71

The above table provides details of the savings arising from specific reduction proposals agreed to date by specific service type with the providers listed below:

Adactus Housing
Addullam Homes
Beech Housing Association
Bosco Society
Carr Gomm
English Churches Housing Group
Forum Housing Association
Hanover Housing Association
Home Group
Light for Life
Mears Group PLC

Merseyside Society for Deaf People
Merseyside Youth Association
Mr and Mrs O'Connor
North West Property Custodians Ltd
Nugent Care Society - Deposit
Plus Dane Housing
Sahir House
Sefton Council Energy Team
The Abbeyfield Southport Society Ltd
Venus Resource Centre

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Annex 2 – Consultation with Providers and Service Users

Background

1. The Supporting People Service supports 60 providers to deliver commissioned housing related support services. These services cover older people, homeless people, people with HIV/AIDS, people with learning disabilities, people with mental health problems, offenders or people at risk of offending, substance mis-users, young people at risk, teenage parents and people at risk of domestic violence. The services include accommodation based, floating support and community alarm services. The services combined deliver support services to in excess of 5,000 clients at any one time. Services also include short term provision which has a large throughput of clients, e.g. offenders or people at risk of offending.
2. As part of the Budget and Transformation Programme, Sefton Council agreed the process for developing further budget savings at a meeting of its Cabinet on 13th October 2011. Councillors approved a report which outlined how a £25M package of options would be consulted on. One of the options was to review all services funded by Supporting People by looking at outcomes, contractual arrangements and diversity of services that this may fund. In financial terms, this would mean a reduction in the Supporting People budget of up to £3M, which equates to a 44% reduction in overall funding.
3. The Cabinet approved the proposal to commence consultation on the review of all services funded by Supporting People. This report describes the process of that consultation.

Engagement and Consultation – Stage 1

4. A consultation plan was drafted by the Head of Service Commissioning and Partnerships in accordance with Sefton's Public Engagement and Consultation Framework and was approved by Sefton's Engagement and Consultation Panel on 21st October 2011
5. It was agreed that public consultation on this stage of the process would take place between 21st October 2011 and the 16th January 2012.

The Aims of the Engagement Process for Stage 1 were:

6. To review all services that are funded by Supporting People by looking at outcomes, contractual arrangements and diversity of services that this may fund. The Consultation sought the views of service users, service providers and the general public on the impact of a reduction in Supporting People funding, how they would prioritise services/client groups and how they thought services might be delivered differently.

The Process for Stage 1

7. We approached the task of engaging Service Providers, service users, carers and other stakeholders in a number of ways:
 - Questionnaire made available online and in hard copy format which included an easy read version.
 - 32 Forums and face-to-face consultation events with service users
 - Communication to all providers and partners and posters were produced and distributed to scheme managers
 - Attendance at awareness sessions/forums for Equal Voice, ABILITY, People First, The Health & Social Care Forum, The Parenting Board and The Learning Disabilities Partnership events.
 - The option was also included in the Corporate Budget Options Telephone Survey.

Key Findings of Stage 1

Main Concerns of Respondents

8. A significant number of respondents agreed that a reduction in funding for services supporting vulnerable adults would impact on the community. That there would be increased pressure on social care and an increase in homelessness. Respondents also claimed that a reduction in funding for services supporting vulnerable adults would have an impact on them or somebody they know.
9. When asked to prioritise the client groups receiving support, respondents identified the highest priority Client Groups as:
 - older people with support needs;
 - people with physical/sensory disabilities;
 - people with mental health problems;
 - homeless families with support needs;
 - and people at risk of domestic violence
10. Indeed over half of the client groups currently supported by Supporting People funding were identified as essential or high priority by more than 50% of all respondents.
11. Suggestions for ways in which services might be delivered differently included suggestions relating to:
 - greater efficiency;
 - improved effectiveness to gain better value for money;
 - different ways of working,
 - including increased use of volunteers;
 - and means-testing for services.

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12. A full analysis of the consultation feedback was provided within the report to Cabinet on 16th February 2012 which is available on the Sefton website <http://sb1msgov1:9070/documents/b15908/Supplementary%20Agenda%2016th-Feb-2012%2010.00%20Cabinet.pdf?T=9>
13. This report highlighted that the option had associated risks and impacts for vulnerable people; it was likely however, that these could to some extent be mitigated by including more co-ordinated commissioning and delivery of early intervention and prevention services.
14. Members approved the in-principle budget option and that the Review of Services funded by Supporting People would include a further period of consultation to determine Commissioning Priorities for the remaining resources and the detail of how the budget reduction could best be achieved whilst minimising/mitigating the impacts.
15. The results of the consultation were published via the Sefton e-consult website. Providers were also informed via Provider Forum meetings attended by Council Officers and were asked to ensure that their service users were also made aware of the results of the consultation. An easy read version of the results of the consultation was requested by Providers and produced by the Supporting People team and distributed to all Providers. The Providers then used the easy read feedback as part of their process to inform their service users about the results of the consultation.
16. Illustrative Commissioning Priorities were developed as a result of the Stage 1 engagement and consultation process, these were shared with Elected Members by way of a Cabinet Report and with Service Providers through written briefings and the Supporting People Provider Forum. Following feedback, Commissioning Principles were submitted to Cabinet, on 21st June 2012, they were approved and Officers authorised to work with providers, utilising the principles, to formulate reduction proposals to meet the required budget savings in 2012/13 and 2013/14.

Engagement and Consultation – Stage 2

The Aims of the Engagement Process for Stage 2 were:

17. To identify and agree the commissioning priorities for the remaining resources and the detail of how the budget reduction could best be delivered whilst minimising/mitigating the impacts.
18. To work with providers, utilising the Commissioning Principles, to formulate reduction proposals to meet the required budget savings in 2012/13 and 2013/14.
19. Since the Cabinet decision on 16th February 2012, on-going engagement has continued with service providers, and through them Service Users, to identify if and how the in-principle budget reductions could be achieved and once

approved in June 2012, to formulate specific reduction proposals, utilising the Commissioning Priorities as a planning tool.

The Process for Stage 2

20. This stage of the consultation consisted of:

- Discussions at the Supporting People Governance Group meetings held in March and May]. These meetings were attended by Council Officers, the Chairperson of the Supporting People Provider Forum and the Chairpersons of the three Provider Forum sub-groups. (Minutes are available at <http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13193&path=0>).
- Verbal reports, by the Head of Commissioning & Partnerships and Supporting People Team Manager to the Supporting People Provider Forum
- Written Briefing Reports to all providers, provided by the Head of Commissioning & Partnerships and timed to inform meetings of special “task and finish” groups established by the Provider Forum to address the budget challenge. (Briefing Notes are available at <http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13193&path=0>).

The Illustrative Commissioning Priorities submitted for approval:

21. That Commissioning would target the remaining funding at:

- Those at greatest risk of experiencing or causing harm
- Those most vulnerable to the loss of independence
- Services and interventions that prevent or minimise demand for higher level statutory services.

22. In this context the risk of harm and the vulnerability to loss of independence relates to the impact of the particular interventions funded rather than a general vulnerability, i.e. what impact does the presence/absence of the service have on risk of harm and vulnerability to loss of independence.

23. The above bullet points should be viewed collectively and their order is not intended to be seen as prioritised.

24. The Commissioning Principles also identified that the focus of commissioning would be on:

- Prevention and early intervention/help
- Outreach, visiting support and shorter-term “move-on” accommodation
- Outreach, visiting support and early help services addressing multiple needs
- A more integrated approach to the commissioning of services across the Council and other partners to ensure the most effective use of the total available resources

25. Using the Commissioning Priorities as a planning tool would assist in addressing the concerns raised by respondents during stage 1 of the consultation and in doing so would assist in developing services which would continue to deliver

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some service to all the vulnerable client groups receiving support via the Supporting People programme.

26. Approval was given to the adoption of the Commissioning Priorities and approval was also given that Officers be authorised to work with providers, utilising the commissioning priorities, to formulate reduction proposals to meet the required budget savings. This would form stage 3 of the consultation process.

Stage 3 Consultation

The Aims of the Engagement Process for Stage 3 were

27. To work with Providers using the commissioning priorities to formulate reduction proposals to meet the required budget savings.

The Process for Stage 3

28. On 2nd and 3rd July 2012 all providers were invited to attend Provider Consultation meetings. (Minutes of these meetings are available at <http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13193&path=0>). A total of 60 people representing 47 different Support Providers attended the meetings. These meetings were organised to address four broad groupings of providers:

- Older People Services
- Excluded Groups – Accommodation based services
- Excluded Groups – Floating Support Services; and
- Care and Support Services

29. At those meetings providers were presented with:

- An overview of the Council's budget challenge
- An update on the Cabinet decisions
- Confirmation of the agreed commissioning principles and
- Savings proposals for their particular service area

30. Providers were asked:

- to consider the information provided;
- consult with Service Users as necessary to inform their response;
- comment on how services might be re-modelled in line with reduced budget;
- and to comment on the potential impact and mitigation of changes to services.

31. As part of their Supporting People contracts, Providers are contractually obligated to work within the Supporting People Quality Assessment Framework. Within this framework it is incumbent on the Providers to consult with service users regarding any change or reshape to services.

32. The client base for the Supporting People programme is diverse and therefore Providers were expected to consult in ways that were applicable to their own client groups. No standard questionnaire was offered to Providers as each

service is individual and therefore any future planning or reshaping of services would also be individual.

33. The information requested from Providers was as follows:
 - How many service users they have in total
 - How many service users they consulted with
 - What questions they asked or information they sought from service users regarding any possible change to their service
 - What feedback was received from service users
 - How they will use the feedback to feed into future planning
 - How they plan to mitigate for any changes which may impact on the level of support given to service users
 - Identify any particular worries or concerns specifically from those with protected characteristics
34. Following the above meetings, officers met with individual providers of Older Peoples and Excluded Groups to discuss and understand the implications of implementing the proposals, to listen to alternatives and to formulate reduction proposals specific to each provider.
35. The Supporting People team produced a questionnaire for Providers to evidence how they had consulted with their service users and, where appropriate, also requested copies of minutes of any meetings or other related evidence of consultation with their service users. The completed questionnaires were quality checked to ensure that the consultation carried out by providers was effective.
36. Whilst the processes for progressing the proposals in respect of Older People Services and the services to Excluded groups are similar, the process in respect of Care and Support services requires a different approach. The Care and Support services are commonly provided to service users who have assessed care needs. These services are used to support the package of care provided to meet those needs, hence the need for a managed review of all individual care and support packages in line with assessed care needs and Fair Access to Care criteria.
37. The reviews for clients within the Care and Support group will be carried out with individuals in a person centred approach. If, following the reviews it is identified that there is a need to redesign any services then service users will be consulted accordingly.
38. In the event that the identified efficiencies cannot be achieved from the reassessment/review of all clients SP and non SP living in supported/assisted housing, it will be necessary for the re-commissioning/procurement process to take this into account.

Key Findings of Stage 3

39. Supporting People requested feedback from the Provider consultations and the main findings of this feedback are detailed below.

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40. A number of providers within the care and support group also carried out the consultation despite not having the chance yet to discuss future proposals due to their clients being part of the care review. Their feedback is also included below:

Overview of Shared Concerns

Older People - Service User Concerns

- More vulnerable due to less support
- Isolation
- Loss of Scheme warden

How Providers are dealing with these concerns

- Seeking alternative funding
- Some would offer same support but may have to charge any shortfall to clients

Excluded Groups - Service User Concerns

- Would not know where else to go for support if service closed
- Worry about maintaining tenancy
- Loss of emotional support – isolation

How Providers are dealing with these concerns

- Using feedback to identify service user priorities
- Identify appropriate agencies and organisations to provide complementary support
- Restructuring support around service users

Care and Support - Service User Concerns

- Worried about changing support worker
- Deterioration in mental health
- May not be able to stay living in current home
- Wouldn't manage with less support

How Providers are dealing with these concerns

- Working with service users to redesign services/support
- Reviewing service users level of need and hours of support
- Signposting to alternative services where necessary

Annex 3 – Equality Analysis Report

Supporting People: Consolidation and efficiencies programme

Contents:

- 1. At a glance chart**
- 2. Introduction**
 - Supporting people and relationship to statutory duties**
 - Protected Characteristics**
 - Preliminary Consultation and method of assessment (exemptions)**
 - Equality Act 2010**
- 3. Section A: assessments of proposals to services targeted at protected characteristics**
- 4. Section B: assessment of proposals targeted at particular need**
- 5. Final comment**

Appendix 1: List of services exempt from this assessment due to ongoing Adult 'care & support' review.

Appendix 2: table of proposed changes to provision with legend key.

At a glance

Client group targeted at protected characteristics (Section A)	proximity to other statutory duties	comments
Domestic violence	High	meets Equality Duties
Young people at risk	medium	meets Equality Duties
Older people	low/nil	meets Equality Duties
People with mental health problems	high	exempt from this analysis due to review
People with learning difficulties	high	exempt from this analysis due to review
people with physical/sensory disability	high	exempt from this analysis due to review
People with HIV	medium	meets Equality Duties
Client group targeted by need (Section B)		
Offender or people at risk of offending	High	meets Equality Duties
people with substance misuse	low	meets Equality Duties
Homeless families with support needs	medium	meets Equality Duties
Single Homelessness	medium	meets Equality Duties
multiple needs	low	
Vulnerable people	low	meets Equality Duties
Energy efficiency/Home improvements	nil	meets Equality Duties
Community alarms	low	meets Equality Duties

Introduction

Background:

The Supporting People programme funds organisations to provide Housing Related Support services.

This falls in to two broad categories:

- 1) Those facing homelessness
- 2) Those needing support to maintain tenancies

The 'supporting people' designation refers to a non statutory programme, the specific funding for which was withdrawn in April 2011.

Sefton Council instructed People Directorate (October 2011) to investigate the service provision and identify any opportunities for efficiency savings. .

In doing so, people directorate have examined the business case and established a cost saving strategy which looks at 'going rates' for services and standardising costs around average rates. Also, moving away from 'block payments', which assumes that a client **has to have** particular services, to a **flexi-needs payment** which provides the service provider with a minimum amount per client but also a 'pool' from which it can draw to adjust level of support where clients need more than minimum.

In designing this, they consulted with users and providers and established an alternative service plan which will make savings in the region of £3million

Supporting people in relation to statutory legislation.

In order to analyse service provision it is vital that several distinctions are drawn, namely;

- where services cross cut against other statutory duties and
- Where a service is particularly targeted at individuals because of a protected characteristic.

In 2002, the Government amended the homelessness legislation through *the Homelessness Act 2002* and the *Homelessness (Priority Need for Accommodation) (England) Order 2002* to:

- ensure a more strategic approach to tackling and preventing homelessness, in particular by requiring a homelessness strategy for every housing authority district,

And

- strengthen the assistance available to people who are homeless or threatened with homelessness by extending the priority need categories to homeless 16 and 17 year olds; care leavers aged 18, 19 and 20; people who are vulnerable as a result of time spent in care, the armed forces, prison or custody, and people who are vulnerable because they have fled their home because of violence.

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However, the act draws a distinction, in that:

(s10.14) the applicant's vulnerability must be assessed on the basis that he or she is or will become homeless, **and not on his or her ability to fend for him or herself while still housed.**

Under s.175 (4), a person is "threatened with homelessness" if he or she is likely to become homeless within 28 days. In many cases, effective intervention can enable homelessness to be prevented or the loss of the current home to be delayed sufficiently to allow for a planned move.

In addition to the Homelessness Act, the Council has a statutory duty to provide **Adult Social Care** via the mechanism of 'Fair Access to Care Assessments' (FACS). FACS offers a number of criteria and allows the Council to choose the level and priority of need against which it will fund services.

With this, users will fall in to three broad categories:

- 1) Services that support the homelessness act and homelessness initiatives.
- 2) Services that are provided as part of FACS
- 3) Other services where there is no statutory duty, and are legacy services. i.e. services that historically have been developed to meet need, but there is no statutory driver.

This impact assessment will be looking at 1 & 3. Services linked to 2 (Appendix 1 lists details) are under separate review; therefore at this juncture they are excluded from the analysis.

Protected Characteristics.

Equality Law (Equality Act 2010) is clear that there are particular characteristics intrinsic to an individual against which it would be easy to discriminate.

Section 149 (public sector equality duty) lists the goals of the act and the characteristics, known as 'protected characteristics,' against which we have to test for discrimination.

However a clear distinction has to be made: where a protected characteristic is the ground for discrimination and where it is not. For example; it is clear that domestic violence on the vast majority of cases affects women. Therefore having the 'characteristic of being female' is intrinsically linked with domestic violence. By contrast 'substance abuse' is not intrinsically linked to any particular characteristic, young, old, male, female etc, as substance abuse cuts across all types.

Therefore from an equality analysis perspective this distinction has to be kept in clear view: users as 'vulnerable' per say, and the distinction of service users who are vulnerable **because** of a protected characteristic. Where it is a case of the latter, then particular attention to the decision to change services has to be made under the Equality Act.

Preliminary consultations and methodology of assessment.

As part of austerity measures Council asked People Directorate to evaluate its services with a view to consolidation and efficiency.

In recognising the vulnerability of service users a methodology was adopted to decrease funding 'across the board', so all services shared reductions rather than prioritising key services and eliminating perceived peripheral services.

However, this strategy whilst seeming fair may disproportionately affect service providers where their services are linked to statutory duties, by taking funding from them to maintain less essential non statutory services. In order to test against this, extensive consultation with service providers has taken place – as such whilst there is obvious concern from providers regarding reduced levels of funding, all have felt that they would maintain an appropriate, **albeit changed**, level of service and have either;

- found alternate ways to fund services
- Withdrawn from service provision and their users have been adopted by other services within the same field
- accepted the agreement and drafted new terms and conditions
- Have given an in principle agreement whilst reorganisation of their services takes place.

The consultation was a lengthy process (as outlined in the Consultation report) whilst including service users it focused on the service providers and made it clear:

- The strategy for change
- Prioritisation
- Ample scope for provider input
- Ample scope for providers to consult their service users
- Providers know the needs of their service users and should negotiate accordingly.

As a result of this, a table was produced which showed each service provider and a 'before and after' chart. This is at Annex 2 and contains the 'key legend' to some of the grading used below.

This Analysis report will assess whether these changes comply with the Equality Act (section 149 PSED). It is beyond the remit of this report to comment on efficiency of models (whether there are different or more productive ways of doing things beyond the suggested changes.)

The Equality Act 2010.

In order to meet equality legislation we have to consider (section 149):

- A public authority must, in the exercise of its functions, have due regard to the need to –*
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

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Within section 149 there is further clarification of what (b) and (c) mean. These have been addressed as each proposal is assessed.

With this, each 'client group service area' (listed in annex2) will be assessed; the following table lists the client group by protected characteristic:

Client group targeted at protected characteristics (section A)		
	proximity to other statutory duties	comments
Domestic violence	High	
Young people at risk	medium	
Older people	low/nil	
People with mental health problems	HIGH	exempt from this analysis due to review
People with learning difficulties	high	exempt from this analysis due to review
people with physical/sensory disability	high	exempt from this analysis due to review
People with HIV	medium	

Client group targeted by need (section B)		
Offender or people at risk of offending	High	
people with substance misuse	low	
Homeless families with support needs	medium	
Single Homelessness	medium	
Energy efficiency/Home improvements	nil	

Section A

This section looks at services that are intrinsically targeted at particular protected characteristics, in that as a result of having the characteristic then there is a clear vulnerability and/ or need.

1. Domestic violence. (High priority. Very close association to Statutory legislation on Homelessness)

Our community is made up roughly of 50% males and females; however 98% of domestic violence is perpetrated by men on women. All domestic violence is criminal and is classified as a 'hate crime'.

Domestic violence is categorised as; physical, mental, sexual abuse that happens in a home setting perpetrated by a partner, friend or family member. As such it has pernicious consequences in that it destroys lives and futures.

Sefton currently funds two types of provision: one is accommodation/hostel (refuge) which supports victims fleeing violent environments and the other is a 'sanctuary' (security measures in the home so it's safe for the victim to remain in their home) service with visiting support where the home is made secure for the victim.

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Due to the fact that the victims are overwhelmingly female this is a gender based issue that would come under the first equality duty of 'eliminating discrimination and harassment' - and as such Council has to pay particular attention to the need to continue funding services.

In consultation with service providers, it was felt that there could be no change to the 'sanctuary' visiting support service for women who wish to stay in their own homes.

People using current services
(over last
12 months)

Age Range - CRF	Age range Totals	Male	Female	Age Range %
16 - 25	85	0	85	0%
26 - 59	152	3	149	100%
60 - 95+	4	1	3	0%
Not Recorded / Not Declared	0	0	0	0%
Total	241	4	237	100%
		2%	98%	
White: British	90.87%			
Asian/Asian British:				
Indian	0.83%			
Refused	0.41%			
Asian/Asian British:				
Pakistani	0.41%			
Black/Black British: Other	0.41%			
Asian/Asian British:				
Chinese	0.83%			
White: Other	4.56%			
Mixed: Other	0.41%			
Other ethnic group: Other	0.83%			
Asian/Asian British:				
Bangladeshi	0.41%			

Proposed changes:

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
WOMEN AT RISK OF DOMESTIC VIOLENCE	Short term visiting support for women at risk of domestic violence	Sefton Council VVAT	B	75% of funding to be retained for services commissioned in-line with outcomes of corporate review of domestic violence	Service to be retained at current funding level.
	Hostel for	Sefton	A		Service to

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	women at risk of domestic violence	Women and Children's Aid			be retained at reduced funding level
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There is no change to the threshold of who can ask for support and there is no change to the current capacity of the service in terms of numbers of victims it can support.

The change of service is in the level of support hours in the Hostel environment such that 'block hours' are not awarded per client but flexible contracts based on core issues and needs.

Obviously people who are victims of domestic violence come in all types, different ethnicity, religion, sexuality, age, gender and trans gender; it's recognised by service providers by way of their commissioning contracts that specific needs in relation to these categories are met.

Meeting the Duties:

This service has a close association to the statutory homelessness act and is an essential part of meeting the homelessness' act's requirements. In providing this service the council is clearly advancing equality of opportunity for women.

As such it is:

- Eliminating discrimination and harassment: by working with partners, such as the police, this programme is identifying and addressing some of the most pernicious and inherent discriminative treatment that women can face in our society.
- Advancing equality of opportunity: expecting to live a life without fear of abuse for the most of us is taken for granted; this programme allows this simple life's chances to be enabled. It shows that violence against women is unacceptable and efforts will be made to support women to allow them to lead a life that they wish to lead.
 - a) This programme recognises that the vast majority of domestic violence is targeted at women and therefore a particular response is required
 - b) Whilst the service is targeted at women, differences in needs are acknowledged and catered for.
 - c) The effect of domestic violence is such that it disproportionately affects women by reducing their ability and confidence to engage in everyday life activities. This programme supports women in 'reclaiming their lives and identify'
- Foster good relations between groups. Multi agency work on domestic violence is clearly breaking down the social taboo of pretending it doesn't exist. As such women become more aware of the illegality of such behaviours and the fact that there are support mechanisms for them to escape such behaviour. This work contributes to and challenges the stereotypes and prejudice that hides and supports such violence.

In proposing these changes the council is not discriminating and is meeting its public sector equality duties. However, domestic violence nationally is on the increase and a review is currently in progress to ascertain the size and shape of these services going forward.

2. Young People.(services have proximity to Homelessness legislation)

Society caters for and has expectations for young people – school, apprenticeship, college and job etc, however many young people have chaotic or difficult home lives such that they feel they need to leave. As such they often become 'sofa surfers' staying at friends & relatives until their welcome wears out in many cases forcing them into 'homelessness'. Without support and intervention many will present as homeless for help and support.

People under 18 are not entitled to enter in to any contractual relationship; therefore Landlords are unlikely to offer them tenancies. In order to counter this a number of 'hostels' are used which use a 'licence' agreement – essentially a voluntary arrangement which stipulates what is expected of each party but make it clear the that young person has no long term rights of tenancy.

The maximum a person can stay within the service is 2 years. The expectation is that the person will have either:

- Returned home if safe to do so
- Establish independent living with their own tenancy within the public or private sector.

Users of the service (young people at risk):

16-17year olds = 53 users
18-21year olds = 185 users
22-25 year olds = 52 users

The average age of users is 19 years old. There are a total of 107 units available and 2011/12 saw 237 young people access the service.

Males were 68% of clients (160)

Females 32% of clients (77)

Data shows that 95.36% of users classed themselves as white British. (the next significant groups were: 0.84% presented as Asian/Asian British or Pakistani, 0.84% presented as Black/Black British, 1.69% presented as white or Black African. 55% presented as Christian, 0.84% presented as Muslim)

Providers of services do not collect data on the 'cause of homelessness' (i.e. why were young people showing up?)

Users of service (Single homeless with support needs)

Age Range - CRF	Age range Totals	Male	Female	Age Range %
16 - 25	96	65	31	65.75%

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26 - 59	49	42	7	33.56%
60 - 95+	1	0	1	0.68%
Not Recorded / Not Declared	0	0	0	0.00%
Total	146	107	39	100.00%
		73%	27%	

White: British	93.15%
White: Irish	2.05%
Mixed: White & Black Caribbean	0.68%
Black/Black British: Other	1.37%
Asian/Asian British: Chinese	0.68%
White: Other	1.37%
Black/Black British: African	0.68%

The support offered to young people varies, but will include benefits advice, job search or return to college as well as help with locating a more permanent tenancy.

Proposed change in service provision:

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
YOUNG PEOPLE AT RISK	Hostel for young people at risk	Forum Housing Association	C	Remodel current 24hr direct access service to deliver day time support only and a reduced night time provision	4 services merged resulting in more cost effective and efficient service Direct day time access to service with night time security/on call service.
	Accommodation based short term visiting support for young people at risk	Forum Housing Association	C	To retain 43% of current contract value. Savings to be achieved by varying support hours but retaining	4 services merged resulting in more cost effective and efficient service Direct day time access

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				number of units	to service with night time security/on call service.
	Accommodation based short term support for young people at risk with Live in Landlord (supported Lodging)	Local Solutions	B/C	To retain 59% of current contract value. Savings to be achieved by varying support hours delivered by support workers but retaining support and number of Householders	Service to be retained at reduced funding level reducing hours to 2 hours per client per week from support staff in line with other visiting support
	Short term visiting support/drop in for young people at risk	Merseyside Youth Association	C	To retain 57% of current contract value. Savings to be achieved by varying support hours but retaining number of units	Service to be retained at reduced funding level reducing hours to 2 hours per client per week from support staff in line with other visiting support
YOUNG SINGLE HOMELESS WITH SUPPORT NEEDS	Accommodation based short term visiting support for young single homeless with support needs	Forum Housing Association	C	To retain 34% of current contract value. Savings to be achieved by varying	4 services merged resulting in more cost effective and efficient service

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				support hours but retaining number of units	Direct day time access to service with night time security/on call service.
	Hostel for young single homeless with support needs	Forum Housing Association	C	Remodel current 24hr direct access service to deliver day time support only and a reduced night time provision	4 services merged resulting in more cost effective and efficient service Direct day time access to service with night time security/on call service.

In providing this provision the councils is:

- Eliminating discrimination; by providing a homeless advice and support system directed at young people
- Advancing equality of opportunity; by providing an essential building block – a safe home – in order to build a life, such that:
 - a) The service supports young people in issues that affect them because they are young (e.g. not knowing how to access benefits, not knowing how to access training or education, not knowing how to budget and manage income, not knowing how to cook or shop)
 - b) The service provides a tailored support to meet individual needs as ‘one size does not fit all’ by working with the young person to identify the best path forward.
 - c) Many young people due to family circumstances, or being involved in a care environment, or with learning difficulties can be disproportionately affected such that simply finding and maintaining a home can be an extremely challenging task
- Fosters good relations: by demonstrating to young people that they have a place in society and the local tax paying community helps them to ‘get on their feet’ in the absence of a loving and nurturing family.

In accepting this proposal the Council is not discriminating and is meeting its duties.

3. Older People:

Older people in the community often have a varied and active life, involved with friends and family, however, we recognise that a small proportion of older people become frail or fragile in some way; be it ill health, isolation, fear of crime etc. As such many older people seek safer places to live where they can have some community life and feel safe in their environment.

In order to meet this need, historically, ‘Sheltered Housing’ provision was established.

The proposal concerning sheltered housing (see below) in consultation with service providers have found a solution which:

- Enables all current users to remain in the service/accommodation.
- Redefines support packages so they are more person focussed rather than ‘off the shelf block contracts’
- Relies more on electronic safety measures which are 24/7 365 days a year rather than a 9-5, Mon-Fri scheme manager.

Older People currently using services

Age Range - CRF	Age range Totals	Male	Female	Age Range %
16 - 25	0	0	0	0%
26 - 59	126	76	49	6%
60 - 95+	1851	769	1035	93%
Not Recorded / Not Declared	4	1	2	0%
Total	1981	846	1086	100%
White: British	100%			

(NB 100% white British may be an anomaly, although there is a small minority in sefton given the large sample size – none are showing at the time of this data count)

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision

		Pierhead Housing Association			
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As such the service will continue to provide for and respond to any health/wellbeing issues.

The threshold of eligibility has not changed and the capacity to house elder people within the units has not changed.

The only change has been the level and type of support that residents have whilst in the homes. The schemes will continue to meet the fundamental needs of residents.

There are currently 2236 units on offer, obviously older people come in all types, different ethnicity, gender, religion, sexuality, disability and transgender, it's recognised by service providers by way of their commissioning contracts that specific needs in relation to these categories are met.

Meeting the Duties?

This service is non statutory yet the proposal maintains services to older people who require sheltered accommodation, as such it:

- Eliminates discrimination, by ensuring that services for older people are provided
- Advances equality of opportunity; by ensuring that older people can maintain a dignified and balanced life by living in a safe environment. It does this in such a way that it:
 - a) Recognises that older age can come with its own difficulties and helps to support the person with this.
 - b) In providing a service it looks at each person's needs and addresses them rather than a 'one size fits all'
 - c) Ensures that older people can maintain a life style rather than be isolated and excluded from society.
- Foster good relations between groups; by recognising that older people have needs and that society wishes to help and support them during this phase of their lives.

The Council is not discriminating by accepting this proposal and is meeting its general duties.

4. People with HIV/AIDS

HIV/AIDS under the Equality Act 2010 is categorised as having a 'disability' and as such is a protected characteristic. Whilst the service on offer is a non statutory service, Council has to be mindful that it has a role to play in responding to the needs of people with HIV/AIDS, especially as they are easily targeted for hate crimes and prejudice.

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Many, on revealing to family, friends, employers that they have HIV/AIDS can be ostracised and shunned.

In consultation with Providers it was found that the first provider (Adullam Homes) had no users with HIV/AIDS within its service, this provision has been withdrawn. The second provider (Sahir House) is in fact funded by 5 Merseyside based Local authorities. Sefton funds 4 beds in the unit for Sefton residents.

People with HIV/Aids service users

Age Range - CRF	Age range Totals	Male	Female	Not Recorded / Not Declared	Age Range %
16 - 25	0	0	0	0	0.00%
26 - 59	1	1	0	0	100.00%
60 - 95+	0	0	0	0	0.00%
Not Recorded / Not Declared	0	0	0	0	0.00%
Total	1	1	0	0	100.00%

White: British 100%

It was agreed that this service will continue for another 12 months and then reviewed again.

Proposed changes to service:

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
PEOPLE WITH HIV/AIDS	Accommodation based short term visiting support for people with HIV/Aids	Adullam Homes	C	SP funding to be withdrawn by September 2012	
	Cross Authority visiting support for people with HIV/Aids	Sahir House	X	No Change	Service to be retained at current funding level.

The service provision is currently meeting need; there is no change in threshold. Capacity has been reduced due to the withdrawal of Adullam homes but this reflects 'real world usage'.

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People who have HIV/AIDS are all types, different ethnicity, religion, sexuality, age, gender and trans gender, it is recognised by service providers by way of their commissioning contracts that specific needs in relation to these categories are met.

Meeting the duties?

Whilst this is non statutory service, none the less Sefton is playing its part in supporting people with HIV/AIDS as such it is:

- Eliminating discrimination; by ensuring that there are provisions for people with HIV/AIDS
- Advancing equality of opportunity; by ensuring that there is care and respite for people living with HIV/AIDS such that:
 - a) The service recognises the needs of people living with HIV/AIDS and addresses this
 - b) The care offer has individualised elements ensuring that different needs for different people are taken in to account
 - c) People with HIV/AIDS are often excluded from services and society and this care offer helps to redress the imbalance.
- Foster good relations: the programme helps to work with people, families and community to help remove prejudice and misunderstanding connected to HIV/AIDS

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

Section B

Section B looks at services that are targeted at people's needs but not specifically at a protected characteristic.

5. Offender or people at risk of offending

The homelessness act requires that provision should be made to ensure that people returning to the community after prison sentence should be assisted with their housing needs.

Service Users:

Age Range -	Age range Totals	Male	Female	Age Range %
16 - 25	20	17	3	22.99%
26 - 59	67	52	15	77.01%
60 - 95+	0	0	0	0.00%
Not Recorded / Not Declared	0	0	0	0.00%
Total	87	69	18	100.00%

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79% 21%

White: British 98%
 Mixed: White & Black Caribbean 1%
 Black/Black British: Caribbean 1%

Proposed changes to services:

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
OFFENDERS OR PEOPLE AT RISK OF OFFENDING	Accommodation based short term visiting service	Adullam Homes	B	Retention of all units of supported accommodation. Retain 50% of the current contract value	4 services to merged and 1 service to be procured at North West hourly rate or below.
	Hostel for offenders or people at risk of offending	North West Property Custodians Ltd	B/C	No Change	Service to be retained at current funding level.
	Short term visiting support for offenders(including MAPPA 2&3) or people at risk of offending	DISC	C	To retain 86% of current contract value. Savings to be achieved by varying support hours	Service to be retained at reduced funding level.

This service is not targeted at a particular protected characteristic but meets social needs of people returning in to the community.

As such, the equality legislation would focus on 'how the service is being delivered' – as the data shows, there are a cross section of sefton's society using the service and the commissioning contracts ensure that individual needs are understood and the support package users receive takes in to account their need.

Meeting the duties?

- Eliminating discrimination; by ensuring that this provision services different users

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- Advancing equality of opportunity; by ensuring that services and facilities service different protected characteristics
 - a) The service recognises the needs of the individual and addresses this
 - b) The offer has individualised elements ensuring that different needs for different people are taken in to account and supported in ways pertinent to them
 - c) People returning from prison or in danger of offending are often excluded from services and society and this service offer helps to redress the imbalance.
- Foster good relations: the programme helps to work with people, families and community, employers to help remove prejudice connected with offenders and potential offenders.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

6. Alcohol & Substance misuse.

Alcohol and substance misuse cuts across all society and can have a devastating effect on the person and family and friends.

Chronic users can spiral down such that they become homeless and develop behaviour that can lead to criminality.

The support services help them to maintain a tenancy.

Although alcohol and substance misuse can lead to homelessness, the Homelessness Act is clear on 'intentional homeless', in that one's behaviour (e.g. spending the rent money on something less substantial) if it lead to homelessness, would be outside the Act's purview.

In addition the Act stipulates that 'homelessness' would have to occur within 28 days. However this has to be balanced against 'illness and mental health conditions', addictions can cause deterioration and become mental health conditions. As such the Homelessness act would then offer protection for such persons.

Whilst this service is connected with the Homelessness Act it is at 'arms length'. As such the service can be designated 'non-statutory'. None-the-less, it is clear that these service users are in need and without support would enter a spiral of decline.

Age Range - CRF	Age range			Age
	Totals	Male	Female	Range %
16 - 25	2	1	1	13%
26 - 59	12	8	4	80%
60 - 95+	1	1	0	7%
Not recorded	0	0	0	0%
Total	15	10	5	100%
		67%	33%	
White: British	100%			

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Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
PEOPLE WITH ALCOHOL / SUBSTANCE PROBLEMS	Accommodation based short term visiting support for people with alcohol problems	DISC	C	No change	Service to be retained at current funding level.

This service is not targeted at a particular protected characteristic but meets social needs of people substance abuse problems.

As such, the equality legislation would focus on 'how the service is being delivered' – as the data shows, there are a cross section of sefton's society using the service and the commissioning contracts ensure that individual needs are understood and the support package users receive takes in to account their need.

Meeting the duties?

- Eliminating discrimination; by ensuring that this provision services different users
- Advancing equality of opportunity; by ensuring that services and facilities service different protected characteristics
 - a) The service recognises the needs of the individual and addresses this
 - b) The offer has individualised elements ensuring that different needs for different people are taken in to account and supported in ways pertinent to them
 - c) People suffering from addiction are in danger of offending are often excluded from services and society and this service offer helps to redress the imbalance.
- Foster good relations: the programme helps to work with people, families and community, employers to help remove prejudice connected with offenders and potential offenders.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

7. Multiple needs

This service is available to people who are in a tenancy and feel they need some support in order to deal with a problem or perceived problem (fear over threat of violence)

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Multiple Needs

Age Range - CRF	Age range Totals	Male	Female	Not Recorded / Not Declared	Age Range %
16 - 25	0	0	0	0	0%
26 - 59	1	1	0	0	0%
60 - 95+	0	0	0	0	100%
Not Recorded / Not Declared	0	0	0	0	0%
Total	1	1	0	0	100%

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
MULTIPLE NEEDS	Short term visiting support for people with multiple needs	Homegroup		To retain 49% of current contract value. Savings to be achieved by varying support and reducing hourly rate, but retaining number of units	Provider unable to agree new contract price, Contract expired and clients absorbed into existing services .
	Short term visiting support for Women with multiple needs	Venus Resource Centre	B	To retain 65% of current contract value. Savings to be achieved by varying support but retaining number of units	Service to be retained at reduced funding level.

As such, the equality legislation would focus on 'how the service is being delivered' – there is little data to go on for analysis.

Meeting the duties?

- Eliminating discrimination; by ensuring that this provision meets individual needs.

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- Advancing equality of opportunity; by ensuring that services and facilities service different protected characteristics
 - a) The service recognises the needs of the individual and addresses this
 - b) The offer has individualised elements ensuring that different needs for different people are taken in to account and supported in ways pertinent to them
 - c) People who find themselves in a difficult or traumatic position in society can often feel marginalised and this service offer helps to redress the imbalance.
- Foster good relations: the programme helps to work with people, families, community, employers to help families back on to their feet.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

8. Single homeless

The Council has a statutory duty under the homelessness act to support people that become homeless. Council has a historically developed two pronged approach. The first being an immediate assessment at the 'homelessness unit' and then if accepted as in need the single person is placed in temporary accommodation, either within a Council run facility or a third sector run facility. During this stay they will receive support in finding and securing more permanent accommodation, accessing benefits and support with finding work/training.

Single homeless users:

Age Range -	Age range Totals	Male	Female	Age Range %
16 - 25	96	65	31	65.75%
26 - 59	49	42	7	33.56%
60 - 95+	1	0	1	0.68%
Not Recorded / Not Declared	0	0	0	0.00%
Total	146	107	39	100.00%
		73%	27%	
White: British	93.15%			
White: Irish	2.05%			
Mixed: White & Black Caribbean	0.68%			
Black/Black British: Other	1.37%			
Asian/Asian British: Chinese	0.68%			
White: Other	1.37%			
Black/Black British: African	0.68%			

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Proposed change to services:

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
SINGLE HOMELESS WITH SUPPORT NEEDS	Accommodation based short term visiting support for single homeless with support needs	Adullam Homes Bosco Society	C C	To retain 39% of current contract values. Savings to be achieved by varying support hours and reducing hourly rate, but retaining number of units	2 services to be retained at reduced funding level
	Hostel for single homeless with support needs	Bosco Society	C	No Change	Service to be retained at current funding level.
	Short term visiting support for single homeless with support needs	Light for Life	C	To retain 63% of current contract values. Savings to be achieved by varying support hours but retaining number of units	Service to be retained at reduced funding level

As such, the equality legislation would focus on 'how the service is being delivered' – as the data shows, there are a cross section of sefton's society using the service and the commissioning contracts ensure that individual needs are understood and the support package users receive takes in to account their need.

Meeting the duties?

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- Eliminating discrimination; by ensuring that this provision services single people of all types.
- Advancing equality of opportunity; by ensuring that services and facilities service different protected characteristics
 - a) The service recognises the needs of the individual and addresses this
 - b) The offer has individualised elements ensuring that different needs for different people are taken in to account and supported in ways pertinent to them
 - c) People who find themselves homeless, are in a very difficult and traumatic position in society and this service offer helps to redress the imbalance.
- Foster good relations: the programme helps to work with people, families, community, employers to help families back on to their feet.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

9. Vulnerable adults

Vulnerable adults are already in tenancies but because of their situation may need support in maintaining the tenancy. This is a non statutory service.

Vulnerable Adults service users:

	Age range			Not Recorded / Not Declared	Age Range %
Age Range - CRF	Totals	Male	Female		
16 - 25	9	6	3	0	1.52%
26 - 59	146	96	49	1	24.70%
60 - 95+	436	177	253	6	73.77%
Not Recorded / Not Declared	0	0	0	0	0.00%
Total	591	279	305	7	100.00%
		47%	52%	1%	

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
VULNERABLE ADULTS	Accommodation based long term visiting support for	One Vision Housing	X	To retain 41% of current contract	2 services to be merges and retained at

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	vulnerable adults			values. Savings to be achieved by varying support hours, hourly rates and capacity	reduced capacity and funding level
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As such, the equality legislation would focus on ‘how the service is being delivered’ – as the data shows, there are a cross section of sefton’s society using the service and the commissioning contracts ensure that individual needs are understood and the support package users receive takes in to account their need.

Meeting the duties?

- Eliminating discrimination; by ensuring that this provision services different protected characteristics.
- Advancing equality of opportunity; by ensuring that the services
 - a) recognises the needs of the individual and addresses this
 - b) The offer has individualised elements ensuring that different needs for different people are taken in to account and supported in ways pertinent to them
 - c) Ensures that people can maintain a life style rather than be isolated and excluded from society.
- Foster good relations between groups; by recognising that vulnerable adults have needs and that society wishes to help and support them during this phase of their lives.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

10. Home improvement and Energy efficiency.

As part of supporting older tenants a number of projects have been developed. They are non – statutory.

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
HOME IMPROVEMENT AGENCY	Advocacy Service/Home Improvement Agency	Mears Group PLC	X	SP funding to be withdrawn in line with commencement of new service	services to be replaced by newly tendered services

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Ensure provision is included within other council contracts for Advocacy service and Handyperson Service. Retain current level of service for Energy Efficiency team through integrated commissioning					within Places Directorate
	Handyperson/Home Improvement Agency	Mears Group PLC	X	SP funding to be withdrawn in line with commencement of new service	services to be included in newly tendered services within Peoples Directorate
	Visiting Advice Team for Energy Efficiency.	Sefton Council Energy Team	X	50% of SP funding to be removed by September 2012	Retain current provision with joint funding arrangement with partners

Community Alarms.

Community Alarm is the technical support service that provides assistance to residents.

Client Group	Current Provision	Providers	Proximity to Statutory Duties*	Change to Provision	Proposed Provision
COMMUNITY ALARMS	Community Alarm for older people with support needs	Sefton Careline Anchor Trust Arena Housing Association English Churches Housing Group Hanover Housing Association Pierhead Housing Association	X X X X X	To retain 91% of current contract values. Savings to be achieved by varying hourly rates and retaining number of units	Procure same service at reduced level of funding
	Community Warden for	Sefton Careline	X	To retain 20% of	Procure same

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	older people with support needs			current contract values. Savings to be achieved by varying support hours, hourly rates and capacity	service at reduced level of funding and capacity
	Generic Telecare service	Sefton Careline	X	To retain 90% of current contract values. Savings to be achieved by varying hourly rates and retaining number of units	Procure same service at reduced level of funding

Both these provisions meet the equality duties:

- Eliminate discrimination: they offer technical support to enable other programmes (listed above) to be carried out.
- Advance equality of opportunity: by ensuring that services are provided, thus enabling people to acquire or maintain a tenancy
- Foster good relations between groups: by recognising that different people have different needs and that society wishes to help and support them during this phase of their lives.

In accepting this proposal Council is not discriminating and is meeting its public sector equality duties.

General Comment:

In looking at the above proposals a key factor has been the service providers willingness to design and operate services differently and in doing so services are still being offered to protected groups and those in need.

However, close monitoring and ongoing evaluation will be needed to ensure that the most vulnerable are being supported.

The Council in accepting these proposals will not be in breach of its general duties under the Equality Act.

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Appendix 1. List of service outlets and providers that are under separate 'FACS' review.

<i>Saving area</i>	Provider name	Service name
<i>Care & support</i>	A Lymath	A Lymath Adult Placement
<i>Care & support</i>	Access Community Services Ltd	The Barn
<i>Care & support</i>	Access Community Services Ltd	Community Support for Adults with LD
<i>Care & support</i>	Access Community Services Ltd	Broome Road
<i>Care & support</i>	Autism Initiatives	Stanley Road
<i>Care & support</i>	Autism Initiatives	Pembroke Road
<i>Care & support</i>	Autism Initiatives	Autistic Service
<i>Care & support</i>	Autism Initiatives	Tarbrock Court
<i>Care & support</i>	Autism Initiatives	Kinross Road
<i>Care & support</i>	Autism Initiatives	Westmoreland Road
<i>Care & support</i>	Barbara Hemmings	Orlando Street
<i>Care & support</i>	Barbara Jones	B Jones Adult Placement
<i>Care & support</i>	DeafBlind UK	Floating Communicating Guide
<i>Care & support</i>	European Wellcare Lifestyles Ltd	Supported Living Service
<i>Care & support</i>	European Wellcare Lifestyles Ltd	The Poplars
<i>Care & support</i>	Expect	Daniel Close
<i>Care & support</i>	Expect	Olivia Street
<i>Care & support</i>	Expect	Outreach Support Service
<i>Care & support</i>	Expect	Caradoc Road
<i>Care & support</i>	Expect	Burns Street

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<i>Care & support</i>	Expect	Prior Street
<i>Care & support</i>	Expect	New Fort Way
<i>Care & support</i>	Expect	Akenside Street
<i>Care & support</i>	Geraldine McKay	Cambridge Avenue
<i>Care & support</i>	Glenelg Support	Learning Disability Support
<i>Care & support</i>	Imagine	Mental Health Service
<i>Care & support</i>	Imagine	Princes Street Scheme
<i>Care & support</i>	Imagine	Summer Road
<i>Care & support</i>	Imagine	Mental Health Scheme
<i>Care & support</i>	J Mackie	J Mackie Adult Placement
<i>Care & support</i>	K Parkes	K Parkes Adult Placement
<i>Care & support</i>	Kensington Supported Housing	Gloucester Road
<i>Care & support</i>	Making Space	Leicester Street
<i>Care & support</i>	Mencap	Palmerston Drive
<i>Care & support</i>	Mencap	Marina House
<i>Care & support</i>	Nugent Care Society - Ainsdale	Ainsdale Care in the Community
<i>Care & support</i>	PSS	Sefton Adult Placement Scheme
<i>Care & support</i>	Rethink	Station Grove
<i>Care & support</i>	Sefton New Directions Limited	Simonscroft
<i>Care & support</i>	Sefton New Directions Limited	Holly Grove
<i>Care & support</i>	Sefton New Directions Limited	Poulsom Drive
<i>Care & support</i>	Sefton New Directions Limited	Lyra Road

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<i>Care & support</i>	Sefton New Directions Limited	Wavell Close
<i>Care & support</i>	Sefton New Directions Limited	The Woodlands (Landsdowne House)
<i>Care & support</i>	Sefton SSD Adult Placement	Sefton SSD Adult Placement
<i>Care & support</i>	SLC Raglin	Raglin Care
<i>Care & support</i>	Warren Care	Captains Lane
<i>Care & support</i>	Warren Care	Summer Road
<i>Care & support</i>	Warren Care	Gladstone Road

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		Housing Association Pierhead Housing Association			
HOME IMPROVEMENT AGENCY Ensure provision is included within other council contracts for Advocacy service and Handyman Service. Retain current level of service for Energy Efficiency team through integrated commissioning	Advocacy Service/Home Improvement Agency	Mears Group PLC	X	SP funding to be withdrawn in line with commencement of new service	services to be replaced by newly tendered services within Places Directorate
	Handyperson/Home Improvement Agency	Mears Group PLC	X	SP funding to be withdrawn in line with commencement of new service	services to be included in newly tendered services within Peoples Directorate
	Visiting Advice Team for Energy Efficiency.	Sefton Council Energy Team	X	50% of SP funding to be removed by September 2012	Retain current provision with joint funding arrangement with partners
HOMELESS FAMILIES WITH SUPPORT NEEDS	Hostel for homeless families with support needs with onsite scheme manager. 10 units	Sefton Council Homeless Department	C	Retain 50% of the current unit provision	Hostel for homeless families with support needs with onsite scheme manager. 5 units
MULTIPLE NEEDS	Short term visiting support for people with multiple needs	Homegroup		To retain 49% of current contract value. Savings to be achieved by varying support and reducing hourly rate, but retaining number of units	Provider unable to agree new contract price, Contract expired and clients absorbed into existing services.
	Short term visiting support for Women with multiple needs	Venus Resource Centre	B	To retain 61% of current contract value. Savings to be achieved	Service to be retained at reduced funding level.

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				by varying support but retaining number of units	
OFFENDERS OR PEOPLE AT RISK OF OFFENDING	Accommodation based short term visiting service	Adullam Homes	B	Retention of all units of supported accommodation. Retain 50% of the current contract value	4 services to merged and 1 service to be procured at North West hourly rate or below.
	Hostel for offenders or people at risk of offending	North West Property Custodians Ltd	B/C	No Change	Service to be retained at current funding level.
	Short term visiting support for offenders(including MAPPA 2&3) or people at risk of offending	DISC	C	To retain 86% of current contract value. Savings to be achieved by varying support hours	Service to be retained at reduced funding level.
PEOPLE WITH ALCOHOL PROBLEMS	Accommodation based short term visiting support for people with alcohol problems	DISC	C	No change	Service to be retained at current funding level.
PEOPLE WITH HIV/AIDS	Accommodation based short term visiting support for people with HIV/Aids	Adullam Homes	C	SP funding to be withdrawn by September 2012	
	Cross Authority visiting support for people with HIV/Aids	Sahir House	X	No Change	Service to be retained at current funding level.
SINGLE HOMELESS WITH SUPPORT NEEDS	Accommodation based short term visiting support for single homeless with support needs	Adullam Homes Bosco Society	C C	To retain 39% of current contract values. Savings to be achieved by varying support hours and	2 services to be retained at reduced funding level

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				reducing hourly rate, but retaining number of units	
	Hostel for single homeless with support needs	Bosco Society	C	No Change	Service to be retained at current funding level.
	Short term visiting support for single homeless with support needs	Light for Life	C	To retain 63% of current contract values. Savings to be achieved by varying support hours but retaining number of units	Service to be retained at reduced funding level
VULNERABLE ADULTS	Accommodation based long term visiting support for vulnerable adults	One Vision Housing	X	To retain 41% of current contract values. Savings to be achieved by varying support hours, hourly rates and capacity	2 services to be merged and retained at reduced capacity and funding level
WOMEN AT RISK OF DOMESTIC VIOLENCE	Short term visiting support for women at risk of domestic violence	Sefton Council VVAT	B	75% of funding to be retained for services commissioned in-line with	Service to be retained at current funding level.
	Hostel for women at risk of domestic violence	Sefton Women and Children's Aid	A	outcomes of corporate review of domestic violence	Service to be retained at reduced funding level
YOUNG PEOPLE AT RISK	Hostel for young people at risk	Forum Housing Association	C	Remodel current 24hr direct access	4 services merged resulting in more cost

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				service to deliver day time support only and a reduced night time provision	effective and efficient service Direct day time access to service with night time security/on call service.
	Accommodation based short term visiting support for young people at risk	Forum Housing Association	C	To retain 43% of current contract value. Savings to be achieved by varying support hours but retaining number of units	4 services merged resulting in more cost effective and efficient service Direct day time access to service with night time security/on call service.
	Accommodation based short term support for young people at risk with Live in Landlord (supported Lodging)	Local Solutions	B/C	To retain 59% of current contract value. Savings to be achieved by varying support hours delivered by support workers but retaining support and number of Householders	Service to be retained at reduced funding level reducing hours to 2 hours per client per week from support staff inline with other visiting support
	Short term visiting support/drop in for young people at risk	Merseyside Youth Association	C	To retain 57% of current contract value. Savings to be achieved by varying support hours but retaining	Service to be retained at reduced funding level reducing hours to 2 hours per client per week from support staff in line with

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				number of units	other visiting support
YOUNG SINGLE HOMELESS WITH SUPPORT NEEDS	Accommodation based short term visiting support for young single homeless with support needs	Forum Housing Association	C	To retain 34% of current contract value. Savings to be achieved by varying support hours but retaining number of units	4 services merged resulting in more cost effective and efficient service Direct day time access to service with night time security/on call service.
	Hostel for young single homeless with support needs	Forum Housing Association	C	Remodel current 24hr direct access service to deliver day time support only and a reduced night time provision	4 services merged resulting in more cost effective and efficient service Direct day time access to service with night time security/on call service.
COMMUNITY ALARMS	Community Alarm for older people with support needs	Sefton Careline Anchor Trust Arena Housing Association English Churches Housing Group Hanover Housing Association Pierhead Housing Association	X X X X X X	To retain 91% of current contract values. Savings to be achieved by varying hourly rates and retaining number of units	Procure same service at reduced level of funding
	Community Warden for older people	Sefton Careline	X	To retain 20% of current	Procure same service at reduced

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	with support needs			contract values. Savings to be achieved by varying support hours, hourly rates and capacity	level of funding and capacity
	Generic Telecare service	Sefton Careline	X	To retain 90% of current contract values. Savings to be achieved by varying hourly rates and retaining number of units	Procure same service at reduced level of funding
<p>* Proximity to Statutory Duties – Key A – Supporting or very close proximity to statutory duties B – Not close but some proximity to statutory duties C – Distant or no proximity to statutory duties X – No proximity to statutory duties</p>					

Report to: Cabinet **Date of Meeting:** 8th November, 2012

Subject: Refurbishment of King's Gardens, Southport - Tender Award

Report of: Strategic Director – Place

Wards Affected: Ainsdale, Birkdale, Cambridge, Dukes, Kew, Meols and Norwood

Is this a Key Decision? Yes **Is it included in the Forward Plan?** Yes

Exempt / Confidential No

Purpose/Summary

At the Cabinet meeting held 19th July 2012, Members resolved to accept a Heritage Lottery Fund grant of £4,079,000 to refurbish King's Gardens, Southport and approved commencement of the procurement and tender process for the selection of a suitable Main Contractor to undertake the works.

Subsequently Tenders were issued and have now been returned and assessed using a 'price and quality' appraisal process. The preferred contractor now needs to be formally appointed to deliver the works.

Recommendation(s)

1. the highest scoring tenderer based on a price and quality assessment be appointed as the preferred contractor;
2. the information contained within section 2 of the report be noted; and
3. subject to the satisfactory resolution of outstanding matters with the Heritage Lottery Fund to the extent that the Council's financial contribution to the project is not increased, the Head of Corporate Legal Services be authorised to enter into a formal Contract accordingly.

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How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	X		
2	Jobs and Prosperity	X		
3	Environmental Sustainability	X		
4	Health and Well-Being	X		
5	Children and Young People	X		
6	Creating Safe Communities	X		
7	Creating Inclusive Communities	X		
8	Improving the Quality of Council Services and Strengthening Local Democracy	X		

Reasons for the Recommendation:

To comply with the Constitution and Heritage Lottery Fund (HLF) Grant Award Contract conditions to enable the project to proceed.

What will it cost and how will it be financed?

As reported on 19th July 2012, the total project is forecast to cost **£5,559,000** and this will be financed as follows:

HLF Grant:	£4,079,000
Southport S106 contributions	£1,360,000
Marine Lake Café leaseholder contribution	£70,000
Sefton Council Café Contribution	£50,000

TOTAL MONIES AVAILABLE **£5,559,000**

(A) Revenue Costs – Included within the project's overall budget are the following provisions necessary to meet identified ongoing costs during the project delivery and for a period thereafter.

1. Employment of Community Development Officer post for a further 3 years including all associated costs: £97,047
 2. Community activities and events for 5 years: £145,275
 3. Training for park staff, volunteers and concessions £45,000
- Total Revenue Costs** **£287,322**

(B) Capital Costs - Construction works including all restoration and refurbishment works, professional fees, preliminaries and contingency: **£5,271,678**

(C) Capital + Revenue costs **£5,559,000**

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal The mandatory standstill period can only commence once a decision to award the contract has been made and the call-in period for that decision has expired	
Human Resources None	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

The refurbishment of King's Gardens will result in the complete overhaul of 22 acres of dilapidated and worn out public realm and gardens and strengthen Southport's Seafront offer for the enjoyment of local people and visitors. The project includes the complete replacement of end-of-life assets together with the long-term management and maintenance of the site over a period of at least 25 years to ensure the capital investment is secure. The project includes the improvement of the Marine Lake Café under the terms of a new 30-year lease and financial agreement with the leaseholder which will allow for better management of this concession.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1889/12) and Head of Corporate Legal Services (LD1207/12) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

The only other option would be to not accept any of the tenders and re-commence the procurement process. There are no grounds to do this.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting and formal 'stand still' period in accordance with OJEU procurement rules.

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Background Papers: None

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1. Background

- 1.1 Proposals to refurbish King's Gardens have been in development since 2007 and the project's aims are set out in detail in the 19th July 2012 Report to Cabinet.
- 1.2 At that meeting Cabinet authorised the commencement of the procurement and tender process for the selection of a suitable Main Contractor to undertake the works and for the outcome of the tender process be reported at a future meeting of Cabinet.

2. Management of Risk

- 2.1 Members will recall that, as outlined in the 19th July 2012 Cabinet report, this project has been developed following detailed investigations of the site over the course of a number of years. The project Design Team are therefore confident that it is unlikely there remain any unknown factors which will impact significantly upon the cost or delivery of the project.
- 2.2 In circumstances where the requirement for works is known, but the detail of the works cannot be fully defined at this stage, tenderers have been required to include a provisional sum to cover the cost of any work requirements. The provisional sum allowances have been established based on information from site survey and investigations and the design team are confident that these will be adequate to meet any costs likely to arise.
- 2.3 In order to understand and manage the project risks effectively a Risk Register was prepared at the commencement of the scheme and updated throughout project design development. This identifies and makes financial provision for dealing with circumstances which may have an impact on the project timescale and budget.
- 2.4 Finally, in addition to specifically identified provisional sum allowances and a costed risk register, the project will retain a further contingency sum to meet the cost of entirely unforeseeable circumstances, such as extreme inclement weather and the like.
- 2.5.1 By identifying and managing risks from the outset and procuring a skilled contractor with extensive experience of this type of restoration project, the Project Team is confident that the risks associated with this project have, and will continue to be, effectively managed.

3. Procurement process

- 3.1 Following the Council's acceptance of the HLF grant award, a two-stage process to procure a main contractor commenced and has been undertaken in accordance with the statutory OJEU process that governs contracts of this value. During the first stage, expressions of interest from potential contractors were invited via an advert in 'OJEU' (Official Journal of the European Union). There was a total of 38 Expressions of Interest, of which 17 were returned. Each contractor was then required to prepare an outline submission for assessment by a Panel comprising

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key members of the project delivery team with support from the Heritage Lottery Fund's Project Monitor and Sefton Council's Internal Audit Team.

- 3.2 A number of assessment criteria were developed in order to determine contractors' ability to deliver a project of this nature. These included contractors' experience, project management capabilities, health and safety records and their willingness to support added benefits - specifically generating training opportunities, local procurement and positive community working.
- 3.3 At the second stage, the six contractors making the highest scoring submissions during the initial assessment process were invited to tender. Tenders were invited on 17th August 2012 from the following contractors (in alphabetical order).
- Balfour Beatty
 - Barhale
 - Casey
 - Dowhigh
 - Galliford Try
 - William Birch
- 3.4 All six tenders were duly returned on Friday 28th September 2012 and all were found to be compliant.
- 3.5 Tenders were assessed using a 'quality : cost' methodology. Each tender comprised a Quality Submission and Financial Submission and was assessed against specific criteria and awarded a score. Each contractor then attended an hour-long interview with the Project Team, which was scored accordingly and at the end of this process the final scores were combined in the ratio of price = 30%, quality = 70%.

4.0 Current Situation and Way Forward

- 4.1 The above quality evaluation has now been completed but detailed consideration of the cost submissions are ongoing. Details of both the cost and quality submissions will be provided on the day of the meeting.
- 4.2 Initial analysis of tender cost submissions indicates that the project is deliverable within the budget available. Details of the full scheme cost, including risk, contingency and professional fee allowances will be reported on the day of the meeting.
- 4.3 The contractor that has submitted the highest scoring tender, based on the combined price and quality assessment, will be recommended for appointment as the preferred main contractor.
- 4.4 Subject to approval, the highest scoring tenderer will be appointed as Preferred Contractor in accordance with OJEU procurement rules. These rules stipulate that a 10-day 'standstill period' must then commence to allow for any legal challenge by the unsuccessful parties prior to full contract award.

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- 4.5 Assuming there is no challenge, the successful contractor could then be appointed. It is currently intended that this appointment will be made at the end of November to allow for mobilisation and procurement of resources in advance of a start on site date during the beginning of January 2013.
- 4.6 Any appointment will however be subject to the confirmation that the HLF remain content with the proposals culminating in their issue of a letter of approval to proceed. Generally the HLF have indicated their continued satisfaction with the proposals, and the procurement process followed, but have raised some concerns relating to the operation of the café and the long term management of the Marine Lake.
- 4.7 The Project Team are seeking to address the concerns relating to the café which centre upon the leaseholder's recent planning application to further extend the building's footprint. The HLF believe that the proposed extension will detract architecturally from the current refurbishment proposals, towards which they are making a significant financial contribution. Should this matter not be satisfactorily resolved it is possible that the HLF will withdraw its offer of funding for the café element of the project. However, should the planning application not be approved, the Council will not be liable to for the loss of the £70,000 contribution as the project would proceed without the café.
- 4.8 Although the Council are not required to submit to them for a further 12 months, the HLF have requested that the approved Kings Gardens Maintenance Plan is extended to incorporate the maintenance proposals for the adjacent Marine Lake. It is believed that this is nearly so that HLF can be reassured of the Council's long term intent to maintain the lake in its current condition, however it is the Project Team's intention to incorporate the proposals into the project wide plan now – as this will ensure that no unforeseen revenue implications arise later in the project.
- 4.9 The Project Team are hopeful that outstanding matters can be resolved ahead of the date of this report, in which case it is anticipated that the project will be free to proceed as planned. Members will therefore be recommended to approve appointment of the preferred contractor and, subject to call in, the formal award of the contract to undertake the full scope of the works.
- 4.10 However, in the event that any matters are not fully resolved with the HLF Members will be requested to approve appointment of the preferred contractor, and formal contract award, subject to the outcome of ongoing discussions and on the basis that the café element may have to be deleted from the scope of the works.
- 4.11 Any approval will be subject to there being no increase in the Council's capital and revenue contributions to this scheme. In the event that it is not possible for the scheme to proceed without the Council being required to increase its contributions then such circumstances will be the subject of a further report to Members.
- 4.11 Although the restoration works would be completed in phases the full contract period is expected to be approximately 60 weeks. Therefore, subject to commencement in January 2013, completion is likely to be achieved in February / March 2014.

Report to: Cabinet

Date of Meeting: 8th November 2012

Subject: Employment and Housing: Anfield and Bedford/Queens Programme

Report of: Director of Built Environment

Wards Affected: Linacre

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

To seek Cabinet approval to:

- accept Regional Growth Funding for the Employment and Housing: Anfield and Bedford/Queens programme;
- to dispose of the Bedford/Queens Phase 3, the former St Winefrides school, and the Kings Centre sites to Keepmoat Ltd. for development and refurbishment;
- delegate authority to the Director of Built Environment, Head of Corporate Finance and ICT, and Head of Corporate Legal Services to agree the final terms under which the grant is accepted, and the terms under which the sites will be disposed to Keepmoat Ltd;
- to enter into, a tripartite agreement with both Keepmoat Ltd and Liverpool City Council to indemnify the Council if either/or both Keepmoat Ltd. and Liverpool City Council fail to honour their obligations contained within the RGF Agreement and to vary the existing Overarching Development Agreement with Keepmoat Ltd. to include the obligations contained within the RGF Agreement.

Recommendation(s)

It is recommended that:

- i) Cabinet accepts the grant offer of £1,468,715 made under the Regional Growth Fund Round 2;
- ii) Cabinet approves the disposal of the Bedford/Queens Phase 3, the former St Winefrides school and the Kings Centre to Keepmoat Homes Ltd. for development and refurbishment as new housing for sale and rent;
- iii) Cabinet authorises the Director of Built Environment, Head of Corporate Finance and ICT, and the Head of Corporate Legal Services to agree the final terms under which the grant is accepted, and the terms under which the sites will be disposed to Keepmoat Ltd;
- iv) Cabinet agrees to the Council entering into a tripartite agreement with both Keepmoat Ltd and Liverpool City Council to indemnify the Council if either/or both Keepmoat Ltd. and Liverpool City Council fail to honour their obligations contained within the RGF Agreement and to vary the existing Overarching Development Agreement with Keepmoat Ltd. to include the obligations contained within the RGF Agreement.

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How does the decision contribute to the Council's Corporate Objectives?

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity	X		
3	Environmental Sustainability	X		
4	Health and Well-Being	X		
5	Children and Young People		X	
6	Creating Safe Communities	X		
7	Creating Inclusive Communities		X	
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

Reasons for the Recommendation:

The Regional Growth Fund (RGF) grant will provide the resources necessary to complete the Housing Market Renewal scheme in the Bedford/Queens area of Bootle, and to create, or preserve 122 jobs in North Liverpool and South Sefton.

What will it cost and how will it be financed?

(A) Revenue Costs: Nil

(B) Capital Costs: The Council will administer a RGF grant of up to £1,468,715. This sum is sufficient to deliver new housing on the three sites contained within this proposal. No additional resources over and above that already allocated to the HMR programme in June 2011 are required. Acceptance of this grant will neither increase nor decrease the requirement for funds for the HMR programme approved by Cabinet in June 2011.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal: With the exception of the former St Winefrides School, the site has been acquired using Compulsory Purchase powers with a view to delivering this scheme. A range of legal implications would result from failure to deliver the scheme as planned.

Human Resources: There are no additional human resources required as a consequence of this expenditure.

Equality

- | | | |
|----|--|-------------------------------------|
| 1. | No Equality Implication | <input checked="" type="checkbox"/> |
| 2. | Equality Implications identified and mitigated | <input type="checkbox"/> |
| 3. | Equality Implication identified and risk remains | <input type="checkbox"/> |

Impact on Service Delivery:

This will ensure that the Council can continue to deliver an approved regeneration scheme, as set out in the Bedford Road/Queens Road Supplementary Planning Guidance (July 2004).

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1896/12) has been consulted and any comments have been incorporated into the report.

The Head of Corporate Legal Services (LD1214) has been consulted and any comments have been incorporated into the report

Are there any other options available for consideration?

With exception of the former St Winefrides School, the sites in question were Compulsorily Purchased by the Council in order to redevelop with new housing and to use this land for any other purpose could result in legal challenge.

Keepmoat Limited is the Council's appointed 'lead developer' partner for the HMR programme in the Bedford/Queens area of Bootle. As such the Council has previously entered into an Overarching Development Agreement with Keepmoat Limited which gives them 'first call' on HMR development opportunities in the Bedford/Queens area, subject to performance and viability.

However, it would be possible as matters stand to sell the former St Winefrides School site on the open market. Keepmoat has carried out an initial development appraisal of this site and currently the cost of development with housing for sale considerably exceeds its value suggesting that the site is not viable without grant. On this basis it is likely that if the Council were to sell the site on the open market it would remain undeveloped for some considerable time. Keepmoat are one of the joint applicants of the Regional Growth Fund bid and therefore access to it is dependent upon them being the developer.

Implementation Date for the Decision

Upon the expiry of the "call-in" period following the Cabinet Meeting

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Background Papers:

None

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1.0 BACKGROUND:

- 1.1 The Bedford/Queens neighbourhood in Bootle was in the Housing Market Renewal (HMR) regeneration area.
- 1.2 The Bedford Road and Queens Road area was identified as one of Sefton's priority areas for intervention in 2003 following extensive research and consultation with the local community. The area was selected to be part of the HMR programme primarily because of the extent of housing market failure and the poor residential offer provided by the existing housing.
- 1.3 In July 2004 members approved the adoption of Supplementary Planning Guidance detailing the adopted strategy for the priority area. This included the re-development of approximately 400 obsolete houses with new housing for sale, rent and shared ownership.
- 1.4 Following an OJEU procurement exercise Keepmoat Ltd. was appointed as the Council's private sector development partner for the Bedford/Queens HMR neighbourhood. The Council has entered into an Overarching Development Agreement with Keepmoat Ltd. giving them first call on developing Council owned sites in the Bedford/Queens HMR neighbourhood.
- 1.5 To date significant progress has been made to complete the masterplan strategy, for the priority area. Phase 2 is currently under construction and Phase 3 and the Kings Centre are the last residential sites in the priority area to be completed. Completion of these sites will complete the HMR programme in the Bedford/Queens area.
- 1.6 In March 2011 dedicated funding for the HMR programme ended and the Government invited HMR authorities to apply for the new Regional Growth Fund (RGF), administered by the Department for Business Innovation and Skills (BIS), in order to complete half completed projects. A joint RGF application with Liverpool City Council and Keepmoat Ltd. was therefore submitted in July 2011 for £6.4m to complete HMR projects in Anfield and Bedford/Queens, £1.468m of which was for Sefton.
- 1.7 The original bid for this funding was the resources necessary to acquire and demolish the properties in the Bedford/Queens Phase 3 area and ready the site for development. However, in parallel with the RGF application the Council also applied for the HMR Transition Fund, which along with match funding provided by the Council with the resources necessary to acquire and demolish the remaining properties in both the Bedford/Queens and Klondyke HMR areas, and ready the sites for development. The Council was subsequently awarded £3.4m in HMR Transition Funding meaning that duplicate funding was in place, meaning that we were at risk of losing the Regional Growth Funding.
- 1.8 However, during the course of evaluating the feasibility of development it became apparent that the Bedford/Queens Phase 3 and former St Winefrides School sites required gap funding in order to be viable. A requirement for gap funding on these sites was not anticipated and therefore was not included within the HMR Capital Programme approved by Cabinet on the 23rd June 2011.

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- 1.9 The Kings Centre was acquired by Sefton under a Compulsory Purchase Order issued in 2005. The original intention was to re-develop the building, however, following the CPO objectors to demolition succeeded in getting the building 'spot listed' preventing it from being demolished as planned. Following the spot listing a number of options to refurbish the building were explored; however, none were viable because of the requirement for significant grant funding, and the building has been 'mothballed' ever since. The building is a significant drain on resources and in the last 12 months has required costly works to the roof and chimney. It is currently empty and in relatively poor condition, on the edge of the Bedford/Queens regeneration area. No resources to address the problem of the Kings Centre were included in the HMR Capital Programme approved by Cabinet on the 23rd June 2011 because this schedule of works only dealt with those elements of the programme deemed to be essential.
- 1.10 Following the announcement that the RGF bid had been successful officers entered into discussions with BIS regarding use of the grant to cover the grant required for these three sites. BIS has now agreed to Sefton applying the £1.4m grant as gap funding for Bedford/Queens Phase 3, the former St Winefrides school site and the Kings Centre.
- 1.11 When Cabinet considered the HMR Capital Programme on the 23rd June 2011 it also approved officers to put forward bids for the HMR Transition Fund and Regional Growth Funding on the basis that any grant which was awarded would be netted off the total capital required from the Council's own resources. The £3.4m awarded to the Council from the HMR Transition Fund has therefore been netted off the amount of Council resources necessary to fund the close down programme approved by Cabinet on the 23rd June 2011. However, because the RGF grant will now be used for items not contained within this original programme of works the £1.4m cannot now be netted from the programme approved on the 23rd June 2011.
- 1.12 The development of the former St Winefrides School and the Kings Centre were not deemed to be essential to the closedown of the HMR programme and were therefore not included in the HMR Capital Programme approved by Cabinet in June 2011. Acceptance of this grant will allow these sites to also be developed, generating additional New Homes Bonus and Council Tax for the Council, which are not required by the HMR programme. The capital cost and administration of developing the three sites included in this proposal will be contained within the programme approved in June 2011, and the additional Regional Growth Funding. Acceptance of this grant will neither increase nor decrease the funding approved in June 2011 to closedown the former HMR programme.

2.0 REGIONAL GROWTH FUND:

- 2.1 The Employment and Housing: Anfield and Bedford/Queens programme will see over 500 new homes and 122 full time equivalent jobs created, or protected, in North Liverpool and South Sefton. In Sefton approximately 100 new homes will be developed.
- 2.2 Liverpool City Council has agreed to act as Accountable Body for the grant and as such are in receipt of a draft offer of grant letter, which they must sign and return to accept the terms under which the grant is offered.

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- 2.3 The grant is made by the Department for Business Innovation and Skills (BIS) and as beneficiaries of the grant Sefton and Keepmoat will enter into a legal framework agreement with Liverpool City Council which will outline the terms under which grant would be available.

3.0 DEVELOPMENT PROPOSAL:

- 3.1 The development proposals in Sefton under this programme are as follows:

Site	Anticipated Units	Anticipated Start
Bedford/Queens Phase 3	71	May 2013
St Winefrides	26	April 2013
Kings Centre	5	April 2013

- 3.2 All of the sites within this RGF proposal are owned by the Council. The freehold to the Kings Centre was acquired by the Council following a successful Compulsory Purchase Order issued in 2005, the freehold to the Bedford/Queens Phase 3 site was acquired by the Council following a successful Compulsory Purchase Order issued in 2010, and the Council has the freehold to the former St Winefrides School site.
- 3.3 The Bedford/Queens Phase 3 site has outline planning consent, however, St Winefrides and the Kings Centre would be subject to new planning applications.
- 3.4 The properties constructed on Bedford/Queens Phase 3 and the former St Winefrides School will be family accommodation for sale. The Kings Centre will be converted and refurbished as apartments for Affordable Rent through Plus Dane Housing Association, the Council's 'lead Registered Provider' for this area.
- 3.5 The New Homes Bonus due to the Council from the development of these sites will be £759,686 (paid as £126,614 per year for a period of 6 years).
- 3.6 Under the terms of the Overarching Development Agreement any site disposed to Keepmoat uses a residual land value, calculated on an open book basis by assessing the scheme's final value against the cost of construction, including the developer return. It is anticipated that for each of the three sites in question the cost of construction, plus developer return will exceed the sales income, meaning that they have no land value and require gap funding in order to be viable.
- 3.7 The Development Appraisals for each site presented by Keepmoat Ltd. will be verified by Capita on behalf of the Council and any gap funding requirement will come from, and be entirely contained within, the RGF grant allocation of £1,468,715. Delegated authority is requested so that the Director of Built Environment, Head of Corporate Finance and ICT, and the Head of Corporate Legal Services can agree the final terms of the site disposals.

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Report to: Cabinet

Date of Meeting: 8 November 2012

Subject: Liverpool John Lennon Airport Consultative Committee – Change in Council's Appointed Representative

Report of: Director of Corporate Commissioning

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential

No

Purpose/Summary

To seek approval to the proposed change in the Council's representation on the Liverpool John Lennon Airport Consultative Committee for the remainder of the 2012/13 Municipal Year.

Recommendations

- (1) That Councillor Roche be appointed as the Council's representative on the Liverpool John Lennon Airport Consultative Committee for the remainder of the 2012/13 Municipal Year in place of Councillor Hardy; and
- (2) that consideration be given to the appointment of a Substitute Member for Councillor Roche.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability	√		
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

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Reasons for the Recommendations:

The Cabinet has delegated powers to approve the Council's representatives to serve on Outside Bodies.

What will it cost and how will it be financed?

- (A) **Revenue Costs** None.
(B) **Capital Costs** None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal None
Human Resources None
Equality
1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact on Service Delivery:

The Council will continue to have representation on the Consultative Committee

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT has no comments on this report because the contents of the report have no financial implications. (FD1867 /2012) The Head of Corporate Legal Services (LD1185/12)) has been consulted and has no comments on the report.

Are there any other options available for consideration?

No

Implementation Date for the Decision

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

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Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 At its meeting held on 24 May 2012, the Cabinet considered a report of the Director of Corporate Commissioning seeking the appointment of representatives on Outside Bodies. The Cabinet approved the appointment of various representatives, including that of Councillor Hardy to serve on the Liverpool John Lennon Airport Consultative Committee.

1.2 The Consultative Committee is the forum in which the management of Liverpool John Lennon Airport interacts with local public agencies, with the local business and residential communities and with airport users on a range of environmental and other airport issues. Established pursuant to Section 35 of the Civil Aviation Act 1982, the role of the Committee is defined in its Terms of Reference as follows:

- (1) to advise Liverpool John Lennon Airport PLC on any matter which it may refer to the Committee;
- (2) to consider any question in connection with the operation of the Airport as it affects the communities represented or the amenities of the neighbourhood;
- (3) to make suggestions to the Managing Director of Liverpool John Lennon Airport PLC on any matter connected with the administration of the Airport which could further the interests of the communities represented;
- (4) to stimulate the interests of the local population in the development of the Airport; and
- (5) to protect and enhance the interests of the users of the Airport.

Meetings of the main Committee are held once per quarter and occasional meetings (usually once a year) are held of a General Purposes Sub-Committee.

1.3 It is recommended that Councillor Roche be appointed as the Council's representative on the Consultative Committee for the remainder of the current Municipal Year in place of the Cabinet Member – Communities and Environment (Councillor Hardy).

1.4 If the Cabinet agrees to the recommendation referred to in 1.3 above, then a decision is therefore sought also on the appointment of a Substitute Member for Councillor Roche.

1.5 Both Councillors Hardy and Roche have been consulted on this matter and are happy with the proposed change.

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