

MEETING: CABINET
DATE: Thursday 3rd September, 2015
TIME: 10.00 am
VENUE: Town Hall, Bootle

Member

Councillor

Councillor Maher (Chair)
Councillor Atkinson
Councillor Cummins
Councillor Fairclough
Councillor Hardy
Councillor John Joseph Kelly
Councillor Lappin
Councillor Moncur
Councillor Veidman

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.

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

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A G E N D A

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	Apologies for Absence		
2.	Declarations of Interest Members are requested 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 3 July 2015		(Pages 5 - 24)
* 4.	Contract Novation and Extension of Public Health Services Report of the Interim Director of Public Health	All Wards	(Pages 25 - 34)
* 5.	Sport England Grant Report of the Director of Social Care and Health	All Wards	(Pages 35 - 40)
* 6.	Personalisation Strategy Report of the Director of Social Care and Health	All Wards	(Pages 41 - 54)
* 7.	Northwest Leaving Care Commissioning Framework and Care and Support for Children and Young Peoples Framework Report of the Head of Children's Social Care	All Wards	(Pages 55 - 66)
* 8.	Applications for European Funding Report of the Head of Inward Investment and Employment	All Wards	(Pages 67 - 86)
* 9.	Management of Southport Theatre and Conference Centre - Process Variation Report of the Head of Inward Investment and Employment	Dukes	(Pages 87 - 90)

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| * | 10. M58 Junction 1 - New Slip Roads
Report of the Head of Regeneration and Housing to follow | Molyneux | |
| * | 11. A565 North Liverpool Key Corridor Scheme
Report of the Head of Regeneration and Housing to follow | Derby | |
| * | 12. Delegation to Cabinet Member: Planning in relation to the Examination of the Sefton Local Plan
Report of the Head of Regeneration and Housing | All Wards | (Pages 91 - 94) |
| * | 13. Reactive Day to Day Maintenance - Term Contract
Report of the Head of Corporate Support | All Wards | (Pages 95 - 102) |
| * | 14. Revenue Budget 2014/15 Outturn
Report of the Chief Finance Officer to follow | All Wards | |
| * | 15. Revenue Plan 2015/16 Update
Report of the Chief Finance Officer to follow | All Wards | |
| * | 16. Former Maghull Library, Liverpool Road North, Maghull
Report of the Head of Corporate Support | Park | (Pages 103 - 110) |
| * | 17. Senate Business Park Bridle Road Bootle - Urgent Decision taken by Leader of the Council
Report of the Director of Built Environment | Netherton and Orrell | (Pages 111 - 120) |

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY 17 JULY, 2015. MINUTE NOS 16 AND 27 ARE NOT SUBJECT TO "CALL - IN."

CABINET

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON FRIDAY 3RD JULY, 2015

PRESENT: Councillor Maher (in the Chair)
Councillors Atkinson, Cummins, Fairclough, Hardy,
John Joseph Kelly, Lappin, Moncur and Veidman

ALSO PRESENT: Councillors Ball, Dawson and McGuire

11. APOLOGIES FOR ABSENCE

No apologies for absence were received.

12. DECLARATIONS OF INTEREST

The following declaration of pecuniary interest was made and the Member concerned left the room during the consideration of the item:

Member	Minute No.	Nature of Interest
Councillor Veidman	4 - Voluntary, Community and Faith Sector Review	His employer is affected by the proposals in the report

13. MINUTES OF PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet meeting held on 4 June 2015 be confirmed as a correct record.

14. PUBLIC PETITION

The Cabinet heard representations from Mrs Patricia O'Hanlon who had submitted a petition containing 27 signatures on behalf of the Maghull and Lydiate Action Group which stated: We are concerned that Sefton Council's Local Plan will result in Maghull and Lydiate losing virtually all its prime agricultural land and "We ask the Council to listen to the community, to re-examine Sefton Council's Local Plan and, above all, question the information supplied by Sefton Council officers in the formulation of this Local Plan."

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In response to the representations made by Mrs O'Hanlon, Mr S. Matthews, the Local Plan Manager indicated that:

- The Local Plan had not been altered and it was proposed that the Plan agreed by the Council on 22 January 2015 be submitted to the Planning Inspectorate;
- A number of landowners had suggested 17 additional sites as proposed modifications to the Local Plan. These have not been included in the Plan, but would be considered by the Planning Inspector in due course;
- All of the submissions from objectors and landowners would be submitted to the Planning Inspector and published on the Council's website;
- The details of the requirement for 11,070 homes during the period of the Local Plan had been included in the report submitted to the Council meeting on 22 January 2015 which was available on the Council's website;
- Around half of the total supply of 11,070 homes was on brownfield sites. The Council had invited landowners and others on several occasions to suggest brownfield sites, which are capable of being developed, to be considered for inclusion in the Local Plan but the number of those sites submitted to the Council had fallen significantly;
- The additional sites submitted by a private company had not been included in the Local Plan by the Council but they would be examined by the Planning Inspector in due course; and
- Officers are required to produce an Infrastructure Development Plan and need to ensure that studies are undertaken to provide up to date information in the Local Plan

Decision Made:

That the petition be noted

Reasons for Decision:

The representations made by the Lead Petitioner were considered and responded to at the meeting.

Alternative Options Considered and Rejected:

None.

15. COUNCIL OWNED SITES IDENTIFIED FOR HOUSING DEVELOPMENT IN THE LOCAL PLAN

The Cabinet considered the report of the Director of Built Environment which sought approval to a Cabinet resolution to progress the disposal of number of Council owned sites which were identified for housing development in the draft Local Plan after the Local Plan was adopted. The Planning Inspector examining the Local Plan later this year would expect

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there to be a formal commitment to develop Council-owned sites that are proposed to be allocated for development in order to show that the sites were genuinely available for development.

The report indicated that some of the sites were within the existing urban area, although others currently have a restrictive planning designation such as Green Belt or Urban Greenspace. The draft Local Plan proposed to change the designation of these sites to become 'housing allocations' where new residential development would be promoted. Some of the sites are former schools with playing fields and a current playing pitch study was assessing the Borough's future need for playing pitches. At the time of disposal, all sites would be subject to the Council's asset disposal policy and all other associated considerations

Decision Made:

That, subject to the playing fields contained within some of the sites not being needed following the completion of the Playing Pitch Strategy, approval be given to the disposal of the sites identified in Table 1, in Paragraph 1.6 of the report for housing development within the specified timeframe.

Reasons for Decision:

To ensure that the Council-owned sites identified in the report remain in the Local Plan supply of housing development sites.

Alternative Options Considered and Rejected:

None.

16. SEFTON LOCAL PLAN: SUBMISSION DRAFT

The Cabinet considered the report of the Director of Built Environment which provided an update of key issues arising from the publication of the Local Plan and changes which have taken place since then, prior to the Plan being submitted for examination. The Council on 22 January 2015 had resolved to approve the draft Local Plan for publication and then submission to the Secretary of State for examination unless there was any material change to circumstances. The Department for Communities and Local Government (CLG) had subsequently updated their household projections in February 2015 and further work had been carried out to assess the implications of these for Sefton. These projections had been anticipated, and it had been expected that the housing requirement figure contained in the draft Plan would be able to accommodate any modest change which might result from these updated projections.

The Cabinet also considered a supplementary report of the Director of Built Environment which indicated that over the full 25 year period 2012-2037, the 2012-based household projections published by the CLG in

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February 2015 projected annual household growth in Sefton of 533 per annum. This was a significant increase on the previous 2011-based (Interim) projections of 400 per annum between 2011 and 2021, and the 2008-based household projections of 323 per annum between 2008 and 2033. When comparing the 2012-based household projections of 533 per annum with the 2008-based projections of 323 per annum, this was a 65% increase, which was one of the highest rises experienced by any authority in the country.

This unexpected rise related in large part to under-recording of population in Liverpool during previous population projections and the incremental net migration to Sefton arising there from. This only came to light as information from the 2011 Census fed through into the most recent projections. This had been compounded by an ageing population and other trends in household formation in Sefton which had resulted in a growth in smaller households. The cumulative effect of all of these various factors had been significantly higher levels of household growth in the Borough than shown in previous household projections.

The Council's consultants NLP had previously calculated the level of "objectively assessed needs" for housing in Sefton and they had updated their analysis to take account of the latest household projections. However, any update of this kind had to reflect the latest employment forecasts, as required by paragraph 158 of the National Planning Policy Framework. These employment forecasts, and the consequent labour supply implications, had also gone up significantly since earlier forecasts which were reflected in the housing land requirement contained in the draft Local Plan.

The supplementary report set out three potential options as to how the Council might respond to the updated analysis of objectively assessed needs for housing in Sefton which had been produced after taking legal advice from Counsel.

Members of the Cabinet raised questions on the following issues referred to in the report and the Local Plan Manager, Mr S. Matthews responded to the issues as indicated below:

Why are the 2012-household projections so high and can the figures be challenged?

Response:

The projections have increased in large part to under-recording of population in Liverpool during previous population projections and the incremental net migration to Sefton arising therefrom. This only came to light as information from the 2011 Census fed through into the most recent projections.

The Council's consultants NLP have discussed the figures with the Department for Communities and Local Government and the Office for National Statistics.

What are the chances of Option 3 being accepted by the Planning Inspector?

Response:

It was considered that there was a 50/50 chance of the Inspector accepting the proposals set out in Option 3 of the supplementary report. It would depend on the Inspector's interpretation of Government guidance and the application of policy.

The employment forecasts and labour supply implications have gone up significantly. How will this impact on the current objectively assessed needs for housing?

Response:

The Council would need to review and update the Consequences Study and undertake further work to review the implications for new housing of the economic forecasts and related labour supply issues in the Local Plan.

All local authorities have a duty to co-operate. What is the possibility of some of the neighbouring authorities taking up some of the extra household need?

Response:

Discussions would need to be held with officers of the Liverpool City Region authorities and West Lancashire Borough Council to explore the potential for addressing those needs which cannot be met in Sefton through sub-regional housing and employment studies, and a subsequent Green Belt study.

A Cabinet Member enquired how the Council would communicate the message to objectors and other interested parties that the Department for Communities and Local Government (DCLG) had increased the household projections and the Leader of the Council responded that the only way forward at this stage was to accept the proposals set out in Option 3 of the supplementary note and that following the Council meeting the full impact of the increased household projections and the proposed action to be taken be communicated to objectors, other interested parties and the public .

Decision Made:

- (1) the report and supplementary report be noted; and
- (2) the Council be recommended to:
 - (i) submit the Local Plan for examination using the current agreed objectively assessed needs for housing of 615 a year;
 - (ii) commit to an immediate review of the draft Plan;

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- (iii) as part of the Duty to Co-operate, collaborate with the other Liverpool City Region authorities to carry out a sub-regional Housing study, Employment study and Green Belt study; and
- (iv) urgently review and update the 'Consequences Study', and undertake further work reviewing the economic forecasts and related labour supply issues

Reasons for Decision:

To brief Members on the issues arising from the publication of the draft Local Plan and the change of circumstances on the household projections since the Plan was published.

Alternative Options Considered and Rejected:

Not to brief Members, and to submit the Plan direct to Secretary of State. However, it was considered important to alert Members to the change of circumstances on the household projections as set out in Section 6 of the report.

17. VOLUNTARY, COMMUNITY AND FAITH SECTOR REVIEW

Further to Minute No. 48 of the meeting held on 15 January 2015, the Cabinet considered the report of the Director of Corporate Services which provided details of the review undertaken by officers of the services commissioned by the Council from the Voluntary, Community and Faith (VCF) Sector.

The report indicated that in broad terms, those services can be categorised by the following themes: Adult Health and Wellbeing; Children, Young People and Families; Information, Advice and Advocacy; Education, Training and Employability; and Faith and Worship.

It was proposed that discussions be held with the VCF organisations, and in the context of the proposals set out in the report, those discussions would explore the dependencies and interdependencies of proposals in terms of individual organisational impact, including the sustainability of the organisation, other sources and funding, as well as the use of Council funding to match for these funding sources. They would also include the following considerations:-

- The services offered by the organisations in terms of key themes of support e.g. domestic violence, mental health, children's services, social isolation and advocacy.
- The locality presence of the organisations in terms of providing community access to service provision within locality area either by direct provision or by hosting provision.
- Organisational leadership in terms of facilitated development of community capacity and capability and the promotion of community

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resilience. The discussions would also include funding provided to the VCF sector from the Clinical Commissioning Groups (CCGs) of Southport and Formby and South Sefton, and officers from the CCGs will be part of that discussion as appropriate.

Decision Made:

That:

- (1) a new Integrated Youth Service be commissioned with an indicative budget of £270,000 and the specification for that commissioned service be agreed by the Cabinet Member for Children, Schools and Safeguarding;
- (2) a new Integrated Wellness Service be commissioned and the specification for that commissioned service be agreed as set out in Minute No. 18 below;
- (3) specific elements of Substance Misuse Services be commissioned in accordance with required budget reductions and the specification for those commissioned services be agreed by the Cabinet Member for Health and Wellbeing;
- (4) the Head of Communities be requested to undertake detailed discussions with Sefton Citizen's Advice Bureau and Sefton Council for Voluntary Services with a view to undertaking a new commissioning process within the context set out in paragraph 5.2 of the report;
- (5) the Director of Social Care and Health be requested to undertake detailed discussions with the Sefton Carer's Centre with a view to undertaking a new commissioning process within the context set out in paragraph 5.2 of the report;
- (6) the Head of Communities, in consultation with the Cabinet Member for Communities and Housing implement budget reductions of £27,000 from the budget for voluntary sector infrastructure; and
- (7) the Head of Adult Social Care in consultation with the Cabinet Member for Adult Social Care implement budget reductions of £152,769 from the overall budget of £394,880 relating to small grants in that sector.

Reasons for Decision:

To implement the budget savings required and to work towards a more co-ordinated commissioning process for the VCF sector.

Alternative Options Considered and Rejected:

None.

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18. PROCUREMENT OF AN INTEGRATED WELLNESS SERVICE

The Cabinet considered the report of the Interim Director of Public Health which provided details of the proposed procurement exercise to be undertaken for the provision of a new Integrated Wellness Service to replace a number of healthy lifestyle service contracts which were due to expire on 31 March 2016.

Decision Made:

That:

- (1) the Interim Director of Public Health be authorised to conduct an OJEU Light-Touch Regime tender exercise for a new Integrated Wellness Service to run for a period of three years from 1 April 2016 with the option of two further one-year extensions;
- (2) the basis of evaluation of the tenders as set out in the report be approved; and
- (3) the Interim Director of Public Health be given delegated powers to award the new contracts to the highest scoring bidder(s) in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member – Health and Wellbeing.

Reasons for Decision:

Individual healthy lifestyle services would be replaced by a new integrated wellness service from 2016. This move was to enable services to work collectively to ensure that local residents get all of the information and support they need to improve their health and make lasting behaviour change.

The tender exercise would be required to follow an OJEU Light-Touch Regime Open Procedure. As part of this process; approval was required for Chief Officer delegated authority to award the contract at the end of the tender process.

Alternative Options Considered and Rejected:

The implications of deciding not to procure replacement services would be:

- Contracts for individual services would expire resulting in a lack of service provision for local residents. If permission was not granted then there would not be enough time to complete the tender process.
- An increase in residents with multiple unhealthy lifestyle behaviours such as smoking, over weight and obesity and low mental wellbeing.
- A potential increase in expenditure for adult social care services if prevention services do not exist.

19. CONTRACT EXTENSIONS FOR PUBLIC HEALTH SERVICES

The Cabinet considered the report of the Interim Director of Public Health which provided details of a breach of the Council's Contract Procedure Rules; the proposed action to be taken on this issue and proposals for the on-going service provision of key public health services for a further 12 months with effect from 1 April 2015.

The Chief Executive indicated that a serious breach of the contract procedure rules had occurred as detailed in the report but no illegal activity had taken place. She apologised to the Cabinet and advised them that the details of a preliminary review into the circumstances of the breach would be submitted to the Leader of the Council as soon as possible and it would form the basis of a more comprehensive review to be undertaken to ensure that the contract procedure rules are fully adhered to in the future.

The Chief Executive also indicated that all Cabinet Members would be consulted during the period of the comprehensive review to ensure that their contributions were taken into account.

Decision Made:

That:

- (1) the breach of Contracts Procedure Rules Rule 1.2.8 referred to in the report be noted;
- (2) a waiver of the Council's Contract Procedure Rules be approved with respect to the contracts for:
 - a) Nicotine Replacement Treatment (NRT) and CHAMPIX medication for smoking cessation (intermediate smoking cessation service level 2);
 - b) Smoking Cessation Medicine Management IT system for NRT; and
 - c) NHS Health Checks;
- (3) it be noted that the contracts for the Nicotine Replacement Treatment (NRT) and CHAMPIX medication for smoking cessation (intermediate smoking cessation service level 2) and the Smoking Cessation Medicine Management IT system for NRT would be re-commissioned and procured as part of the previously authorised Integrated Wellness Service referred to in Minute No. 18 above;
- (4) the Head of Commissioning Support and Business Intelligence and the Interim Director of Public Health be authorised to commission the NHS Health Checks Service for 2016/17 immediately. Such commissioning to be the subject of a further report to the Cabinet Members for Health and Wellbeing and Regulatory, Compliance and Corporate Services to confirm the process, the timescale and any other pertinent information;

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- (5) it be noted that a preliminary review was being undertaken by officers (Head of Commissioning Support and Business Intelligence supported by colleagues in Public Health) as to how these particular contracts had been allowed to lapse, resulting in a breach of the Council's contract procedure rules. This review would be reported to the Leader of the Council and would inform the basis for a more comprehensive review;
- (6) it be noted that a comprehensive review would be led by the Head of Commissioning Support and Business Intelligence and reported to the Cabinet Member for Regulatory, Compliance and Corporate Services to map current contract procurement processes across the Council, practice against those current processes and to review as appropriate in order to improve confidence and assurance into the Council's contract procurement processes. Such a review is to be completed and reported to the Cabinet Member by no later than 1 September 2015; and
- (7) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the continued provision of mandatory public health services would cease in the event of a delayed decision.

Reasons for Decision:

This was due to:

- Officers must comply with the Council's Contract Procedure Rules (Chapter 11 of the Constitution section H rule 129). Under the Contracts Procedure Rules contract extensions must be dealt with in line with Rule 1.2.8. Extension of contracts with a value below the applicable EU Spend threshold would require the written approval of the Cabinet Member following consideration of a written report from the Service Director setting out a justifying business case. Variations should only be granted in exceptional circumstances if it was established that this would achieve best value for the Council. Cabinet Member approval was not sought. Extending the contracts for these particular services in this way would not breach EU procurement rules.
- The current contractual arrangements expired on the 31 March 2015.

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- The services covered by these contracts make an important contribution to improving public health outcomes particularly in relation to cardiovascular disease and cancer and were included in the Council's public health responsibilities as outlined in the Health and Social Care Act 2012. The NHS Health Checks contract was a mandatory public health service.
- A 12 month extension of this particular contract would ensure that the service continued to be delivered during 2015/16. A new service specification would be issued with the 2013 Public Health contract for the 2015/16 contractual term. These services were delivered by NHS providers; predominantly through Sefton's 52 General Practitioners.
- Preparations for the procurement of the NHS Health Checks programme from 2016/17 onwards were currently being considered. Discussion would be initiated with the Clinical Commissioning Groups to explore integrated commissioning opportunities which would strengthen clinical governance, training and contract management arrangements.
- Each of these services sits within the umbrella of the new Integrated Wellness Service agreed by the Cabinet under Minute No. 18 above. The smoking services would be procured as part of the Integrated Wellness Service procurement process. As the most appropriate provider of the NHS Health Checks service, it was possible that local GPs would continue to deliver the service and there was a desire to explore integrated commissioning arrangements with the Clinical Commissioning Groups. This service would be commissioned and procured separately, whilst ensuring an effective route is implemented from and to the Integrated Wellness Service.

Alternative Options Considered and Rejected:

1) Procure a new service

Re-tendering was a protracted process which would result in cessation of key public health services in the interim. Furthermore, alternative providers are very limited. Following contract expiration, providers have continued to deliver services from 1 April 2015. Commissioning arrangements for 2016/17 were currently being developed. The smoking cessation contracts would be included in the Integrated Wellness Service tender and discussions would be initiated with the Clinical Commissioning Groups to explore integrated commissioning arrangements for the NHS Health Checks programme.

2) Cease service delivery

Within the Health and Social Care Act 2012, Local Authorities are required to provide NHS Health Checks which are a mandatory Public Health

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service. The implications of deciding not to procure replacement services would be a reputational and financial risk to the authority by the potential failure to perform its statutory duty to deliver these services. In addition to potential litigation, the Public Health Grant may be compromised as this could constitute a failure to meet the grant conditions.

20. REFRESHED STRATEGY FOR DEMENTIA FOR SEFTON

The Cabinet considered the report of the Director of Older People on the draft Dementia Strategy 2014 – 2019 which provided an overarching framework within which the Council and partners can provide positive, proactive approaches to service development and individualised support to ensure that older citizens experiencing dementia can access appropriate, joined-up services that are provided safely and effectively to maximise independence, choice and quality of life.

A Cabinet Member requested that executive summaries of strategy documents be submitted to the Cabinet in future together with the details of any action plans.

Decision Made:

That

- (1) the content of the report and the feedback from the consultation and engagement process, as described in the report be noted;
- (2) the Draft Equality Analysis Report and the actions therein be approved;
- (3) the Dementia Strategy and associated papers be approved; and
- (4) in future, when any strategy documents are submitted to the Cabinet / Council for approval, the officers be requested to ensure that an executive summary of the strategy and any action plan is submitted with the report and that the full strategy document be included as a background document which would be accessible on the Council's website.

Reasons for Decision:

Sefton's current strategy for Dementia, written following the publication of "Living Well with Dementia: A National Dementia Strategy" in 2009, ran from 2009 - 2014. There is therefore a need to refresh this in order to reflect changes in national policy and guidelines and the changes in structure to health services in Sefton.

Alternative Options Considered and Rejected:

None

21. COMMUNITY ADOLESCENT SERVICE - RESIDENTIAL ACCOMMODATION

The Cabinet considered the report of the Director of Director of Young People and Families which provided details of proposals to invite tenders for a four bedded residential children's home as part of the Department for Education Innovation Programme to develop an adolescent service to commence in Summer 2015.

Decision Made:

- (1) the tender process for the provision of a four bedded residential children's home as part of the adolescent service be approved;
- (2) the Director of Young People and Families be authorised to approve the short list of providers for the contract subject to the appropriate review of the Pre- Qualification Questionnaire;
- (3) the tenders be evaluated using the evaluation criteria set out in paragraph 2.3 of the report; and
- (4) the Director of Young People and Families be authorised to award the contract to the highest scoring tenderer.

Reasons for Decision:

Sefton Council was currently developing a comprehensive Community Adolescence Service with significant financial support from the Department for Education Innovation Programme in the shape of a £1.1m grant. As part of this development and in keeping with the detail of the grant application the Council was seeking a partner from the Independent Sector to provide a dedicated residential care home. For the chosen provider of the residential care home, this represented an exciting opportunity to contribute to a new way of working with a high DfE profile.

The successful application by the Council to the Department for Education (DfE) outlined the partnership of the programme across statutory partners, the voluntary and the independent sector. The application specifically outlined the proposal to engage with an independent children's home provider for the supply of a four bedded home. This multi-sector partnership was seen as demonstrating the innovation that the DfE were seeking in making awards. There were currently 30 children's homes registered with Ofsted in the Borough, of these 3 (10%) are provided by the Council with the others being provided by the independent sector including some voluntary sector provision. In total these homes provide more than 130 beds with less than 30 of those beds being occupied by Children "Looked After" by the Council. In 2014/15 the Council spent £4.3m on residential care. Reducing the high costs of this provision is one of the purposes and success factors of the Innovation Programme.

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The average cost of each of these beds was £2,500 per week, therefore the potential gross turnover of this sector, assuming full occupancy, is £16.9 million per annum.

The DfE Innovation Programme was a pilot and if it is not successful in supporting fewer adolescent children coming into care then it would not continue. Partnering with the independent sector was therefore not only innovative but reduced the risk to the Council during and beyond the lifetime of the programme.

There would be no capital costs incurred by the programme. It was expected that the conditions of the contract would achieve a 25% reduction in unit costs due to the “block” nature (4 beds) of the contract as opposed to “spot” purchase (individual beds).

Working in partnership across sectors including the independent sector was a critical element of the successful application for the £1.1m DfE grant. The partnership minimises the on-going risk to the Council during and beyond the programme lifetime. The contract would deliver improved value for money including reduced unit cost per bed in the residential sector.

Alternative Options Considered and Rejected:

The Council could provide this service itself but it was not consistent with the grant and it would be unlikely to be seen as “innovation” and therefore would not attract the grant award (£1.1m). In addition it would place significant recurrent cost to the Council and would not be provided at the projected cost.

22. HIRED PASSENGER TRANSPORT FRAMEWORK AGREEMENT - EXTENSION

The Cabinet considered the report of the Director of Street Scene which provided details of proposals to utilise the option of a 12 month extension of the current Hired Passenger Transport Framework Agreement for a period of 12 months from 1 January 2016 until 31 December 2016.

Decision Made:

That approval be given to the utilisation of the extension option of the current Hired Passenger Transport Framework Agreement for a period of 12 months from 1 January 2016 until 31 December 2016.

Reasons for Decision:

The current Framework Agreement, core period from 1 January 2014 to 31 December 2015, had an option to extend by 2 x 1 year extension periods at the discretion of Sefton Council and the extension was approved due to the successful performance of the existing suppliers over the preceding

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two year period and the pricing remaining stable over the core period of the Framework Agreement.

Alternative Options Considered and Rejected:

None.

23. SUSTAINABLE TRANSPORT ENHANCEMENT PROGRAMME – INCLUSION IN CAPITAL PROGRAMME

The Cabinet considered the report of the Director of Built Environment which provided details of the allocations from the Local Growth Fund and sought approval for the inclusion of the allocation of £1,740,000 within the approved Capital Programme for the Sustainable Transport Enhancement Programme.

Decision Made:

That:

- (1) the allocations from the Combined Authority be noted;
- (2) approval be given to the inclusion of the allocation of £1,740,000 in the Capital Programme; and
- (3) officers be authorised to commence the commitment of the funds

Reasons for Decision:

To allow the funds to be committed to commence delivery of the bid and ensure the required spend is made in the current financial year.

Alternative Options Considered and Rejected:

None.

24. ACCOUNTABLE BODY STATUS FOR AN ERDF APPLICATION

The Cabinet considered the report of the Director of Built Environment which sought authority to progress the European Regional Development Fund application for a Liverpool City Region Low Carbon Retrofit Programme, and for the Council to act in the role of accountable body for the programme should it be approved.

Decision Made:

That:

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- (1) approval be given to the progression of a European Regional Development Fund full application for a Liverpool City Region Low Carbon Retrofit Programme;
- (2) the business case for Sefton Council to assume accountable body status for a City Region Low Carbon programme be accepted in principle, and officers be requested to submit a risk assessment and mitigation plan to the Cabinet Member - Regeneration and Skills for approval; and
- (3) approval in principle be given to the use of approved expenditure within the Council's capital and revenue budgets to match funding made available through the European Programme, with detailed decision-making on availability, eligibility, monitoring, audit and other safeguards being delegated to the Head of Investment & Employment and Chief Financial Officer in order to advise the Cabinet Member - Regeneration and Skills.

Reasons for Decision:

The VIRIDIS (home energy saving) Partnership had explored the opportunity of being accountable body; however VIRIDIS was not an economic entity and therefore was unable to apply for ERDF funding directly or act as an accountable body. VIRIDIS was the collective name for a group of social landlords and local authorities in the Liverpool City Region. All six local authorities are members along with major social landlords with properties throughout the city region, including One Vision, Liverpool Mutual Homes, Liverpool Housing Trust, Helena Partnerships, Magenta Living, Your Housing, Regenda, Plus Dane, South Liverpool Housing, Villages Housing and Halton Housing Trust.

The activity and the majority of the members of the partnership fall outside of the remit of the Combined Authority and therefore it was not appropriate for the Combined Authority to act as Accountable Body for this type of initiative.

Alternative Options Considered and Rejected:

None. - Not to apply for European funding and act in an accountable body function would be to forego the opportunities arising from the European Structural Investment Fund programme available to the City Region.

25. THE SEFTON COUNCIL PERMIT SCHEME

The Cabinet considered the report of the Director of Built Environment which sought approval for officers to make an order as required by Government to confirm that the Sefton Council Permit Scheme is fully compliant with the revised statutory regulations and guidance.

Decision Made:

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That:

- (1) the Head of Regulation and Compliance be granted authority to make an order to the effect that the Sefton Council Permit Scheme was compliant with the Government's revised statutory regulations and guidance;
- (2) authority be delegated to the Head of Regeneration and Housing to make any further necessary revisions to the scheme and report to Cabinet Member – Locality Services as appropriate; and
- (3) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the Council is required to make an order confirming that the Sefton Council Permit Scheme complies with revised statutory guidance (not yet published) no later than 1st September 2015.

Reasons for Decision:

The Government required that each authority operating a permit scheme 'makes an order' to confirm their scheme complies with revised statutory guidance.

Alternative Options Considered and Rejected:

None. The permit scheme would become illegal should the Council not proceed with the order

26. FORMER BIRKDALE LIBRARY LIVERPOOL ROAD SOUTHPORT

The Cabinet considered the report of the Director of Built Environment which provided details of the tenders received as a result of the marketing exercise for the sale of the Council's freehold interest in the former Birkdale Library Liverpool Road, Birkdale.

Decision Made:

That:

- (1) subject to the receipt of planning permission, approval be given to the Council disposing of its freehold interest in the former Birkdale

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Library to the tenderer submitting the most advantageous bid, as detailed in Appendix 1, on the terms set out in the report; and

- (2) the Head of Regulation and Compliance be authorised to prepare the necessary legal documentation on the terms and conditions detailed in the tender documents, by way of a Building Lease followed by Conveyance of the freehold interest, or an appropriate alternative means of Transfer, if required.

Reasons for Decision:

Birkdale Library was declared surplus to operational requirements and the premises closed in December 2013. The premises were included in the Council's Asset Disposal Programme for 2015/16. Disposal would bring the premises into productive use and relieve the Council of an ongoing liability. The premises were registered as an Asset of Community Value so the obligations contained in the Localism Act legislation need to be followed by the Council.

Alternative Options Considered and Rejected:

The Council could retain the premises and continue to incur the holding costs.

(In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chair has a greed that the report be considered as a matter of urgency by reason of the need for the Cabinet to consider the commencement of the statutory consultation process relating to the proposal to close the School)

27. ST AMBROSE BARLOW CATHOLIC HIGH SCHOOL - APPROVAL TO CONSULT ON THE CLOSURE OF THE SCHOOL

The Cabinet considered the report of the Director of Young People and Families which indicated that the Governing Body of St Ambrose Barlow Catholic High School had met on 29 June 2015 to consider the financial position of the school going forward in the light of no foreseeable increase in pupil numbers and increasing costs, which were exacerbated by pension changes which would increase staffing costs by around 3% and the continued freeze in education funding at 2010 levels. The Governing Body had decided that they could not reduce costs further and be able to operate as a school delivering a suitable broad curriculum and a good standard of education. Given the legal requirement to set a balanced budget they had come to the sad conclusion that St Ambrose Barlow was no longer viable as a school and passed a resolution asking the Archdiocese of Liverpool to request Sefton Council to consult on the closure of St Ambrose Barlow High School in August 2016. The Archdiocese of Liverpool had subsequently requested the Council to consult on the closure of the School.

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The report set out the current financial position of the School, the Ofsted classification of the School, number of pupil places and the statutory process and timetable for consultations to be held on the proposed closure of the School.

The Director of Young People and Families reported that the details of the proposed consultation arrangements would be submitted to an additional meeting of the Public Consultation and Engagement Panel to be held on 9 July 2015 for approval.

Decision Made:

That :

- (1) the request from the St Ambrose Barlow's Catholic High School Governing Body to close the school because they are no longer financially viable due to falling pupil rolls be noted;
- (2) the statutory process outlined in the report for the closure of the school be noted;
- (3) approval be given to the commencement of the statutory consultation process relating to the proposal to close St Ambrose Barlow Catholic High School with effect from 31 August 2016;
- (4) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the consultation should commence before the end of term; and
- (5) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) had given her consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision) to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because the consultation should commence before the end of term.

Reasons for Decision:

The local authority has the statutory power to close a maintained school following the statutory process detailed in the report

Alternative Options Considered and Rejected:

None.

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CABINET- FRIDAY 3RD JULY, 2015

Report to:	Cabinet	Date of Meeting:	3 rd September 2015
Subject:	Contract Novation and Extension of Public Health Services	Wards Affected:	All
Report of:	Interim Director of Public Health		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To gain authorisation to enter into a novation agreement with the current provider and commissioner of the 0-5 public health services contracts, transferring those contracts to Sefton MBC with effect from 1st October 2015.

To mandate delegated powers for the Head of Regulation and Compliance to sign off the novation of the 0-5 public health nursing service contracts.

To authorise a review of existing 0-5 Public Health Services and to endorse the initiation of a tendering exercise to establish an integrated 0-19 Healthy Child Programme Contract (including Health Visiting and Family Nurse Partnership) to commence on 01 April 2016.

To gain delegated powers for the Director of Public Health to award the new integrated 0-19 Healthy Child Programme contract to the highest scoring bidder in accordance with the process set out in this report.

To note that officers will be undertaking reviews as detailed in the report

Recommendation(s)

Cabinet is asked to:

1. Authorise novation of the 0-5 public health nursing services contracts (Health Visiting and Family Nurse Partnership) from NHS England to Sefton MBC on the 1st of October 2015.
2. Delegate authority to Head of Regulation and Compliance to sign off the novation of contracts prior to transfer on 1 October 2015 (contract due to end 31 March 2016).
3. Authorise a review of the existing 0-5 Public Health Services and endorse the initiation of a tendering exercise to establish an integrated 0-19 Healthy Child Programme Contract (including Health Visiting and FNP) to commence on 1 April 2016.
4. Delegate authority to the Interim Director of Public Health and Chief Finance Officer

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to award the contract to the highest scoring bidder(s) subject to financial sustainability.

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 commissioning and provider environment, for a number of important child and women's health services, is shifting and requires a planned response to ensure the continued delivery of services that are economical, efficient and effective.

The following three contracts that contribute to improving health outcomes particularly in child health and development, maternal wellbeing are due to expire at various dates:

- Health Visiting
- Family Nurse Partnership
- School health

The combined annual value of these contracts is £5,552,787 (if you include larc in the total?)

NHS England currently commission Liverpool Community Health to provide 0-5 Public Health Services including Health Visiting and Family Nurse Partnership (FNP) for family's registered with Sefton General Practitioners. From the 1 October 2015, the Government intends Local Authorities take over this responsibility.

The current NHS England contract for Health visiting has an annual value of £3,875,370 and will expire on the 31 March 2016.

The current NHS England contract for Family Nurse Partnership (FNP) has an annual value of £288,730 and will expire on the 31 March 2016.

The School Health contract has an annual value of £1,388,687 and is due to end 31 September 2017.

Recognising the current cost of separately procured services and in light of the Council's reducing financial resources, it is anticipated that service improvements, cost efficiencies

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and added value might be gained from implementing a more integrated 0-19 Healthy Child Programme Contract. This would involve a coordinated approach due to various contracts having different expiry dates.

The commissioning process will be subject to the OJEU Light-Touch Regime Open Procedure due to it falling within Schedule 3, Social and Other Specific Services. The value of the total contract (i.e. the core period plus any option years) will be over £625K and requires Cabinet authorisation and delegation to a Chief Officer to award the contract at the end of the tender process.

Alternative Options Considered and Rejected:

Cease service delivery

- A reputational and financial risk to the authority by the potential failure to perform its statutory duty to deliver public health services for children 0-5 years.

The implications of deciding not to procure an integrated Healthy Child Programme

- Contracts for FNP and Health Visiting will expire resulting in a lack of service provision for children and families.
- Opportunity to improve the service, gain cost efficiencies and add value will be lost

What will it cost and how will it be financed?

(A) Revenue Costs

The current annual costs of 0-19 public health nursing are set out in the table below

Contract	Outgoing £	Expiry Date
Health Visiting	3,875,370	30th September 2015
FNP	288,730	30 th September 2015
School Health	1,388,687	30th September 2017
Total of outgoing contracts	5,552,787	

To control risk in terms of affordability of the future service, an indicative ceiling price will be set in the tendering process, informed by the service reviews referred to within this report.

The cost of the contract novation and extensions will be met from within the Public Health budget allocated for this purpose. There would be no additional in year costs with regard to the council extending the contracts.

- For the second half of 2015-16, the public health grant will include an additional half-year's cost of commissioning 0-5 children's public health services. From April 2016, the full-year public health grant will include money for all public health responsibilities transferred to Local Authorities from 1 April 2013 including 0-5 public health services.
- The allocation for the **6 month period 1st October 2015 to 31st March 2016** is £2, 216, 000

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- The review of the existing 0-5 Public Health Services, specification and new contract will take into consideration the Department of Health allocation set for 15/16 that takes account of:
 - CQUIN (Commissioning for Quality Innovation) service improvements
 - Inflation
 - Commissioning costs
 - Minimum floor setting - The Department took the decision to support Local Authorities falling at the bottom of the funding distribution by putting in a minimum funding floor of at least £160 per head of 0-5s adjusted spend in 2015-16 (based on full year cost of commissioning).

- The Advisory Committee on Resource Allocation (ACRA) is developing its proposals for the formula for 2016-17 Local Authority public health allocations, which will include the 0-5 children's services component.

- Final 2016-17 allocations will be dependent on the amount of funding announced for public health in the 2015 Spending Review and on the fair shares formula developed following advice from ACRA.

(B) Capital Costs

There are no additional costs

Implications:

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

Financial	
The recently announced in-year cuts to Public Health Grant Funding for 2015/16 have still not been finalised but the potential budget reduction for Sefton Council will be approximately £1m - £1.3m (depending upon the outcome of the consultation exercise over how cuts should be calculated). This reduction in Public Health funding and the uncertainty of funding in 2016/17 onwards, combined with further austerity savings to be found in Public Sector Spending, means that there are serious risks as to whether any new contractual agreements will be affordable in future years.	
Also there is a need to consider any potential tupe implications.	
Legal	
Human Resources	
Equality	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input checked="" type="checkbox"/>

Impact of the Proposals on Service Delivery:

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Service delivery would continue as planned.

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and comments have been incorporated into the report FD3711/15.

Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report. LD2994/15.

Implementation Date for the Decision

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

Contact Officer: Margaret Jones

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Background papers:

There are no background papers

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1. Background

1.1 From the 1st October 2015, the Government intends that Local Authorities take over responsibility from NHS England (NHSE) for commissioning public health services for children aged 0-5. This includes the universal health visiting service and the targeted Family Nurse Partnership. The commissioning of Child Health Information Systems and the 6-8 week GP check (also known as Child Health Surveillance) will not transfer.

1.2 The Healthy Child Programme (HCP) is the early intervention and prevention public

health programme that lies at the heart of universal services for children and families. The HCP is based on a model of 'progressive universalism'. This means all families receive a number of standard services (universal). Additional services are available to those who need them or are identified as being at risk. Pregnancy to 5 years is when the foundations of future health and wellbeing are laid down. At this stage the programme is delivered by health visitors, midwives, children's centre staff and partners in primary and community care.

1.3 Here the HCP aims to

- Help parents develop a strong bond with children

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- Encourage care that keeps children healthy and safe
- Protect children from serious diseases, through screening and immunisation
- Reduce childhood obesity by promoting healthy eating and physical activity
- Encourage mothers to breastfeed
- Identify problems in children's health and development so that they can get help with their problems as early as possible.
- Make sure children are prepared for school

1.4 The Government intends to mandate certain elements of this programme : Antenatal health promoting visits, new baby review, 6-8 week assessment, 1 year assessment and 2-2 ½ year assessment.

1.5 There are four tiers of health visiting services which assess and respond's to children's and families individual needs

- *Community Services* – linking families and resources and building community capacity
- *Universal Services* – primary prevention services and early intervention provided for all families with children aged 0-5 as per the HCP universal schedule of visits, assessments and developmental reviews.
- *Universal Plus Services* – time limited support on specific issues offered to families with children aged 0-5 where there has been an assessed or expressed need for more targeted support.
- *Universal Partnership Plus* – offered to families with children aged 0-5 where there is a need for ongoing support and interagency partnership working to help families with continuing complex needs

1.6 The Family Nurse Partnership is a targeted, evidenced based, preventative programme for vulnerable first time young parents. It involves structured home visits, delivered by specially trained family nurses. The FNP is a licensed programme and therefore has a well-defined and detailed service model, which must be adhered to. This includes commissioning FNP so that any child who begins the programme completes it through to age two. When a mother joins the FNP programme, the HCP and the five mandated elements are delivered by the family nurse. The family nurse plays an important role in any necessary safeguarding arrangements alongside statutory and other partners to ensure children are protected.

2. Transfer

2.1 A number of multiagency partnership groups have been working since October 2014

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to oversee the safe transition of commissioning. At a Merseyside level, NHSE lead a Health Visiting assurance board that aims to ensure a collaborative approach to oversight, management and governance of both health visiting and FNP during the transition. The 0-5 Strategic Leadership Group, chaired by Sefton Council Chief Executive provides strategic assurance that councils across Merseyside are prepared to receive the commissioning responsibility. A Sefton operational group, chaired by public health, has briefed local stakeholders and NHS England have health multiagency stakeholder events. At point of transfer the Council has been assured that there is sufficient health visiting capacity to deliver the service required by Sefton residents and the funding profile for the 15/16 contract.

2.2 The changing commissioner and provider environment of child health service

requires a planned response to ensure the continued delivery of services that are efficient and effective. In addition it provides an opportunity to review existing services and explore opportunities to ensure resilient and effective service maximises benefits for families through service redesign. This includes developing an integrated 0-19 years Public Health and care model.

2.3 The HCP for 5-19 year olds demonstrates how health, education and other partners

working together across a range of settings can significantly enhance a child or young person's life chances by supporting children to be healthier, happier and able to take advantage of opportunities that will help them reach their full potential. The Council is already responsible for commissioning core health, that is school nursing service, education and children's services and so has the opportunity to commission a fully integrated 0-19 HCP.

3. Integrated Commissioning for 0-19 years Public Health and Care services

3.1 It is proposed to review existing services and develop a comprehensive service

model and specification to be commissioned and procured under the OJEU Light-Touch Regime Open Procedure. Approval is requested for Chief Officer delegated authority to award the contract at the end of the tender process.

3.2 The basis of the tender evaluation to be applied would be 30% price and 70% quality, with 20% of the latter being reserved for the interview process.

3.3 To control risk in terms of affordability of the future service, an indicative ceiling price will be set in the tendering process, informed by the service reviews referred to within this report.

3.4 It is proposed that at the end of the procurement process, 5-year contracts with the

option to extend for up to a further 2 years will be entered in to with Providers. This should provide for better service stability and reduce commissioning/procurement costs by reducing the frequency of the procurement process. The contracts will however include clauses that can be activated in the event the Council needs to vary the contract or terminate the contract early. This is in line with legal advice regarding best contracting practice.

3.5 Variation clauses will allow the Council to vary the contract accordingly in the event

that the level of funding available changes from that set out in the initial contract.

3.6 To ensure a safe and smooth transition from existing to new services, the Director of

Public Health wishes to reserve the right to delay the start date by up to 3 months depending on the complexity of any potential TUPE transfers and/or contract implication. This may involve extending some outgoing contracts by up to 3 months.

3.7 Integrated 0-19 Healthy Child Programme Indicative Procurement timetable

- Cabinet Approval – Thursday 03 September 2015
- Publish OJEU notice Thursday 24th September 2015
- Invitations to Tender (ITT) – published on the Chest on Monday 28th September 2015, with a return date of Noon Thursday 29th October 2015
- Evaluation and interviews will be completed by Wednesday 02 December 2015 and highest scoring bidder(s) will be selected
- Chief officer (Director of Public Health) sign off Award Friday 04 December 2015
- Letters to unsuccessful bidders 04 December 2015
- Letter of intention to award 04 December 2015
- 10 day stand still
- Award Contract 14 December 2015

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Agenda Item 5

Report to: Cabinet **Date of Meeting:** 3 September 2015
Subject: Sport England Grant **Wards Affected:** All
Report of: Director of Social Care and Health
Is this a Key Decision? Yes **Is it included in the Forward Plan?** Yes
Exempt/Confidential No

Purpose/Summary

To provide Cabinet with an update on the 'Get Healthy, Get Active' project and to seek approval to accept the grant recently awarded from Sport England.

Recommendation(s)

It is recommended that Cabinet:-

- 1) Agrees to accept £398, 652 grant aid from Sport England
- 2) Agrees to the match funding requirement, as specified in the grant conditions

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	√		

Reasons for the Recommendation:

In January 2015 the Senior Leadership Team approved the submission of an application to Sport England's 'Get Healthy Get Active' fund

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Notification has recently been received that the application was successful and Sefton has been awarded a grant to the sum of £398,652, over the next 3 year period.

Alternative Options Considered and Rejected:

None

What will it cost and how will it be financed?

(A) Revenue Costs

£398,652 was awarded. In addition, £95,538 has been identified from existing resources as match funding.

(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:

Financial	None
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 of the Proposals on Service Delivery:

The project will use sport and physical activity in an attempt to reduce falls, prevent the onset of dementia and the need for long term health and social care by its participants.

The project will contribute significantly to the Councils key priorities.

The long term aim of the project is to introduce an early intervention and prevention service that will enable resources to be redirected from care to prevention, thus resulting in fewer people requiring costly health & social care in later life.

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Although the long term costs of poor health and the impact of more people living longer is now recognised as a “ticking time-bomb”, the political and professional challenge of switching declining resources from acute services to preventative services is a difficult one. By investing in innovative preventative services, supported by robust academic research, it is believed that the evidence required to support this argument will become evident.

It is expected that the project will demonstrate to commissioning bodies, the relevance, importance and impact of adopting a preventative approach. It is hoped that in the long term, the project will be recognised as a model of good practice and will therefore be duplicated and embedded into local and national services.

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and comments are incorporated into the report (FD 3554/15)

The Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report (LD 2846/15)

Implementation Date for the Decision

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

Contact Officer: Simon Burnett
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Background Papers:

There are no background papers available for inspection

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1. Introduction/Background

- 1.1 In 2013 an application for funding was submitted, linked to the Leisure/Day Centre co-location pilot. Whilst unsuccessful, the project was viewed favourably by Sport England (reaching the final shortlist of 30 out of 300) and as such permission was sought and granted to submit a new application for this funding round.
- 1.2 The concept of co location is no longer in keeping with the current direction of travel for Adult Day Services. However, the need for self directed, increased access to community based universal services as a means of promoting social inclusion and improving physical and mental health and community integration and resilience is increasingly relevant against a backdrop of rising demand and reduced budgets.
- 1.3 This was reflected in the revised application, and as such the project will seek to support some of the most vulnerable and inactive residents who are deemed to be at risk of requiring either health or social care.
- 1.4 The project will involve the delivery of six week blocks of activity. Sessions will take place in a variety of venues including leisure centres, community venues, day centres and sheltered accommodation with activities varying based on consultation. Following this, a programme of weekly sessions will be introduced, predominantly in leisure centres, providing long term exit routes and opportunities. Programmes will initially be funded using the Sport England grant until such time that the project becomes self-financing with participants either utilising Direct Payments or self-funding.
- 1.5 A key aspect of the project will be the ongoing monitoring and evaluation of behaviour change, health improvements and cost savings, which will be undertaken by Edge Hill University as part of a three year PHD research study.
- 1.6 The project bid was presented to and fully supported prior to its submission by SLT, CCGs, the Health & Wellbeing Board, the Adult Social Care SMT, the Transitions Strategy Group and noted by the Adult Social Care Transformation Programme Board.

2.0 Match Funding Requirement:

- 2.1 In its application guidance, Sport England indicated that successful projects would need to contribute at least 30% match funding (50% of which must be actual money).
- 2.2 It was also highlighted that the grant itself would only fund front line delivery and academic research but not project management and coordination.
- 2.3 In light of the above it is proposed to commit sufficient resources to employ a Development Manager post as match funding (£31,846 x 3 years = £95,538 total match).
- 2.4 In addition, further cash and in kind match funding was identified and confirmed by a number of key partners' including Sefton New Directions and Edge Hill University.

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2.5 All identified match funding is outlined in Appendix 1.

3.0 Next Steps

3.1 A project steering group will be established and a full schedule for implementation finalised and shared with key partners/stakeholders.

3.3 As outlined in the initial project delivery plan it is envisaged that programme implementation will commence September 2015.

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Appendix 1

Get Healthy Get Active - Match Funding

Cash Contributions

Name of Organisation	Description	Amount (£)
Sefton MBC	Development Manager Post	95,538
Edge Hill University	Contribution towards research costs	11,988

In Kind Contributions

Name of Organisation	Description	Amount (£)
Sefton New Directions	Provision of support staff and transport	280,852
Sefton MBC	Choices Discount cards for participants (£6.50 each)	22,320
	Discounted Leisure Centre Membership for participants (Discount of £14 per participant)	50,400
Edge Hill University	Data Collection and Academic Supervision	41,736
Alzheimer's Society	Delivery of Dementia Awareness Courses	120
Royal Yachting Association	Sailability Training	500

Total Match Funding	£503,454
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Agenda Item 6

Report to:	Cabinet	Date of Meeting:	4 September 2015
Subject:	Personalisation Strategy	Wards Affected:	(All Wards);
Report of:	Director of Social Care and Health		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To present Cabinet with the final draft of the Personalisation Strategy for Sefton plus recommendations for the future development of a Personal Budgets Policy and Direct Payments Policy alongside the refresh of the existing Charging Policy.

Recommendation(s)

- i. Cabinet approve and agree the Personalisation Strategy
- ii. Cabinet receive further updates on the work to implement the Personalisation Strategy Action Plan in Sefton
- iii. Cabinet is asked to note the continuing work on developing a life course/person centred approach to Personalisation in Sefton, which is focused on “all-age” principles and applies to both children and adults.
- iv. The Director of Social Care and Health develops a draft Personal Budgets Policy, a draft Direct Payments Policy and refreshes the Charging Policy, in consultation with Cabinet Member for Adult Social Care and Cabinet Member for Children, Schools & Safeguarding;
- v. The Director of Social Care and Health undertakes any necessary consultation and engagement in respect of the draft Personal Budgets Policy, draft Direct Payments Policy and refreshed Charging Policy, before presenting such policies to Cabinet for approval.
- vi. To note that it is proposed by officers that the Cabinet receive the Personal Budgets Policy in November 2015 and the Direct Payments Policy and revised Charging Policy in January 2016.

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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	✓		
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	✓		

Reasons for the Recommendation:

The Personalisation Strategy underpins the changes to social care in light of the Care Act 2014.

It has also been identified that as a result of the Personalisation Strategy there is a need to address the development of interlinked areas of work. These include Personal Budgets, Direct Payments and Charging.

Alternative Options Considered and Rejected:

Maintaining the status quo is not an option due to new legislation, demographic and budgetary pressures.

What will it cost and how will it be financed?

(A) Revenue Costs

The Adult Social Care Budget for 2015/16 is £90.9mm. Any policy changes and future financial commitments would need to be contained within the agreed budget allocation for Adult Social Care in future years. With regard to the Care Act 2014 the Council has received New Burdens funding of £1.969m in 2015/16 and a further sum of £0.834. is contained within the 2015/16 Better Care Fund.

(B) Capital Costs

Nil

Implications:

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

Financial

There is a significant financial risk with potential additional cost for Care Act 2014
--

implementation and on going delivery.
Legal The Children and Families Act 2014 and the Care Act 2014 and subordinate legislation and statutory guidance.
Human Resources
Equality 1. No Equality Implication 2. Equality Implications identified and mitigated <input type="checkbox"/> 3. Equality Implication identified and risk remains

Impact of the Proposals on Service Delivery:

Personalisation is a key concept underpinning the Care Act 2014. The Act represents the most significant change in Adult Social Care in recent years, with changes to underpinning legislation, eligibility criteria, funding, the status of Adult Safeguarding and a host of other associated areas which are likely to impact across the Council. The focus is for a local authority to provide, or arrange provision of services, facilities or resources that help an individual avoid developing care and support needs, by maintaining independence and good health and promoting wellbeing.

The impact of the Personalisation Strategy will ensure that service delivery is person centred and monitored. It has also been identified that as a result of the Personalisation Strategy there is also a need to address the development of interlinked areas of work. These include Personal Budgets, Direct Payments and Charging. All these developments will impact on service delivery and will need to be supported by appropriate learning and development, processes and procedures for all staff.

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and any comments have been incorporated into the report. (FD 3743/15)

The Head of Regulation & Compliance has been consulted and any comments have been incorporated into the report. (LD 3026/15)

The Health and Wellbeing Board has been consulted throughout the development of the strategy plus there has been ongoing engagement across Children's Social Care, Adult Social Care, Public Health services and Clinical Commissioning Groups to inform and agree the action plan.

Implementation Date for the Decision

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

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Contact Officer: Dwayne Johnson
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Background Papers:

The following document is available for inspection on the Council website:

Sefton Personalisation Strategy 2015-17 Final Draft

Introduction/Background

- 1.1 Since 2007, the principles and practice of Personalisation have been embedded into Sefton's policies, practices and procedures. Sefton has both increased the use of Direct Payments and implemented person centred approaches to its assessment, care planning and review functions. Following an initial assessment, all service users are asked whether they wish the Council to manage their care or whether they wish to use a Direct Payment. In both instances people are given support they need to influence the support they receive.
- 1.2 For those who opt to take a Direct Payment, help is provided by the Direct Payments Team. For those who opt for a Managed Budget help is provided by the Assessment Teams. In both cases the individual and their carers will have the opportunity to be involved in shaping the process and their care. In this respect all those in receipt of Social Care in Sefton have been offered the choice to personalise how their care is provided.
- 1.1 In October 2014, Sefton Health and Wellbeing Board agreed to sponsor a life course/person centred approach to Personalisation, which would satisfy the strategic direction of Adult Social Care (based in parts on The Care Act 2014) and the provisions of Special Educational Needs and Transitions elements of the Children's and Families Act 2014.
- 1.3 The Strategy is based on Sefton Council's existing Adult Social Care Personalisation Plan which at the time was mostly complete with information supplemented on Special Educational Needs (SEN) elements of the Children's and Families Act 2014.
- 1.4 To deliver the Personalisation vision we must ensure that the model has the following features:
 - Person centred - this entails the active involvement of the individual and their carer or advocate in the design of flexible person centred approaches
 - Information and advice - this means that there should be accessible information and advice services available 24 hours 7 days a week
 - Partnership - the above can only be delivered in partnership with all Council services, health, housing, the independent and voluntary sector and the community.
 - Community focused - it needs to be locally determined within the context of the national policy direction and promote an understanding of the role of communities in championing and supporting safeguarding within those communities.
 - Asset based - it needs to focus on the individual as well as the community.
- 1.5 The outcomes required for Sefton to measure success include:
 - Having a good experience when seeking support which is focused on the individual and shaped by the individual.
 - There is a coordinated approach to care planning which is balanced against the identified risks
 - There should be local or accessible services available to manage long term conditions

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- The systems in place to support people are not complex and are easy to understand
- People can find information easily and it is sensitive to the communication needs and is culturally sensitive.
- They have equal access to universal services to support people to live independently
- The contribution to the community is recognised and valued.
- People are treated with dignity and respect
- People can access support in a crisis
- That staff have the appropriate levels of information, knowledge and skills.

2. Executive Summary - Sefton Personalisation Strategy

2.1 The strategy provides direction for education and social care services set within the context of a whole life, all age, approach to person centred care and support. The intention is to describe how Sefton can meet the personalisation agenda whilst keeping people safe.

2.2 The strategy focuses on the following key objectives:

- tailoring support to people's individual needs whatever the care and support setting
- adopting person-centred approaches for children with SEND, adults and their families are ensuring they are put at the centre of processes, enabling them to express their views, wishes and feelings and be included in decision making.
- personalising the support that families receive by working holistically in partnership with services across education, health and social care ensuring that people have access to independent information, advice and support , including peer support and mentoring, to make informed decisions about their care and support, or personal budget management
- finding new collaborative ways of working (sometimes known as “co-production”) that support people to actively engage in the design, delivery and evaluation of services
- developing local partnerships to co-produce a range of services for people to choose from and opportunities for social inclusion and community development
- developing the right leadership and management, supportive learning environments and organisational systems to enable staff to work in emotionally intelligent, creative, person-centred ways
- embedding early intervention, reablement and prevention so that people are supported early on and in a way that’s right for them
- recognising and supporting carers in their role, while enabling them to maintain a life beyond their caring responsibilities
- ensuring all citizens have access

2.3 The strategy highlights the impact of key legislation including Children and Families Act and the Care Act.

2.4 The Children and Families Act focuses on putting children and young people at the heart of planning and decision making through co-production and person-centred practice. It emphasises the importance of engaging young people and

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their families in all processes from developing and planning, particularly in relation to the Local Offer and Education, Health and Care Plans, and also in the commissioning of services and strategic decision making.

- 2.5 The Care Act places a duty on all Local Authorities to prevent, delay and reduce the needs for care and support and it is vital that our care and support system is person centred and actively promotes well-being and independence. Wherever possible this system should not wait to respond to people reaching crisis point. Sefton needs a care and support system that intervenes early to support individuals, promotes wellbeing and independence and reduces dependency.
- 2.6 The strategy provides a national and local context and expands on the vision for Sefton in achieving a person centred approach. Included in the strategy is an action plan (**Appendix 1**) underpinned by the strategic objectives of the Health and Wellbeing Strategy for Sefton and with the evidence of needs as presented in Sefton's Strategic Needs Assessment. The strategy includes clear objectives, actions and areas of responsibility that have been signed up to at a cross departmental level.
- 2.7 Cabinet are asked to approve this draft Personalisation Strategy for implementation across the Council. Subject to Cabinet approval, the strategy will then be finalised and published.

3. Next Steps

- 3.1 An officer Steering Group will continue to monitor progress and report on the implementation of the action plan.
- 3.2 Cabinet is asked to note the continuing work on developing a life course/person centred approach to Personalisation in Sefton, which is focused on "all-age" principles and applies to both children and adults.
- 3.3 Built into the action plan of the Personalisation Strategy are specific areas of development around personal budgets and direct payments:
 - Personal budgets are an allocation of funding given to users after an assessment which should be sufficient to meet their assessed needs. Users can either take their personal budget as a direct payment, or – while still choosing how their care needs are met and by whom – leave councils with the responsibility to commission the services. Or they can have some combination of the two.
 - Direct payments are cash payments given to service users in lieu of community care services they have been assessed as needing, and are intended to give users greater choice in their care. The payment must be sufficient to enable the service user to purchase services to meet their eligible needs, and must be spent on services that meet eligible needs.
- 3.4 Currently Sefton Council provide direct payments as the delivery of personal budgets but we are mindful that other local authorities offer wider opportunities and different mechanics. This awareness has resulted in the development of the action plan in the strategy and to the recommendations within this report.

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- 3.5 As a result of this strategy approval is now sought to develop a Personal Budgets Policy and a Direct Payments Policy alongside a refresh to the Charging Policy for Sefton which will explore option for both service users and carers.
- 3.6 Following approval to proceed, it is proposed that Cabinet receive the Personal Budgets Policy in November 2015.
- 3.7 Cabinet will be presented with the Direct Payments Policy and revised Charging Policy in January 2016.

3.0 Risks & Challenges

3.1 The proposed approach will enable Sefton to mitigate against the following risks:

- Formalising the delivery of Adult Social Care services through the implementation of efficient processes and procedures will enable Sefton to meet its duties under the Care Act and ensure increased demand can be met.
- Ensuring that citizens are placed at the centre of services
- Reducing the potential for challenge and complaints through clear policy and guidance.

4.0 Policy Change, Communication, Consultation & Engagement

- 4.1 The Care Act 2014 consolidates the law and practice around Social Care, most notably introducing the national eligibility criteria. However, it is important to note that the care system is developing not changing, in the sense that the Act builds on current practice, adjusts it and embeds best practice in the law. The Council will review and update its policies and guidance in light of these changes in a way that will continue to meet assessed need.
- 4.2 The need for consultation and engagement is dependent on each policy and guidance area and the nature of any service change as a result. Therefore, where significant change is applicable an appropriate level of consultation with key stakeholders will be undertaken.
- 4.3 A presentation to the Consultation and Engagement Panel will ensure that due process is followed. Effective engagement will ensure that any effects on Sefton citizens of potential policy developments are understood and communicated in a transparent way.

5.0 Equality Act 2010 Duty and Impact Assessments

- 5.1 As the Council puts actions into place to deliver the elements of the Care Act changes there is a need to be clear and precise about processes and impact assess any potential changes, identifying any risks and mitigating these as far as possible. The impact assessments, including any feedback from consultation or engagement where appropriate, will be made available in compliance with the Equality Act 2010.

6.0 Conclusion

- 6.1 With regard to delivering and implementing the Care Act 2014 the scale and pace of the change required cannot be underestimated. The Council needs to identify, develop and implement new models of care and the potential associated impact on the community will require appropriate capacity to deliver change.
- 6.2 The combined impact of demographic, pressures, new policy and statutory requirements present a significant challenge that requires a sustained and robust Council wide response with continued engagement with key partners. This will require the Council to develop solutions that ensure people remain independent for as long as possible; support carers to continue caring; encourage people to plan in advance for their care needs; and promote wellbeing, independence and community inclusion. Only a strategic approach can mitigate the demand and financial pressures that will continue to be faced by Adult Social Care.

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Sefton Personalisation Strategy - Action Plan 2015-17

Health and Wellbeing Strategy – Strategic Objectives	Objectives	Actions	Outcomes	Lead Officer
<p>Ensure all children have a positive start in life</p>	<ul style="list-style-type: none"> The joint commissioning strategy and Joint Strategic Needs Assessment (JSNA) should be informed by young people, their families, information in a young person’s EHC plan and the Local Offer. Young people and families can play a valuable role in quality checking, the results of which should feed back into the strategy; Ensure that the work streams around developing integrated joint commissioning across the 0-25 age group and the Better Care Fund are joined up and that there is a common process being developed; 	<ul style="list-style-type: none"> Develop a process to allow the information from the EHC plan, including the CNA, and from personal budget holders’ choices, to inform the Joint Commissioning Strategy; Explore how personal budgets across education, health and social care (and personal health budgets for young people eligible for NHS Continuing Healthcare post-18) can be integrated to develop personalised post-16 options and support that lead to better outcomes for young people; Ensure that young people and their families have access to good information, advice and support in relation to what is available and how to purchase it; Provide young people and their families with opportunities to pool budgets and commission mutually beneficial support. 	<ul style="list-style-type: none"> Children and young people will have good physical and emotional health and wellbeing and will lead healthy lifestyles Children and young people will be safe Children and young people will be aspirational and achieving through the enjoyment of going to school and college Parents will have the skills, support and infrastructure to enjoy being parents Children and young people will have a voice, will be listened to and their views will influence service design, delivery and review 	<p>Children’s Social care</p>
<p>Support people early to prevent and treat avoidable illnesses and reduce inequalities in health</p>	<ul style="list-style-type: none"> Invest in low-level, open-access prevention and early intervention services to support people with emerging or low level/moderate social care needs, through preventative approaches, public health, telecare, supported housing and an enhanced role for the 	<ul style="list-style-type: none"> Work with Careline, Police, Fire, Ambulance and other out of hours services to deliver alternative care pathways to divert people from high-end services; Develop and 	<ul style="list-style-type: none"> There will be effective prevention and early intervention with people being empowered to determine their own outcomes through the experience of quality services There will be improved health and wellbeing against the wider factors that lead to poor health and 	<p>Health & Wellbeing</p>

	voluntary sector	expand self-assessment opportunities for those with low to medium needs within an outcomes-based approach;	wellbeing <ul style="list-style-type: none"> • There is education, skills and support for people to change their lifestyles and to do things for themselves • The population is protected from incidents and other threats, including infectious diseases, accidents, excess winter deaths whilst reducing health inequalities 	
Support older people and those with long term conditions and disabilities to remain independent and in their own homes	<ul style="list-style-type: none"> • Review the delivery mechanisms to provide personal budgets • Build on the national Outcome Based Framework in order to provide evidence of effective support and intervention and develop a performance management framework that is rooted in delivering the best possible outcomes; 	<ul style="list-style-type: none"> • Outline a Personal Budgets Policy for Adults • A review of the direct payments system and managed budgets; • Work with Health colleagues to integrate care pathways, starting with long-term conditions and mental health and focus on locality planning; • Identify how advanced assistive technologies such as telehealth and telecare can further support integrated working, integrated systems, extra care and self-care with particular regards to people with long-term conditions or those who are predicted to require intensive health or social care support in the future; 	<ul style="list-style-type: none"> • There will be system wide improvements across social care and care pathways, supported with access to information about early diagnosis and prevention • There will be effective management of long term conditions for all adults, including mental health and dementia • There will be outstanding end of life services • There will be access to information about early diagnosis and prevention services • There will be increased physical, emotional and economic wellbeing. There will be access to appropriate, high quality housing across Sefton 	Adult Social Care and Commissioning Support & Business Intelligence
Promote positive mental health and wellbeing	<ul style="list-style-type: none"> • Provide a quality assessment framework which enables providers to improve service quality and policies such as safeguarding; 	<ul style="list-style-type: none"> • Ensure a revised person centred approach process is rolled out in a phased way for new referrals and existing service users • Develop personal support plans in partnership with the individual, detailing their own focused packages of support; 	<ul style="list-style-type: none"> • The infrastructure will be place so that all people can access information, preventative and treatment services • People will be empowered, have a sense of purpose and take care of themselves and their family • The mental health services that are commissioned will be fit for purpose • We will have stronger communities 	Adult Social Care

			<p>involved in their own wellbeing and wider community's mental health services</p> <ul style="list-style-type: none"> • There will be an increase in physical and emotional health and wellbeing 	
<p>Seek to address the wider social, environmental and economic issues that contribute to poor health and wellbeing</p>	<ul style="list-style-type: none"> • Develop the market to ensure that there are quality services that people can purchase/procure with their personal budget. 	<ul style="list-style-type: none"> • Work with 'think local act personal', partners, people who use services and carers to develop and shape this person centred care approach into a consistent and sustainable framework; • Work with GP partners to increase social care and social intervention commissioning, prescribing through practice-based commissioning and ensuring information and leisure prescribing becomes mainstream; and exploring new toolkits such as the NHS House of Care toolkit; 	<ul style="list-style-type: none"> • The appropriate infrastructure is in place to improve opportunity, maintain health and wellbeing and the quality of life for all • There will be improved access to services and information for all, including leisure facilities, parks and open spaces • There will be opportunities to access new skills, training enterprise, employment and progression • There is infrastructure and investment is in place to improve opportunity, maintain health and wellbeing and quality of life for all • There will be access to high quality housing across Sefton 	<p>Adult Social Care and Commissioning Support & Business Intelligence</p>
<p>Build capacity resilience to empower and strengthen communities</p>	<ul style="list-style-type: none"> • Engage with providers to develop a flexible marketplace; • Work with key stakeholders to develop approaches to volunteering and developing the capacity of the community; • Design and maintain a universal information and advice service through co-production with key partners; 	<ul style="list-style-type: none"> • Mobilise universal, mainstream services to ensure that they are open to all citizens, including adult learning, leisure, sports, libraries and cultural services, training and employment, housing and counselling and that they provide a wider range of occupational, daily living, health and wellbeing activities; • Develop a Workforce Development and Training Strategy that supports the roles, responsibilities, skills and behaviours required to deliver the personalisation agenda; 	<ul style="list-style-type: none"> • There will be stronger communities involved in and responsible for their own wellbeing and of the wider community with reduced dependency on services • There will be Improved access to services and information for all, including leisure facilities, parks and open spaces • The value of clean, safe, healthy environments in promoting health and wellbeing will be recognised • The health benefits of borough wide activities through parks, the coast and countryside will be valued, encouraged and promoted • Increase the physical and emotional health and wellbeing of all residents • There are clean safe environments and quality of place 	<p>Strategic Support</p>

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Report to:	Cabinet	Date of Meeting:	3 rd September 2015
Subject:	Northwest Leaving Care Commissioning Framework and Care and Support for Children and Young Peoples Framework	Wards Affected:	All Wards
Report of:	Head of Children's Social Care		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

Sefton purchases a number of services for children and young people through the use of purchasing frameworks. The purchasing frameworks for Care and Support and Leaving Care services are now in need of replacement and renewal respectively.

The Care and Support Framework

Sefton Council currently purchases individual packages of care on behalf of children and young people with complex and extra needs and their families. The procurement of these services takes place through a purchasing framework shared with a consortium of neighbouring authorities. This current purchasing framework and its associated contract are set to end on 6 March 2016 (in 6 months' time). As a result a replacement is required.

A scoping exercise has been undertaken in response to the above. Its aim was to establish the best means of continuing to procure these services. This exercise formed the basis of the recommendations relating to care and support made overleaf.

The Leaving Care Framework

Leaving Care services (16+) provide graduated needs led preparation for independence to young people over the age of 16 who are preparing to leave care. These services are provided through semi-independent and group living placements.

These placements are currently procured when practicable via a North West Regional Commissioning Framework, which Sefton Metropolitan Borough Council (MBC) joined in 2011. This framework, shared with 23 other North Western Local Authorities including our Liverpool City Region neighbours, is set to end on the 30th September, 2015. A renewed framework has now been developed on behalf of the region, by Tameside Council and Placements North West. The new framework contract commences on the 1st October, 2015 and will last for four years on a 2 year +1 +1 basis.

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Recommendation(s)

The Care and Support Framework

1. That the Council adopts the renewal of the consortia led “regional purchasing framework” as its current chosen option in relation to the continued identification of providers of care packages for the care and support of Children and Young People with extra needs.
2. That the Sefton Commissioning and Procurement Teams be authorised to work on the development of this model, including its underpinning service specification in conjunction with their regional colleagues.
3. That the Head of Children’s Social Care be authorised to agree to the Council’s membership of the final version of this model and its underpinning service specification, and the subsequent purchase of services from providers included on the framework on behalf of Sefton Council when practicable.
4. That the use of “Spot Purchase” in relation to care packages be approved using a legally sound means of procurement as a short term contingency measure, should it be required.

The Leaving Care Framework

5. That the Council renew its membership of the Northwest Leaving Care (16+) Purchasing Framework and that it continues to procure leaving care services through this framework when practicable.
6. That the Head of Children’s Social Care and Cabinet Member - Children, Schools and Safeguarding be given delegated authority to decide on Sefton’s decision in relation to the extension of the leaving care framework at the end of year 2 and 3.

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	/		

Reasons for the Recommendation:

The Care and Support Framework

The option chosen was felt to be the most appropriate means of replacing the current framework arrangements with the aim of meeting the extra needs of children and young people within Sefton. A detailed description of the reasons underpinning the decision to recommend the consortium approach can be found in the main body of this report.

The consortia option will also lead to our working in conjunction with our neighbouring authorities across the Liverpool City Region. This group is currently composed of Halton, Knowsley, Liverpool, and Wirral. At this point St Helens Council is also considering joining the consortia.

The Leaving Care Framework

The current framework provides a legally sound, accountable and transparent means of finding and procuring appropriate leaving care services for young people living in Sefton. The framework comes to an end on the 30th September, 2015. These services are an essential component of supporting young people in care as they make the transition to a secure adulthood and independence. This recommendation enables the continued use of the framework in its refreshed form which will enable this process to continue. Our continued use of the framework also links us to our North West regional neighbours and area wide standards of good practice.

Alternative Options Considered and Rejected:

The Care and Support Framework

Two further options were considered as part of the initial scoping exercise associated with this document.

The first option related to the Council's spot purchasing of packages of care from the market as and when they are required. Guidance was sought from the procurement section and resulting from this, spot purchase was not felt to provide a long term legally sound means of purchasing services. However, it was identified that this approach would be legally appropriate as a short term means of purchasing care should slippage occur in relation to the development and launch of this framework.

The second option related to linking the needs of children and young people with extra care needs to the developing Adult Supported Living and Outreach Service for adults with extra needs. Whilst this option was considered to be potentially viable it was noted that the recommended consortia option contained a number of advantages, which led to it being recognised as more appropriate to Sefton's needs at this time. (This issue is discussed more fully in the main body of this report).

These options along with the consortia option were considered by the Children's Head of Service in consultation with the field work manager for Children with Disabilities. As a result the consortia option was felt to be more appropriate. This recommendation has subsequently been endorsed by the Director of Social Care and Health

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The Leaving Care Framework

An alternative approach to finding leaving care services for young people would be to approach each individual case as a separate commissioned service. However, this approach would mean that the authority would not benefit from the positives associated with the renewed regional framework. Furthermore, as is the case for the Care and support Framework given the size of the annual allocated budget associated with leaving care placements this would not be a sustainable nor sound approach to procurement.

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of packages of care purchased through the proposed new Care and Support Framework are included within the current Children's Service annual budget for Children with Disabilities. The amount set aside for this service is £484,400 for the 2015/ 2016 financial year. Likewise the costs of leaving care placements will be met within the existing allocated budget.

(B) Capital Costs

There are no capital costs associated with either of these frameworks.

Implications:

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

Financial Being part of a purchasing framework agreement ensures better value for money and choice to the Council, as well as offering quality services.
Legal Sefton's membership of these purchasing frameworks will provide a long term legislatively sound basis for the ongoing identification and purchase of services for the children and young people of Sefton. Furthermore, these frameworks will be readily accessible to new providers. The failure to adopt a long term legally appropriate means of procuring care services for children and young people will leave the authority open to legal challenge.
Human Resources Nil
Equality 1. No Equality Implication 2. Equality Implications identified and mitigated <input type="checkbox"/> 3. Equality Implication identified and risk remains

Impact of the Proposals on Service Delivery:

The framework approach represents a continuation of current practice and as a result will not impact on Service Delivery.

What consultations have taken place on the proposals and when?

The Care and Support Framework

The Chief Finance Officer (FD 3703/15) has been consulted and any comments have been incorporated into the report.

The Head of Regulation & Compliance (LD 2986/15) has been consulted and any comments have been incorporated into the report. Discussion has also taken place with the Head of children's Services, the field work manager for Children with Disabilities, the Children with Disabilities Team and the Director of Social Care and Health.

The Leaving Care Framework

The Chief Finance Officer has been consulted and any comments have been incorporated in the report. (FD 3699/15)

The Head of Regulation and Compliance has been consulted and comments have been incorporated in the report. Sefton's procurement department have also provided advice. (LD 2982/15)

Authorization has also been sought from the Head of Children's Social Care. The recommendation that Sefton MBC renew its membership of the North West Leaving Care (16+) Purchasing Framework has been endorsed and also Sefton MBC's continued procurement of leaving care services through this framework.

Implementation Date for the Decision

These decisions will become active following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting.

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Background Papers:

The following papers are available for inspection on the Council's website:

The Care and Support Framework

- No background papers included.

The Leaving Care Framework

- Tender submission Questionnaire
- Service specification
- Sefton Chief Officers Report recommending renewed membership of the framework and the ongoing procurement of leaving care services through it.
- The contracts Terms and conditions
- Letter from Tameside council included with CHEST documentation.

1.0 Introduction/Background

The Care and Support Framework

- 1.1 Children with complex needs and their families can require individual packages of support. These packages are purchased in one of two ways either by the authority through a purchasing framework or by carers themselves through the use of a Direct Payment. This section of this paper relates to the procurement of care on behalf of children and young people by the Local Authority.

Packages of care have a number of purposes. Firstly they provide additional support to parents/carers in order to enable them to carry out tasks associated with the care of disabled children and young people and/or offer short breaks and positive activities for children and young people and their families, which focus on inclusion within their own communities. Secondly the service may also support parents/carers who need support to meet the needs of their children or the objectives set out in a Child In Need or Child Protection Plan, with the aim of enabling families to remain together. Whilst finally for children and, young people with complex health needs, packages may include health care tasks as part of an agreed care plan, with appropriate oversight. This service may also include waking night support. These services do not replace any existing council provided services.

Packages are provided to children, young people and adults within their own homes, although the service may involve a worker providing support to a child or young person in their local community, for example providing support in relation to accessing community services or carrying out activities required to maximize independence in the community.

- 1.2 The Local Authority's purchase of care packages primarily takes place via a framework of contracted and approved providers. The current framework guarantees its providers first access to packages of care in return for fixed costs. It is not a block contract and care is purchased from the framework as and when required. The framework was closed to new providers when the initial contracts were awarded in 2011.
- 1.3 Sefton Metropolitan Borough Council (MBC) is part of a consortium which shares the framework. The Borough's partners in the framework are:
- Liverpool City Council
 - Knowsley Council
 - Wirral Council
 - Halton Council
- 1.4 Knowsley Council acts as the lead authority and legal entity in relation to this contract.
- 1.5 This current purchasing framework and its associated contract are set to end on the 6 March 2016 (in 6 months' time). As a result, a replacement commissioning model is required in relation to the future purchase of these services.

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- 1.6 In light of the above, a scoping exercise was undertaken to identify the options available to replace the existing framework and its underpinning service specification.

This led to the identification of three options:

Option 1

Spot Purchasing of Support Packages through the North West Chest.

Option 2

Remaining part of a refreshed regional framework.

Option 3

The linking of the needs of children and young people who require extra care to Sefton MBC's developing approach to supported living and outreach for adults with extra care needs.

- 1.7 This led to guidance being sought as described above in relation to which of the options to pursue. As a result, option 2 was identified as providing the best fit for Sefton MBC for the following reasons:

1. By creating a larger regional market place, it will potentially attract a large number of potential providers to the framework which will create more choice.
2. Any provider wishing to register on the framework would have to be quality assessed prior to admission. This assessment process would be shared across the region.
3. The refreshed framework will be permeable twice a year, enabling new providers frequent access to the framework. This contrasts with the current arrangement which restricts access to every two to four years.
4. Ongoing review of provider services could be shared across the region.
5. The model envisages the development of local provider forums and the development of local as well as regional relationships between providers and commissioners. This would also enable management of the local procurement environment.
6. The model will be flexible enough to encompass different local authority approaches to purchasing and the mini tender process.
7. The model will offer a platform through which health providers can purchase services, making for increased coordination between health and social care services, should they choose to opt in.
8. The model will ease some of the difficulties related to transition by asking providers to be able to provide care up to the age of 25. This age will also link the service to the SEND age ranges.
9. The model is flexible enough to allow for local responses to pricing.
10. The framework will provide a legislatively sound approach to the procurement of services.
11. The regional nature of this project will link its to development to a range of experienced children's commissioning managers spread across the region.

- 1.8 It should be noted that this model represents a continuation of a current means of procuring services and does not involve any reduction to the quantity of, or access to these services. Furthermore, the breadth of service user need provided for remains the same.
- 1.9 Our co-members in the proposed consortium are Halton, Liverpool, Knowsley, Wirral and potentially St Helens.
- 1.10 Option 3 was also explored and felt to be a viable approach. However, when the options were compared, option 2 was felt to be more advantageous at this time. It was noted that option 3 would not enable cross working across the region. Furthermore it would not enable Sefton to draw on the experience of other specialist children's commissioners within the local area, in relation to the development of the framework and its accompanying service specification. It was also noted that potential existed for this approach to attract providers whose primary emphasis relates to adult care provision whilst having a lesser degree of experience in relation to the support of children and young people. Finally, option 2 provides an opportunity to share resources in relation to the maintenance and management of the framework with our neighbours which option 3 does not.

The Leaving Care Framework

- 1.11 Leaving Care services (16+) provide graduated needs led independent preparation for young people over the age of 16 who are preparing to leave care services. These services are provided through semi-independent and group living placements. These placements are currently procured via a North West Regional Commissioning Framework, which ends on the 30th, September, 2015. This framework is shared with 23 other North Western LA's including our Liverpool City Region neighbours.
- 1.12 A renewed framework has now been developed, on behalf of the region, by Tameside Council in conjunction with Placements North West. Approval is sought to maintain our membership of the new framework and our continued use of it as a means of procuring leaving care support in a legally appropriate manner. The new framework contract commences on the 1st, October, 2015 and will last for four years on a 2 year +1 +1 basis. This means that the contract is initially for two years with the ability to renew it for a year at the end of year 2 and year 3.
- 1.13 Sefton Council will contribute to the decision to renew the contract at year 3 and 4. The Borough's head of children's services will be notified of the potential renewal. The head of service will then take their view to a regional strategic leads meeting and in combination with their fellow heads of service, who use the framework, make a joint decision in relation to extension.
- 1.14 It should also be noted that the council has the opportunity to choose to cease use of the framework at any point should it fail to meet the needs of Sefton, and look towards developing another legislatively sound means of obtaining leaving care service's for its young people.
- 1.15 Tameside council will act as the contract holder and main legal entity in relation to this framework and the contract has been assessed by Tameside's legal and

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procurement services in order to ensure its legislative compliance. The authorities that then utilise the contract will take part as named participants within the contract. The approach whereby one authority acts as the contract holder is a common approach to shared regional framework development and matches the process underpinning all of the framework agreements currently utilised by Sefton and its neighbours to procure services. Sefton's legal services have been consulted in relation to this report with a view to verifying the frameworks legality

- 1.16 This replacement framework aims to offer a Leaving Care/Independent Living Service for looked after young people where they can be supported to acquire necessary skills in preparation for living independently. They need to be supported to experiment safely with their increasing freedom and develop responsibilities associated with adulthood, whilst still having the appropriate level of support from an experienced and qualified staff team. The service will enable young people, via the support delivered, to move on from a permanent, full time care setting and increase the likelihood of them maintaining future accommodation resources.
- 1.17 It will accomplish this by inviting quality assessed providers of semi-independent/group living, floating support with accommodation, and floating support services to tender for inclusion on the replacement framework.
- 1.18 The replacement arrangement will take the form of a Dynamic Purchasing Framework which introduces a number of improvements when compared to the current traditional framework.
- 1.19 The differences are that:
 - Entrance to the framework will be based on quality.
 - New providers will be able to enter the framework (dependant on quality) every four months during the life of the contract.
 - The authority will not be bound by any regional pricing schedule and Sefton will be able to negotiate its own prices for services based on our local market.
- 1.20 The system and procurement processes that surround the current framework will not require significant change and will be based on a mini competition process facilitated by the framework.

2.0 Financial Implications

- 2.1 The membership of these frameworks will provide a legislatively sound basis for the ongoing identification and purchase of care and support and leaving care services for the children and young people of Sefton. Furthermore, they will be readily accessible to new providers.
- 2.2 These frameworks will also enable Sefton to negotiate its own prices in relation to its purchase of leaving care services, set against the needs of its young people leaving care and local conditions. This will enable Sefton to ensure that it achieves the best possible mix of quality and price.

3.0 Procurement Method

The Care and support Framework

- 3.1 Procurement via the consortia model is planned to take place through a Dynamic Purchasing system (DPS). This is similar to the current framework but differs in a number of key areas:
- Unlike the current framework, a DPS would enable new providers to enter every six months.
 - Entry on to the DPS will be based on quality not price. This will be assessed based on individual provider responses to a quality assessment framework contained within the Invitation to Tender (ITT) associated with the framework.
 - Each authority will be able to set its own prices in relation to the work requested of providers, located on the framework, using its own procedures.
 - The DPS will act as a flexible means of procuring care services. The service procured will remain a matter for each local authority based on its internal working practices. For example. Authority “A” may purchase a person centered service which hands the package and outcomes to the provider with no local authority involvement in describing how the outcome will be met. Conversely, authority “B” might purchase a service which still involves the local authority in establishing the means by which an outcome will be met.
 - This proposal has the potential to enable differing responses to the mini tendering process.
 - Sole traders will be able to enter the framework, providing they comply with the relevant business related legislation and meet the framework’s quality standards.
 - The model will offer a platform through which health providers can purchase services, making for increased coordination between health and social care services should they choose to opt in.
- 3.2 Entrance on to the framework is set against a quality questionnaire and minimum specification. The specification covers all the groups currently provided for and does not represent a diminution of service. It should also be noted that if a current provider chooses not to enter the framework, the package of care they provide will continue for as long it remains appropriate, to minimize disruption to those using the service.
- 3.4 In practice the framework will provide a means of identifying children and young people’s specific support needs to a group of quality approved providers. Providers can then respond if they feel able to meet these needs. These responses can then be evaluated using a mini tendering process with the most appropriate provider being chosen.
- 3.5 Potential providers will be invited to join the DPS framework every six months via a tendering process advertised through the North West Chest. Potential providers would then be assessed for entry on to the chest via a series of quality questions

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and their ability to meet the tenders associated service specification. This would then lead to the issuing of a contract by the lead authority (Knowsley) which would enable the provider to trade with all the named members of the framework.

The Leaving Care Framework

3.6 The contract associated with this framework is for 3 service types:

- Semi-independent / Group Living:
 - Services offering a group living communal environment with staff on site to deliver programmes of support, dependant on individual needs, to enable young people to progress towards living in their own accommodation.
- Floating Support with Accommodation:
 - Community based accommodation services with floating resettlement support, sourced within the private rental market and supported by one to one staffing of varying levels, to achieve the aim of the young person moving to independence
- Floating support:
 - Community based services providing floating/resettlement support to enable young people to live semi independently in their own accommodation

3.7 The procurement process in relation to these services has been carried out on an open basis through the North West Chest using the aforementioned Dynamic Purchasing System. As a result potential providers have been invited to respond to a service specification covering the above areas via a tender submission questionnaire. The questionnaire covers a range of key quality indicators. Sefton MBC is taking an active role in the evaluation of providers who responded, with both operational and strategic staff, working with colleagues from across the region to assess the submitted tenders for inclusion. Entrance to the framework will follow a successful application.

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Report to:	Cabinet	Date of Meeting:	3 September 2015
Subject:	Applications for European Funding	Wards Affected:	(All Wards);
Report of:	Head of Inward Investment & Employment		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To advise members of current applications for EU Structural Funds and seek delegated authority to sign off full applications before the appropriate deadline.

Recommendations

- (i) To note progress towards submission of full applications for Ways to Work, Integrated Business Support, and FIT for the Future projects,
- (ii) To delegate approval of full and final applications by the specified deadlines to Cabinet Member – Regeneration & Skills after taking advice of the Chief Financial Officer and Head of Regulation and Compliance as necessary prior to submission,
- (iii) If the FIT for the Future application is successful, then Sefton Council is deemed to be accountable body for the project.

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	

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Reasons for the Recommendation:

To ensure full applications for EU funding are not delayed or prevented, as application deadlines precede the next Cabinet.

Alternative Options Considered and Rejected:

Not to apply for EU funding would be to forego the benefits (financial, social, economic and environmental) associated with external funding. EU funding will provide an essential component of the future funding of key elements of the council's Investment and Employment Service from 2015 onwards, and will support the delivery of key objectives for prosperity and jobs

What will it cost and how will it be financed?

(A) Revenue Costs

The three applications described in the report (FIT for the Future, New Ways to Work and Integrated Business Support) have a total value across the city region of £62 million, of which £38 million is grant. Sefton Council is forecast to receive about £4.5 million in grant to deliver these projects. The financial implications for the Council are contained in the match funding requirement. The total match funding requirement for the Council is £4.4 million in the period to 2019. This expenditure is contained partly within approved revenue budgets for 2015-17, plus a forecast of potential match for 2017-19. The match funding forecasts will be constantly monitored and updated, and corrective action taken to substitute any shortfall.

(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:

Financial	A risk assessment and associated mitigation measures are included as Appendix B.
Legal	Specialist advice is being obtained by the LCR Combined Authority as regards EU funding issues including State Aids, procurement, eligibility of costs, and the accountable body role of the Combined Authority. This advice will be incorporated in the full applications.
Human Resources	N/a
Equality	
1.	No Equality Implication
2.	Equality Implications identified and mitigated <input type="checkbox"/>

3. Equality Implication identified and risk remains

Impact of the Proposals on Service Delivery:

If approved, the funding applications will contribute to the costs of service delivery by the Council. However, under EU rules, European funding must be additional to activity paid from mainstream public expenditure and not substitute for it.

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and comments that although £4.4 million has been identified as match funding within revenue budgets in 2015-17 (Appendix C) there is a risk concerning potential match funding in future years 2017-19. There is also the concern over future budget savings that the council may have to find 2017-18 onwards. There is a small potential future risk that if Britain came out of Europe as part of the planned Referendum of Europe in 2017 it may impact on European grants in the future (FD 3729/15).

The Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report. (LD 3012/15)

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

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1. Background

- 1.1 Preparations for the 2014-20 European Structural & Investment Funds (ESIF) for the Liverpool City Region have been described in a series of reports to Cabinet Member – Regeneration (22 July 2012, 20 November 2013, 27 February 2014, 20 November 2014 and 4 June 2015).
- 1.2 The City Region’s ESIF Strategy was submitted to government on 30^t January 2014. The national Growth Programme Board, which oversees the preparation of ESIFs from all 39 Local Enterprise Partnerships, approved the ESIF in April 2014.
- 1.3 The Local ESIF Committee, now chaired by Dept of Communities & Local Government, has continued to work up the Strategy and convert it into Calls for Proposals, which are being released in a staged process consistent with the overall programme profile.
- 1.4 The UK government is responsible for negotiating with the European Commission the two component Operational Programmes for ESF and ERDF. Final agreement was reached on the UK ERDF Operational Programme in July 2015, with approval for the ESF Programme expected in September.
- 1.5 The City Region ESIF Committee is now updating local ESIF Strategies in line with the financial allocations and outputs targets agreed nationally, and only then will the programme for LCR be fully specified.

2. Calls for Proposals

- 2.1 On the basis of the agreed ESIF Strategy for Liverpool City Region, the first Call for Proposals was issued on 27th March 2015.
- 2.2 Sefton officers reviewed the Calls and identified three funding streams where there is a good fit with Sefton’s strategic priorities, and where the proposed activities are feasible, deliverable and affordable. All three are consortia bids, in line with LCR policy, and were submitted by the required deadline for outline applications:

PA3c Integrated Business Support.

Applicant: LCR Combined Authority (signed off by John Fogarty, s151 Officer for CA).

Partners: LCR Local Enterprise Partnership, Halton MBC, Knowsley MBC, Liverpool Vision, Sefton MBC, Wirral MBC, St Helens Chamber , Wirral Chamber of Commerce, Liverpool & Sefton Chambers of Commerce.

Purpose: To provide eligible SMEs across the Liverpool city region who would not typically engage with providers of business support with the capacity they need to grow and prosper.

Total costs £5.9m, request for ERDF of £2.9m

Outputs: 1,056 enterprises receiving support (12 hour assists), 984 jobs created. Of which in Sefton: 260 enterprises receiving support, and 180 jobs created

PA1.3 Ways to Work

Applicant: LCR Combined Authority (signed off by John Fogarty, s151 Officer for CA)

Partners: Halton MBC, Knowsley MBC, Liverpool Vision, St Helens MBC, Sefton MBC, Wirral MBC

Purpose: A local, intelligence-driven, comprehensive and integrated programme for young people and adults, designed to improve personal resilience and progress to sustainable employment incorporating our existing Youth Employment Gateway.

Total costs £47.7m, request for ESF of £20.8m, request for YEI of £10.2m

Outputs: 7,500 participants, of which in education/training/employment on leaving programme = 2,183 formerly unemployed, 485 formerly inactive. Of which in Sefton: approx 1,500 participants, approx 400 formerly unemployed, and approx 100 formerly inactive.

PA4 FIT for the Future

Applicant: Sefton MBC

Partners: Sefton MBC, Liverpool Mutual Homes, Wirral Partnership Homes t/a Magenta Living, One Vision Housing, Regeneda, Wirral MBC, Liverpool CC, St Helens MBC, Knowsley MBC, Halton MBC, VIRIDIS, Helena Partnerships.

Purpose: Building on the success of REECH, this new initiative will bring together an innovative multi-agency approach to increase the energy efficiency of homes, SME premises and public infrastructures throughout the LCR, with the implementation of innovative low carbon technologies.

Total costs £8.3m, request for ERDF of £4.1m

Outputs: 34,619 tonnes CO² emissions prevented, 676 households assisted, 18 SMEs assisted. Of which in Sefton: 6,900 tonnes of CO² emissions prevented, 102 households assisted, and 5 SMEs assisted.

- 2.3 The outline applications are not approved at City Region level, because the government has “nationalised” the new European programme. The Dept of Communities & Local Government (CLG) is the national Managing Agent for ERDF, and the Dept of Work & Pensions (DWP) is the national Managing Agent for ESF. The Managing Agents will manage the programmes and the national Growth Programme Board will make all the final decisions on project approval.
- 2.4 The Local ESIF Committee for Liverpool City Region was asked to appraise a summary of the three applications above and to offer comments on strategic fit and value for money. These comments were relayed to the Managing Agent in July.
- 2.5 Integrated Business Support, FIT for the Future Ways to Work have all recently been invited to submit full applications.
- 2.6 Full applications are considerably more detailed and include all information necessary for the Managing Agent to make a decision on the deliverability of the project. They take into account any comments raised by the Managing Agent at outline stage. The FIT for the Future and Integrated Business Support projects have

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a deadline for submission of 11 September, and Ways to Work has a deadline of 2nd October.

- 2.7 Summaries of each project, taken from the outline application, are attached in Appendix A. Verbal updates on any significant variation from the outline application will be provided at Cabinet.
- 2.8 If approved, the applications could expect to receive offer letters from about November 2015, with a start date as soon as January 2016. Funding is for nearly three years to September 2018. We would expect there to be retrospective approval for spend from the date of the offer letter rather than the physical commencement of the project. DCLG has advised that in certain circumstances there is potential for retrospective approval to the date of outline approval.

3. Risk assessment & risk mitigation

Project-level risks

- 3.1 All applicants are required to identify and manage risks for individual projects. This mainly relates to the eligibility of activity for ESIF funding, compliance of procurement with EU rules, State Aids (competition law), availability of match funding, accountable body role, and financial good standing.
- 3.2 Sefton has a good track record in managing and mitigating financial and operational risks from European funded projects, with high spend rates, very low clawback rates, and excellent performance at interim and final audit. The table in Appendix B identifies risks for individual projects, and the proposed methods of mitigating them. The corporate risk scoring matrix is applied to measure residual risk.

Collective & cumulative risks

- 3.3 In addition, there are collective and cumulative risks to the Council from taking part in European-funded programmes, to do with promises to fund (Public Sector Match Funding Certificates), the management of liability in partnership arrangements, and the role of the Combined Authority as accountable body. These risks do not lend themselves to a risk scoring matrix, and are therefore addressed here:

(i) The availability of match funding

This is the first European Programme in which the UK government has not made available regeneration funding at local level to draw down EU Structural Funds. This role has been played in the past by (for example) Single Regeneration Budget, Working Neighbourhoods Fund or Regional Development Agency funding. These funds have been progressively withdrawn since the crisis of 2008. Therefore the “affordability” of the European programme has been an issue for the City Region from the very beginning. In taking forward the three applications described above, both the individual match providers, and the Combined Authority where it is accountable body, have taken great interest in the robustness of the proposed match. In Sefton’s case, the Council has itself significantly reduced the funding it makes available to economic development, employment and regeneration. This is a fairly basic limit on the Council’s ambitions. Therefore

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an alternative strategy has been adopted of identifying eligible Sefton match from within the existing and approved revenue budget for 2015-17, plus a forecast of available resource for the 2017-19 period. A series of bilateral conversations with match-providing services has established the feasibility of this arrangement, which basically requires the budget holder to account for the use of funds so that claims for grant are prepared, and the grant applied to, a (separate and distinct) ESIF-funded activity. A full financial table showing Sefton's proposed match and grant for the three projects is contained in Appendix C. The appropriate risk mitigation measure is to ensure match providers (Heads of Service) are aware, equipped and supported to follow basic EU rules on eligibility, recording of spend & outputs, procurement, and profiling. Investment & Employment and Regeneration & Housing services are ready and able to provide this support to the three projects, in conjunction with Finance. As and when the Council decides to invest further in growth, then the same machinery can be used to apply more match and increase Sefton's share of ESIF resources.

(ii) Financial commitment

At final application, the applicant supplies a Public Sector Match Funding Certificate (PSMFC) to confirm that, should the application be approved, all necessary match funding is available. As we expect grants will be offered for 3 years, the "promise to pay" exceeds the lifetime of the Council's approved budget. When budgets have been stable or growing this has not been seen as a problem, but during a period of considerable consolidation there is a risk that allocations identified as match are subsequently deleted as savings. The Council is not obliged to "protect" a particular category of spending when using it as match, but will need to take active steps to manage its portfolio of match funding, and to swap in and out spending lines as appropriate to maintain the total value of the PSMFC. The ultimate protection for the Council is that it can decline to spend the full amount of match promised, and maintain its spend profile. However it will then forego the percentage grant on that spend, and the implications for committed costs in terms of staffing and services need to be clearly understood in advance. The appropriate risk mitigation measure is therefore active programme management by Sefton Council, with its LCR partners. Because the risk is ours (loss of grant, loss of match), the active management of programmes cannot be completely transferred to another body, or else we lose control over our own costs. This is an important principle when we consider how the Combined Authority can take on the accountable body role on behalf of the local authorities.

(iii) The role of the Combined Authority

In single applicant projects, the match funder, provider and accountable body are the same. The three projects identified above are more complex, with multiple delivery organisations, multiple match funders (not all deliverers are match funders, not all match funders are deliverers), and a non-delivering accountable body, who, as applicant, also manages the project to a conclusion. In these more complex arrangements, where does liability sit for underperformance, ineligible expenditure, overpayment or disallowed outputs? The standard response would be back-to-back agreements so that all the terms and conditions contained in the grant offer letter to the

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accountable body would be mirrored (and pro rata'd) in the offer letter from the accountable body to the delivery partner. This model suits the application (FIT for the Future) where Sefton is proposed as accountable body.

However, in the other two bids, the LCR Combined Authority (CA) has been formally designated the accountable body for what are LCR-wide local authority-led programmes. To be precise, Merseytravel has been given this role of behalf of the CA. The CA can play a “maximum” role with full responsibility for receipt and distribution of grant through back-to-back agreements, managing spend rates for match and grant, virement, and final claim apportionment of surpluses/losses. Or, it can play a “optimum” role, with a formal responsibility for quality assurance of all systems and financial approval powers, but supported by a programme management function paid for out of the project and reporting into the CA.

There are two reasons for preferring the latter approach. The first is that Sefton is a co-funder and should in principle retain control (and provide accountability to members) for the funding it has placed in the overall programme, subject to any obligations freely entered into as part of a back-to-back agreement. Secondly, a programme management function resourced within the project can then be “docked” with Merseytravel. This addresses Merseytravel’s lack of experience with European funding, and ensures the match funders can steer the project and effect all necessary corrective actions within a framework set by the CA.

The critical risk management measure is therefore the correct specification of programme management arrangements within the accountable body. The accountable body discussions on ERDF are close to being resolved, and ESF arrangements must be concluded soon. It is important that ongoing discussions with Merseytravel are brought to a head so that applicants can build an appropriate model of performance management into their full applications, due in September. A verbal update will be made at Cabinet.

- 3.4 Finally, this is the first time that the UK has signed Operational Agreements for the Structural Funds with the European Commission when it is possible that because of the planned Referendum on European membership in 2017, the UK will not be a full member of the European Union at the end of the programme period (2020).
- 3.5 The implications of a British Exit for the Structural Funds are reviewed by BIS in the “Review of the Balance of Competences between the United Kingdom and the European Union Cohesion Policy” (2014). They are many and various. The general conclusion is that the UK government would be unlikely to compensate regions of the UK for the loss of EU funding. This would have serious implications for the type and method of regeneration we have pursued for the last thirty years. However, any further consideration can be safely left until after the Referendum itself because of the many options and uncertainties inherent in this complex decision.

4. Conclusions

- 4.1 This report has concentrated on the technical and financial consequences of applying for and receiving European funding, as members need to be informed before making a decision to submit full applications.

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- 4.2 The advice from officers is that although a few aspects of the new programme are novel, many others are familiar and have been satisfactorily addressed in all previous programmes. Sefton has an excellent record in delivering effective programmes of social, economic and environmental benefit to its jobseekers, workforce, young people, entrepreneurs, growing businesses and investors. Sefton also has an excellent record at interim and final audit stage in accounting for the use of Structural Funds. Staff within the Investment & Employment and Regeneration & Housing services possess the necessary in-house expertise.
- 4.3 Therefore Cabinet is recommended to note progress towards full applications for FIT for the Future, Integrated Business Support, and Ways to Work. To ensure flexibility around deadlines, it is recommended to delegate approval of final versions to the Cabinet Member – Regeneration & Housing.
- 4.4 If the “due diligence” exercise referred to in para 3.3iii leads to any variations in project design then the advice of Head of Regulation & Compliance and Head of Finance should also be obtained prior to submission.
- 4.5 As and when any of the applications for funding are approved, then officers are required to adopt the risk mitigation measures identified in this report.
- 4.6 If FIT for the Future is successful, then Cabinet is recommended to accept the Council as accountable body, in line with partner wishes and following all necessary due diligence.

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Appendix A

Project Summaries

Integrated Business Support

The project will provide eligible SME's across the Liverpool City Region, who would not typically engage with providers of business support, with the capacity and support they need to grow and prosper.

The project will be a bridge between start-up and more bespoke, intensive or specialist support typically provided by the private sector.

The project will provide participating SME's with the following:-

- An intensive Business Diagnostic
- A Strategic Business Plan
- A dedicated Growth Adviser
- Informed brokerage into specialist/commercial business support
- More intensive support, where appropriate, focusing upon the management of people, processes and resources

The project will be delivered to SMEs in the local authority areas of Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral. It will be delivered by the LEP, Local Authorities and Chambers of Commerce business support services under an agreed strategy through local Growth Hubs in each of the six areas.

The project will meet a distinct gap in current city-region business support delivery, positioned between pre-start/start-up/post-start support, delivered by others within the LCR, and more specialist, bespoke and intensive follow-on support delivered by the private sector on a commercial/semi-commercial basis.

The project will dovetail with, and enhance, proposed Growth Hub provision providing SME's with the capacity and capability to more effectively engage with providers of specialist and commercial business support.

It will also provide SME's with an element of customised support, historically lacking from previous interventions and current commercial provision. This includes each participating SME having a dedicated, suitably qualified and experienced Growth Advisor who will remain at the disposal of that company as it grows and accesses subsequent business support.

The support provided will be both consistent and measurable across the LCR based upon a series of shared outputs. Partners will also endeavour to streamline, where possible, both the mechanics and the costs associated with the delivery of the service to help provide a much leaner, efficient and, above all, simplified service to SME's, including:

- A clear local entry and access point, in partnership with the LCR Growth Hub, for business support and engagement.

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- A dedicated Growth Adviser with whom the business can build a long term relationship based upon mutual trust and consistency of support
- Face to face support at SME premises
- Provision of demand led SME network events, workshops, website and newsletters
- Provide participating SMEs with an Action Plan for Growth, a Strategic Business Plan, a structured, managed referral service to other business support providers and, where appropriate, intensive targeted support

The project will seek to build both the capacity and confidence within those SME's reluctant or unable to effectively engage with existing business support providers for either lack of knowledge or understanding or simply do not perceive the value of existing commercial provision.

The source of match funding is predominantly match from staff within the partner organisations dedicating all, or a percentage of, their time to the project to ensure its successful delivery. An element of the Liverpool City Region Growth Hub funding will also be used as match funding. The accountable body and delivery partners have sought clarification from BIS and DCLG on the eligibility of using Growth Hub funds as match. This advice has been followed to ensure all activity is eligible and adds value to all aspects of the project. Partners have confirmed match is in place as per the enclosed partner forms.

FIT for the Future

Building on the success of REECH, this new initiative will bring together an innovative multi agency approach to increase the energy efficiency of homes, SMEs premises and public infrastructure throughout the LCR, through the implementation of innovative low carbon technologies. This will be complemented by a programme of detailed performance monitoring, awareness raising and behavioural change activity.

In addition to the required deliverables:

- No. Households with improved energy consumption
- Green House Gas reductions
- No. of enterprises receiving support

Lessons will be learnt, good practice captured and disseminated, ensuring that the implementation and management of future retrofit schemes is fit for the future.

LCR has strengths in delivering collaborative retrofit, inc. REECH & VIRIDIS. This project brings these 2 specialists together to create this project.

The project will be delivered through a 'hub and spoke' approach. 'Spoke' activity includes:

District Heating – Registered Providers & Local Authorities working in partnership to establish a pilot district heating network linking a CHP plant to local energy efficient homes. An innovative scheme piloting new approaches to community heating – heat infrastructure, mechanisms for establishing decentralised heating & energy provision to the community. Lessons learnt will enable future expansion of the district heating network & provide a template for learning.

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Eco Archetype – LCR has identified a number of housing archetypes (7), one being Victorian/Georgian property within conservation areas. These properties limited retrofitting due to the challenges of finding the right technologies to meet planning restrictions. The project will work with specialists including Centre for Refurbishment Excellence (CORE) to fully retrofit a listed property. Lessons learnt will provide a module for learning across the LCR and via CORE the rest of the UK. .

Neighbourhoods – Registered Providers & Local Authorities and others working together to deliver designed solutions in a holistic community-wide way. Innovative approaches will be used including alternative funding mechanisms e.g. revolving loan funds & grants. The project is current working with the LEP, Knauf & Pilkingtons to explore the use of near to market technologies.

SMEs – A grant pot enabling SME's to retrofit their premises, plus behavioural change advice & signposting.

'Hub' activity includes LCR wide initiatives including local supply chain & skills initiatives, awareness raising, behavioural change advice & guidance.

Match funding will be provided by a variety of partners ranging from Registered Providers and Local Authorities to the private sector. Elements of match funding have already been secured but some will not be confirmed until second application stage e.g. ratification at Board level.

Ways to Work

Ways to Work is a local intelligence-driven, comprehensive and integrated programme for young people & adults, designed to improve personal resilience & progress to sustainable employment. Incorporating our existing successful Youth Employment Gateway (YEG), workless and inactive people, including those-furthest from the labour market will access a suite of individually tailored products which will add value to mainstream provision, respond to employer needs & yield better outcomes. High quality Information, Advice & Guidance, transitional employment (ILMs), & skills development are essential components of our offer, anchored by needs-led assessment, conducted by experienced mentors in this flexible support system.

The Programme will comprise 5 stages.

1. Engagement

- Self-referral or referrals from JCP & contractors
- Public sector service delivery referrals based on established contact with our stated client groups & integration with local mainstream services, we will signpost & engage individuals at hundreds of local venues.

2. Needs Led Assessment from qualified employability adviser at accessible venues including:

- Assessment of basic/functional skills including digital & IT skills
- Work history
- Skills/qualifications

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- Realistic career aspirations
- Specific barriers to employment e.g. health; caring; travel barriers
- Personal/household financial assessment e.g. debt issues.

Resulting in tailored personalised Action Plans which will:

- Identify actions to tackle barriers to employment
- Be transferable between partners
- Be based on clear & measurable milestones
- Be informed by relevant labour market information
- Develop over time to reflect progress/changing circumstances; e.g. in relation to health conditions
- Be owned & directed by the individual participant

3. Preparing for Work

- Ongoing quality Information, Advice & Guidance
- Mentoring & Coaching
- Careers Awareness
- Assistance with applications & employability skills
- Assistance with online recruitment
- Digital/IT skills training
- Basic Skills
- A personalised budget for YEG participants
- Employer led pre-recruitment leading to guaranteed job interviews
- Health condition management & support.

4. Transition to Work

- Intensive work search
- Transitional employment placements: (ILMs)
- Access to Employability Fund
- Employer Advocacy
- Work trials in partnership with JCP.

5. In-Work Retention & Progression

- Ongoing adviser contact for the individual/employer
- Access to progression training through active signposting
- Sustainable travel solutions

Participants are workless & inactive people including those with multiple & complex barriers including:

- Poor-health
- workless Households
- Caring/parenting responsibilities
- Low or no skills
- Women with low skills / lack of work history
- Substance misuse issues or domestic abuse
- Ex-Offenders & their families
- BME workless people including refugees
- Young People eligible for YEI support.

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The local programme will be delivered across Liverpool City Region at existing network of venues & accessible community bases.

Each partner has identified eligible match funding from a selection of activity that underpin and complement the ESF call. All our funding is from public sources and will be available for the lifetime of the programme. Match funding relates to the resourcing of eligible complimentary activity to be delivered through the Project partners.

Appendix B

Risk assessment and associated mitigation measures

Integrated Business Support

Risk	Likelihood	Impact	Risk	Mitigation	Revised Likelihood	Revised Impact	Residual Risk
Reduction in available match funding	2	3	Low	At the earliest opportunity alert Accountable /Programme Management body and scale project accordingly	1	1	Low
Under performance of contracted project outputs & potential clawback	1	2	Low	Establish robust and clear project delivery, monitoring & compliance systems, agreed at outset of project with Accountable /Programme Management body, overseen internally by I&E Project Board. Clear internal delivery plan setting out project milestones for outputs and expenditure; monitored monthly	1	1	Low
Changes to project finance & outputs	2	3	Low	LCR Project Board to support Accountable /Programme Management body. Overseen internally by I&E Project Board which will agree any collective changes	1	1	Low
Poor performance of LCR delivery partners affecting finance & outputs	2	3	Low	LCR Project Board to support Accountable /Programme Management body; will monitor collective performance and challenge accordingly; establish clear remedial plan where appropriate.	1	1	Low

				Agree separate 'Back to Back' agreement with Accountable/ Programme Management body for Sefton			
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Ways to Work

Risk	Likelihood	Impact	Risk	Mitigation	Revised Likelihood	Revised Impact	Residual Risk
Non-Compliance with ESF regulations on Procurement for service provision	2	5	Medium	Agreed process for Procurement between all LA partners. Central team for Performance and compliance within CA with Procurement as central objective.	1	3	Low
Changes to schemes. Reduced project outputs. Outputs not delivered by schemes. Funding Body unwilling to agree to revised proposals.	1	5	Low	Regularly monitor outputs from individual schemes and the project in its entirety. Regular reporting and engagement with the funding body on progress, activity. Manage Change Control Procedure.	1	3	Low
Inability of Sefton or the other LAs to provide public match funding certificates to agreed level	1	5	Low	Effective change control systems in place across all match providing partners. Arrangements between LAs to adjust allocations depending on level of match supplied	1	2	Low
Under-achievement of people into jobs and training outputs	2	5	Medium	Effective performance systems in place including peer challenge to identify and correct underperformance. All partners have successful ESF track record and delivery systems in place. All Partners will secure effective employer engagement to provide progressions opportunities for ESF participants	1	3	Low

Insufficient numbers of eligible Sefton residents entering the programme to meet engagement targets	1	4	Low	Sefton@work has a range of referral mechanisms in place with JobcentrePlus and a wide range of community partners to provide adequate referrals. Outreach delivery and co-location with housing and health providers, together with an accessible and well-known, shop front delivery unit will ensure awareness is raised	1	3	Low
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FIT for the Future

Risk	Likelihood	Impact	Risk	Mitigation	Revised Likelihood	Revised Impact	Residual Risk
Delivery partners decide not to agree to terms and conditions in Grant Offer Letter.	1	3	Low	At the earliest opportunity Delivery Partners will be consulted about the terms and conditions.	1	2	Low
Inability of the delivery partner to deliver the match funding prior to signing funding agreements.	2	4	Low	Develop alternative or substitute schemes for inclusion in project, keep steering group, local authority partners and DCLG informed on progress	1	3	Low
Withdrawal of Projects Political 'fall out' from the loss of a scheme in any Local Authority Area. Loss of reputation for project.	2	4	Low	Report progress of individual schemes to Steering Group Regular reporting of progress, activity to the Funding body. Local Authority to keep Elected Members briefed at appropriate stages.	1	3	Low
Changes to schemes. Reduced project outputs. Outputs not delivered by schemes. Funding Body unwilling to agree to revised proposals.	1	5	Low	Regularly monitor outputs from individual schemes and the project in its entirety. Regular reporting and engagement with the funding body on progress,	1	3	Low

				activity. Manage Change Control Procedure.			
Progress or work slower than anticipated, weather dependent works, availability of staff, tenants reluctant to have work undertaken, caution by partners in respect of ERDF compliance.	2	4	Low	Regular monitoring of progress of scheme. Close dialogue with delivery partners, local authority partners and DCLG.	1	3	Low

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Appendix C

Match and grant summary

	Total Project Value	Total Grant	Total Public Match	Sefton match & grant	Source
Integrated Business Support	£5,937,156	£2,968,578 ERDF	£2,968,578	£649,000 £649,000	SMBC Investment & Employment (I&E) – Sefton match Sefton grant
Ways to Work	£47,720,367	£20,855,618 ESF £10,175,076 YEI	£16,689,673	£447,500 £90,000 £54,800 £750,000 £30,000 £180,000 £286,686 £183,166 £755,320 £561,420 £3,338,892 £3,497,722	SMBC Health & Well-Being SMBC Schools & Families (care leavers) SMBC I&E (14-19 team) SMBC I&E (IAG contract) SMBC I&E (NWCAHSN) SMBC Schools & Families (Turnaround) Youth Employment Gateway SMBC Corporate Support (apprenticeship team) Youth Employment Initiative SMBC I&E (reserves) Sefton match Sefton grant
FIT for the Future	£8,353,058	£4,176,529 ERDF	£4,001,529	£119,500 £8,365 £12,500 £25,867 £275,000 £441,232 £441,232	SMBC Regeneration & Housing (Energy – heat network) SMBC R&H (Energy – capital levy) SMBC R&H (Energy – advice line) SMBC R&H (accountable body costs Regen Team) SMBC R&H (underwriting costs Regen Team) Sefton match Sefton grant
Totals	£62,010,581	£38,175,802	£20,691,202	£4,429,124 £4,587,954	Sefton match Sefton grant

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Agenda Item 9

Report to: Cabinet

Date of Meeting: 3 September 2015

Subject: The Management of Southport Theatre and Conference Centre – Process Variation

Report of: Head of Inward Investment and Employment **Wards Affected:** Dukes

Is this a Key Decision? Yes **Is it included in the Forward Plan?** No – Rule 27 Approval Received

Exempt/Confidential No

Purpose/Summary.

To help finalise operational arrangements for the Southport Theatre and Conference Centre (STCC) by seeking a variation to the procurement process.

Recommendation(s)

The **Cabinet** is recommended to agree:

1. That officers enter into a Negotiated process with tenderer No 1 due to the absence of competition, as is afforded under Regulation 32 of the 2015 Public Contracts Regulations
2. That the Head of Inward Investment and Employment in consultation with the Chief Finance Officer submit a report on the outcome of the negotiated process to the Cabinet Member for Regeneration and Skills for determination.
3. Following on from the negotiated process the Head of Regulation and Compliance be requested to draw up appropriate Lease and Management Agreements with tenderer No 1.
4. It be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the Council received a minimal response to the tender opportunity, in spite of openly advertising it in the European marketplace. One of the two tender submissions received failed the Council's financial assessment and so this could not be considered further. The Council is left with one tender submission and so no competition exists. The 2015 Public Contract Regulations afford the Council, under Regulation 32, the opportunity of switching the procurement process to a Negotiated process where there is an absence of competition. This situation requires a more rapid solution than is available within the timescale of the Forward Plan.

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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		✓	
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		✓	

Reasons for the Recommendation:

The Council received a minimal response to the tender opportunity, in spite of openly advertising it in the European marketplace. One of the two tender submissions received failed the Council’s financial assessment and so this could not be considered further. The Council is only left with one tender submission and so no competition exists. The 2015 Public Contract Regulations afford the Council, under Regulation 32, the opportunity of switching the procurement process to a Negotiated process where there is an absence of competition. The panel of evaluating officers consider that a negotiation should be entered into with the remaining tenderer in order to secure a viable outcome for the Council.

What will it cost and how will it be financed?

(A) Revenue Costs. There is currently a budget provision of £344k. Subject to the outcome of any negotiations it is anticipated that at this stage that the cost of the new management arrangements will be accommodated within this budget.

(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. Requires the production of appropriate legal agreements to support the award of the tender. Existing agreements form a basis for any required revisions.
Human Resources. None

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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:

Service delivery is not expected to be affected negatively and there is potential for improvement to be realised.

What consultations have taken place on the proposals and when?

The Chief Finance Officer (FD 3705/15) has been consulted and any comments have been incorporated into the report.

The Head of Regulation and Compliance (LD 2988/15) has been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

None of equivalent value.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the decision of the Leader of the Council

Contact Officer: Mark Catherall
Tel: 0151 934 2315
Email: mark.catherall@sefton.gov.uk

Background Papers:

None

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- 1.1 The STCC is a Council owned asset that reopened in 2008 after being closed for 5 months for a £8m+ refurbishment. It is critical to the Borough's visitor economy as it is the primary conference venue for Sefton. It is also the primary theatre in Sefton with a seated capacity of over 1,600.
- 1.2 It has been operated for the last 18 years under a management agreement and FRI lease by Ambassador Theatre Group (ATG) which comes to term in September 2015.
- 1.3 As is now afforded under the 2015 Public Contract Regulations, the Council opted to carry out a European Union Light Touch Regime Procurement Procedure to secure a contract for the operational management of Southport Theatre and Conference Centre over a 15 year period.
- 1.4 The tendering opportunity, managed via the Council's Procurement Unit, was publicised and managed electronically within the North West Opportunities Portal, 'The Chest'.
- 1.5 Two providers submitted formal tender bids. The relatively low response demonstrates how narrow the marketplace is for this specialist service.
- 1.6 Upon commencing evaluation of the bids tenderer 2 failed to pass the Financial Assessment, therefore the Council was unable to consider the proposal any further.
- 1.7 On the 16th April 2015 Cabinet Authorised the Director of Built Environment to accept the Highest Scoring Tender in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member for Regeneration & Skills.
- 1.8 With there only being one viable tender and due to the tender containing an addition to the service specification, officers now require further Cabinet approval to enter into a negotiated procedure with tenderer No 1 ((Ambassador Theatre Group) under Regulation 32 of the 2015 Public Contract Regulations, to bring the tender back to the Council's original specification.
- 1.9 This approach will allow further dialogue that will keep the procurement exercise on track and maximise the benefits to the Council.

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5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reason for the Recommendation:

To seek delegated powers to Cabinet Member for Planning to agree minor proposed changes to the draft Local Plan during the examination hearings.

Alternative Options Considered and Rejected:

The alternative would be to seek Council approval to consider all proposed changes to the draft Plan. This would require a significant number of very minor changes to be reported to Council which would not have any bearing on the strategy or intent of the Plan.

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:

Financial None	
Legal Delegated authority is sought so that that the Cabinet Member for Planning is acting within lawful powers.	
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 of the Proposals on Service Delivery: This will significantly speed up the examination of the Plan

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and notes the report indicates no direct financial implications for the Council. (FD 3732/15)

The Head of Regulation & Compliance has been consulted and any comments have been incorporated into the report. (LD 3015/15)

Implementation Date for the Decision

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

Contact Officer: Steve Matthews

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Email: steve.matthews@sefton.gov.uk

Background Papers:

There are no background papers available for inspection

Agenda Item 12

1. Background

- 1.1 Sefton submitted its Local Plan to the Planning Inspectorate for examination on 3 August 2015. Whilst the examination hearings are likely to take place in late October/ November, the examination formally began on the day of submission. The Council has been informed that Martin Pike has been appointed as the Inspector to conduct the examination.
- 1.2 The purpose of the examination is to determine whether the Sefton Local Plan is 'sound'. In examining the Local Plan, the Inspector is likely to recommend a whole series of changes/modifications to the Local Plan which would help make it sound.
- 1.3 The normal constitutional procedure (when not involved in a public examination) for agreeing proposed changes to an agreed Local Plan would be to seek Council approval.

2. Proposal

- 2.1 It is proposed that Cabinet Member for Planning is given delegated powers to agree minor proposed changes to the submitted Local Plan during the examination hearings. Such minor changes would include:
 - changes which improve the clarity of the Plan
 - correction of errors, updating etc
 - minor changes to policy wording, but not changes which would affect the intention of the policy.

The delegated powers would specifically not include any changes to the Plan which would affect the allocation of land.
- 2.2 It would help the smooth running of the examination to be able to agree minor proposed changes as the hearings are taking place. These minor changes would then be consulted on with members of the public as part of the 'proposed modifications' stage of the Plan.
- 2.3 Those proposed changes which affect the strategy and direction of the Plan would be reported to Council. This offers a more streamlined approach to approving proposed changes. These 'main' modifications would also be consulted on at the 'proposed modifications' stage.
- 2.4 It is recommended that Cabinet Member for Planning is given delegated powers to agree minor proposed changes to the submitted Local Plan during the examination hearings.

Report to: Cabinet **Date of Meeting:** 3 September 2015

Subject: Reactive Day to Day Maintenance – Term Contract

Report of: Head of Corporate Support **Wards Affected:** All Wards

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

Exempt / Confidential No

Purpose/Summary

To seek Cabinet approval of the proposed method of procurement and the basis of tender evaluation and to seek delegated authority for the Head of Regeneration and Housing to accept the most advantageous tender.

Recommendations

The Cabinet is recommended to:

- i) Approve the proposed method of procurement as set out within the report.
- ii) Approve the proposals for evaluation of tenders.
- iii) Authorise the Head of Corporate Support to accept the most advantageous tender
- iv) Subject to (iii) above authorise the Head of Regulation and Compliance to enter into a contract with the successful tenderers.

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	

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Reasons for the Recommendation:

To ensure that the proposals are the most appropriate to select good quality reactive responsive maintenance contractors whilst guaranteeing that the Council secures good value for the works carried out.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no revenue implications directly associated with this report. The cost of the works undertaken through these contracts will be met from existing Repair and Maintenance budgets.

(B) Capital Costs

None

Legal	
Human Resources	
No Implications	
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 reactive term maintenance contracts provide ready, call off, access to the contractors necessary to address a reactive maintenance requirement that will arise, and are designed to ensure that any impact on service delivery is minimised. In addition the successful tenders are required to demonstrate a commitment to achieving excellent service provision as part of the tender evaluation.

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and notes the report indicates that funding included in departmental revenue budgets is estimated to be sufficient to meet the cost of repair and maintenance works. (FD 3678/15)

The Head of Regulation and Compliance has been consulted and states that the Cabinet Member has authority to approve the recommendations contained within this report. (LD 2961/15)

Are there any other options available for consideration?

All practical options have been considered and are addressed in the body of the report.

Implementation Date for the Decision

Immediately following expiry of call in,

Contact Officers: David Kay

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Email: david.kay@sefton.gov.uk

Background Papers: None

Agenda Item 13

1.0 Background

- 1.1 The Council has a property portfolio of 430 properties from which it delivers its various services to the public. There are also 93 directly controlled schools. These properties must be maintained in a warm, safe and dry condition to avoid disruption to services.
- 1.2 The Council undertakes an inspection of all of its properties once every two years and utilises the information gathered to identify an annual planned maintenance programme. The works undertaken in a planned manner are those that are apparent at the time of inspection and expected to impact on service delivery.
- 1.3 It is not possible however to foresee all likely maintenance works and deal with these in a planned manner. Works will arise that could not have been foreseen or where the condition of an element has worsened more quickly than expected.
- 1.4 It is therefore necessary to have the ability to respond to maintenance reports and to address the work requirements promptly in order to minimise the potential for disruption to service delivery.
- 1.5 Based on historical information the estimated cost of responsive maintenance is £1,208,000 per year.

2.0 Options Considered

- 2.1 In considering the options available for addressing responsive maintenance requirements the Director of the Built Environment has sought and considered a wide range of views and opinions, this has included the understanding of how other Merseyside authorities undertake similar works.
- 2.2 It is widely accepted that it is impractical to seek quotations for all works on an individual item by item basis as this will delay the response to the maintenance requirement and could lead to closure or disruption to the operation of a property.
- 2.3 It is therefore necessary to identify how a contractor could be engaged so that they are ready and available to undertake whatever works may arise.
- 2.4 The most appropriate approach to achieve this is to engage a contractor, or contractors, on what is called a term contract basis. This means that the Council would enter into a formal contractual arrangement with the contractor(s) without making any firm commitment as to the nature or quantity of works that will be instructed. The contractor(s) are however obliged to respond to any work instructions in accordance with prioritisation timescales built into the term contract arrangement.
- 2.5 All other consulted authorities operate on the basis of a term contract of one form or another and Sefton operate this arrangement currently for both building and highway maintenance works.
- 2.6 While a term contract arrangement is clearly the preferred and potentially only realistic approach - all councils adopt term contracts in a slightly different manner. The most significant questions to consider are:

- a) Should a single term maintenance contractor be engaged to undertake all maintenance work anywhere throughout the borough?
- b) Should separate term contractors be engaged to undertake all work falling within identified trade categories?
- c) Should separate term contractors be engaged to undertake all work falling within a geographical region in the borough?
- d) A combination of the above.

Single Contractor Option

- 2.7 If the Council seeks to appoint a single term contractor across the whole borough then this would be an attractive contract for large regional and national maintenance contractors. Such an approach would however be likely to exclude local small and medium scale contractors from tendering.
- 2.8 It is unlikely that a single contractor will possess all of the necessary trade expertise to undertake all of the Councils work requirements and the contractor would be likely to need to sub-contract some specialist works. While this would potentially provide an opportunity for local sub-contractors the Council would be paying for the main contractors profit and administrative costs over and above the basic cost of the works.
- 2.9 A single contractor would bring some administrative benefits however, as the quantum of works undertaken, and therefore the amount of works requiring supervision and checking, will remain the same this is not expected to be significant.

Separate Contractors – Trade Basis

- 2.10 Separating work requirements into trades would mean that, in each instance, the contractor is a specialist in the trade that is required.
- 2.11 The separation into trades would reduce the scale of the overall contract(s) and thereby allow small and medium sized local contractors to tender. In addition, as the Councils' agreement would be direct with the trade contractors there would be no add on main contractor costs.
- 2.12 It is possible to identify any number of separate trades covering every conceivable different type of building work but, from a practical point of view, it is only really possible to consider categorisation covering the major work areas.

Separate Contractors – Geographical Basis

- 2.13 Separating work requirements into geographical areas would allow small and medium sized contractors to be considered.

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- 2.14 Separation would allow the Council to have at least 2 contractors and this would provide a back up in the event that a single contractor failed or was temporarily unable to undertake a work instruction.
- 2.15 A split of Sefton geographically could be made to identify either 2 or 3 separate geographical areas.

3.0 Proposals

- 3.1 Having considered the advantages and disadvantages of each option the Director of the Built Environment would recommend adoption of the following proposals.
- 3.2 Tenders should be sought for contractors to undertake works separately categorised into the following trades.

- General Building and Roofing
- Glazing
- Electrical Installations
- Mechanical Installations

This is a practical number of categories which will cover the major work areas and allow the greatest opportunity for Sefton's small and medium sized contractors to be considered for the works.

- 3.3 The borough will be subdivided into 2 geographical areas, as follows:

- North – Southport and Formby
- South – Bootle, Litherland, Crosby and Maghull

This will avoid reliance on a single contractor in each trade and provide the Council with an opportunity to have a back-up. Although tenders will be sought separately for each geographical area there will be an opportunity for tenderers to indicate the additional benefit that would be derived if they were awarded both area contracts. This ensures that the Council is not missing out on the opportunity to benefit from economies of scale.

- 3.4 It is therefore proposed that a total of 5 - 8 tenders be sought across 4 trades and 2 geographical areas. Tenderers would, if qualified to do so, be allowed to submit bids for more than one lot and any benefits from economies of scale can therefore be identified and considered.
- 3.5 It is proposed that each contract will be for a term of 3 years with provision for annual adjustment to reflect cost changes. This length of term will provide an attractive package to tendering contractors and allow the Council to minimise subsequent tender renewal costs.
- 3.6 It is also proposed that that the contract will have an option to extend for a further 2 years should such an arrangement be believed to be beneficial to the Council at the end of the original 3 year term.
- 3.7 Tender submissions will be on the basis of a quality and cost evaluation in the ratio 70:30.

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- 3.8 The quality evaluation will consider the tenderer's technical approach, their approach to dealing with Health and Safety, their material supply chain, and their ethos and approach to quality of service and customer care.
- 3.9 Tenderers will be required to provide cost details for carrying out individual work items by indicating what percentage discount or addition they will offer against a published schedule of rates, together with day work rates for works which cannot be costed in any other manner. The tenderers submissions will be compared against a model basket of works for comparison purposes.
- 3.10 The estimated value for the works in the different categories is such that it may exceed the relevant OJEU threshold and it is therefore necessary to procure the works in accordance with established EU procedural rules.

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Report to: Cabinet **Date of Meeting:** 3 September 2015

Subject: Former Library and Youth Centre,
Liverpool Road
North, Maghull **Wards Affected:** Park;

Report of: Head of Corporate Support

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

Exempt/Confidential No but Appendix 1 of the report is NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt

Purpose

To report on the tenders received as a result of the marketing exercise for the sale of the Council's freehold interest in the former Maghull Library and adjoining Youth Centre.

Recommendations

(i) That subject to the receipt of planning permission, the Council disposes of its freehold interest in the former Maghull Library and Youth Centre on Liverpool Road North, Maghull to the tenderer submitting the highest bid, as detailed in Appendix 1, on the terms set out in the report; and.

(ii) That the Head of Regulation & Compliance be authorised to prepare the necessary legal documentation on the terms and conditions detailed in the tender documents, by way of a Building Lease followed by Conveyance of the freehold interest, or an appropriate alternative means of Transfer, if required.

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	

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8	Improving the Quality of Council Services and Strengthening Local Democracy		x	
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Reasons for the Recommendation:

Maghull Library relocated to new premises within the Meadows Leisure Centre in Maghull. The existing property was declared surplus to operational requirements. The adjoining Youth Centre has also been closed and declared surplus to requirements. The premises are included in the Council’s Asset Disposal Programme for 2015/16. Disposal will bring the premises into productive use and relieve the Council of an ongoing liability.

Alternative Options Considered and Rejected:

The Council could retain the premises and continue to incur the holding costs

What will it cost and how will it be financed?

(A) Revenue Costs

The Council will be reimbursed in full professional fees incurred.

(B) Capital Costs

The Council will benefit from a capital receipt upon sale of the surplus property

Implications:

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

Financial	
The Council will receive a capital receipt together with its professional fees.	
Legal	
The Head of Regulation & Compliance will complete the necessary documentation for the disposal by way of a Building Lease followed by Conveyance of the freehold interest or an equivalent means of Transfer.	
Human Resources	
Not applicable	
Equality	
1.	No Equality Implication
2.	Equality Implications identified and mitigated <input type="checkbox"/>
3.	Equality Implication identified and risk remains

Impact of the Proposals on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Chief Finance Officer (FD 3702/15) has been consulted and notes the Council will benefit from a capital receipt upon sale of the surplus property. Professional fees will also be reimbursed in full.

The Head of Regulation and Compliance (LD 2985/15) has been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the “call in” period for the Cabinet member decision

Contact Officer: David Street (Property and Building Services Manager)

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Background Papers:

There are no background papers available for inspection

Agenda Item 16

1. Introduction

- 1.1. Maghull Library and the adjoining Youth Centre have been declared surplus to operational requirements and the premises closed. The premises are included within the Council's Asset Disposal Programme for 2015/16.
- 1.2. The Council has invited offers for its freehold interest in the premises, shown hatched on the attached plan, upon satisfactory completion of redevelopment works by way of a Building Lease, subject only to the receipt of planning permission for the proposed use.

2. Current Position

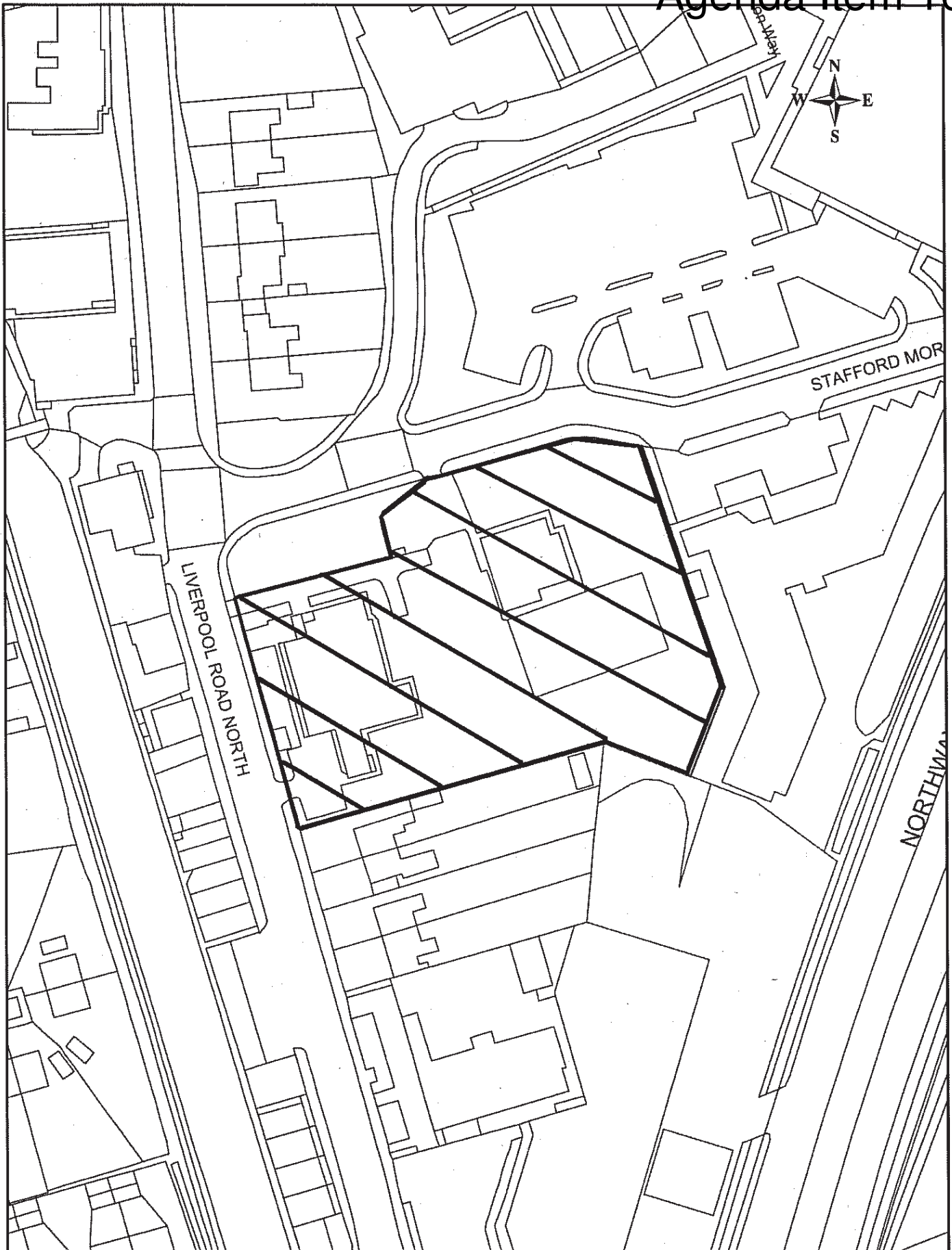
- 2.1. The Council's freehold interest in the premises has been advertised on the open market, by way of informal tender, subject to the receipt of planning permission for an appropriate use that complies with the Planning Brief contained in the tender details.
- 2.2. Prominent sign boards were erected at the premises and advertisements placed in national property publications and the local press, with a closing date of 19th June 2015 for the receipt of tender offers.
- 2.3. One hundred and four sets of tender details were issued and five tenders were received by the closing date. Brief details of the tenders, together with the offers received, are set out in Appendix 1 to this report.
- 2.4. The offers received vary from housing development, care home facility and supermarket development.

3. Planning Advice


- 3.1 Planning guidance within the tender details suggests that the preferred use would be retail or other town centre uses. Redevelopment for a supermarket would be appropriate, subject to details of amenity, design, highways and access in any planning application.

4. Best Consideration

- 4.1 Under standard Council procedures, surplus assets are advertised on the open market, for sale by way of Informal Tender, in order to ensure that any offers received represent "best consideration" in accordance with Section 123 of the Local Government Act 1972 (as amended).
- 4.2 The highest offer is considered to represent "best consideration".



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**Former Maghull Library and
Youth Centre**

Drawn by SCR
Scale 1:1000
Date 09/03/2015
File Pathname /
Project / Drawing No.

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Report to: Leader of the Council
Date of Issue: 24 July 2015
Date of Decision: 31 July 2015

Cabinet
Date of Meeting: 3 September 2015

Subject: Senate Business Park, Bridle Road, Bootle - Decision taken by Leader of the Council

Report of: Director of Built Environment **Wards Affected:** Netherton and Orrell

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

Exempt/Confidential

No, but Appendix A to this report is NOT FOR PUBLICATION by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt

Purpose/Summary

To seek approval from the Leader of the Council on the basis of urgency to accept the highest tender received in relation to the disposal of the Council-owned site at Senate Business Park.

Recommendations

That:

- i. The highest tender received, as set out in Appendix 'A' to this report, be accepted.
- ii. Subject to the receipt of planning permission, the Director of Built Environment, in consultation with the Head of Corporate Legal Services, be authorised to negotiate and complete with the successful tenderer, a building lease followed by a 999 year lease, and any necessary ancillary documents, on the terms set out in the tender details.
- iii. This report and decision of the Leader of the Council in this matter be reported to the next meeting of Cabinet for information.

Cabinet

That the urgent decision taken by the Leader of the Council be noted

Agenda Item 17

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		√	

Reasons for the Recommendation:

The highest tenderer requires the acquisition of the site to be progressed as a matter of urgency in order to achieve strict deadlines in relation to the re-development of the site for manufacturing purposes which will assist to secure 62 jobs currently based within Sefton.

Alternative Options Considered and Rejected:

The Council prepared the site utilising resources provided by the former North West Development Agency. Its successor, the Homes and Communities Agency, wishes to secure the disposal of the site. The Council are obliged to dispose of the site under the agreements with the NWDA/HCA and would be in breach of these agreements if it did not dispose of the site.

The Council could treat this matter with less urgency and risk the loss of a significant capital receipt and the potential loss of 62 jobs currently based in Sefton and the opportunity for the creation of up to 122 new jobs as a result of the investment.

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:

Financial - The disposal of the site will generate a significant capital receipt for the public sector. The Council are currently in negotiation with the HCA in order to secure the recycling of the receipt into other regeneration / economic development activity within Sefton. The Council's professional fees will be met. The Council will benefit from Business Rates.
Legal - The funding agreement with the HCA obliges the Council to seek to dispose of the Site and the Council would break this obligation if it made no attempt to dispose. Pursuant to Chapter 5, Part F [Matters Delegated to the Leader of the Council ,paragraph 2] of the Council's Constitution, the Leader of the Council has delegated authority to take urgent decisions on matters which fall within the Executive functions of the Cabinet, subject to any such decisions being reported to the next Cabinet meeting.
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 of the Proposals on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Legal Services (LD2966/15) has been consulted and any comments have been incorporated into the report.

The Head of Corporate Finance and ICT (FD3682/15) has been consulted and notes the report indicates potential benefits to the Council on acceptance of the tender. Whilst there will be no Capital Receipt, there may be reinvestment opportunities from the Homes and Communities Agency. The Acceptance of the tender will directly lead to the securing of 62 jobs with a company relocation within Sefton, and a further 30 new jobs. There should also be additional significant business rates revenue.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Leader of the Council's decision.

Contact Officer: Alan Lunt

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Background Papers:

Agenda Item 17

There are no background papers available for inspection

1.0 Introduction/Background

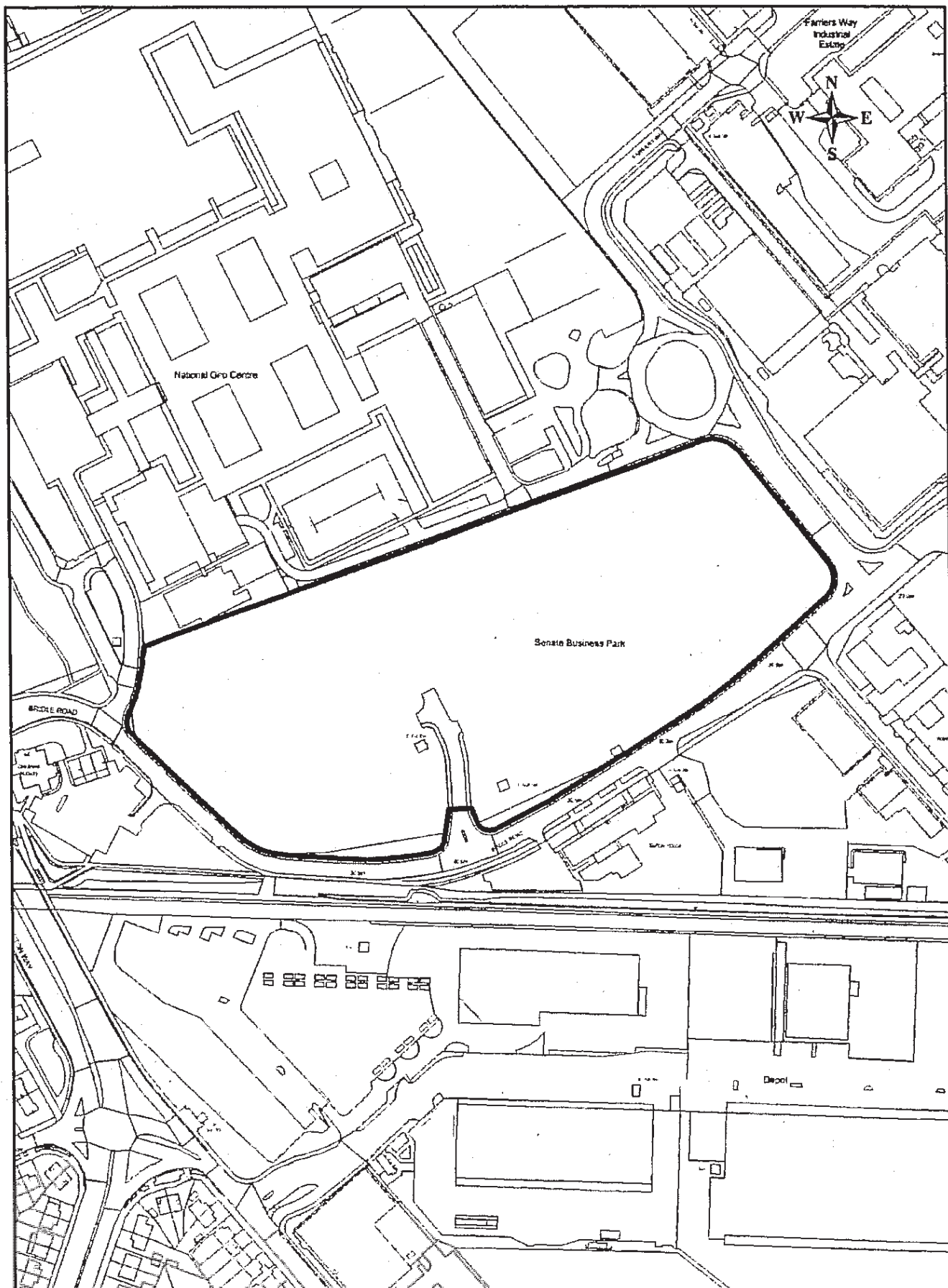
- 1.1 The ten acre Senate Business Park site, shown edged on the attached plan, is land in the Council's ownership previously used as allotment gardens, which was prepared for development in 2000 utilising grant funding provided by the former North West Development Agency (NWDA). The funding enabled the disposal of the nearby Territorial Army (TAVR) site and the Council also sold a substantial part of the site to Senate Park Developments Limited (Littlewoods) in 2008. The Council subsequently repurchased the Littlewoods site last year, following default, using further funding provided by the NWDA successor, the Homes and Communities Agency (HCA).
- 1.2 One condition of the HCA funding is that the site would be disposed of as soon as possible. The site was advertised for sale, on a 999 year lease, by way of informal tender in late 2014. Four completed tenders from companies specialising in development were returned in February as detailed in Appendix A.
- 1.3 It was anticipated that details would be reported in June of this year and the report was placed on the Forward Plan. Council officers have, however, recently been in discussion with officers from the HCA to clarify the terms of the grant funding provided by the NWDA and HCA which was provided by means of agreements entered into in 2000, 2004 and 2014. The terms of the NWDA/HCA funding are that 100% of the receipts from the Senate site are refundable to the HCA similar to the previous disposals to TAVR and Littlewoods. As a result of the discussion with HCA it was not possible to complete the detailed report to Cabinet during June or July as was originally expected.
- 1.4 As a result of the delayed confirmation of acceptance of the highest tender, the Company that submitted the highest bid met Officers and advised of the current circumstances. This transaction is associated with the business relocation requirements of a Company currently located in South Sefton, who would like to remain in the Borough. They do have other options, which would take them elsewhere.
- 1.5 The current proposals from the Developer are to complete a bespoke HQ development on the site, subject to the receipt of planning permission, providing for
 - A single building as a HQ facility with prestige design
 - 155,000 sq. ft. manufacturing space
 - 15,000 sq. ft. offices
 - 62 existing jobs retained within Sefton
 - 30 new jobs to be created immediately upon completion/occupation

Agenda Item 17

- An additional 92 potential new jobs post 2017, with 184 employed on site
- Capacity on site for in excess of 200 high quality jobs to be accommodated
- £13.5m initial capital investment
- Planned occupation currently from Quarter 1 in 2017

- 1.6 The development programme and occupation date required by the end user would mean that exchange of contracts would need to take place between the Developer and Sefton Council by the end of September 2015. The Developer would also need to be progressing the proposal further with the end user to enable a lease agreement to be signed and a planning application for the scheme to be submitted by the end of September 2015. The end user is concerned that delays will mean that they are not able to meet these deadlines and would therefore need to progress other options under consideration. The end user has been in ongoing dialogue with InvestSefton and has sought Regional Growth Funding (via the Department for Business, Innovation and Skills) to support the project.
- 1.7 Accepting the highest tender now will ensure that the site is developed and the 62 jobs are protected within Sefton.
- 1.8 Delaying acceptance of the tender would significantly reduce the capital receipt secured from the disposal of the site and may place in jeopardy 62 jobs that currently exist within Sefton.
- 1.9 Under standard Council procedures, surplus assets are advertised on the open market for sale by way of informal tender, in order to ensure that any offers received represent “best consideration” in accordance with Section 123 of the Local Government Act 1972 (as amended), The Council are also obliged to secure the best consideration reasonably obtainable for the purposes of the Council’s obligations to the HCA.
- 1.10 In the opinion of the Director of Built Environment, with professional valuation advice, the highest tender in this instance is considered to represent the best consideration reasonably obtainable for the purposes of Section 123 of the Local Government Act 1972.
- 1.11 Details of the tenders received are confidential and are therefore contained in Appendix ‘A’ to this report which is not for publication.

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Appendix 2
Location Plan - Senate Business Park

Drawn by DMC
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