

THE "CALL-IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 19 JANUARY 2022. MINUTE NO.S 86 AND 89 ARE NOT SUBJECT TO CALL- IN

CABINET

MEETING HELD AT THE BALL ROOM, TOWN HALL, BOOTLE ON THURSDAY 6TH JANUARY, 2022

PRESENT: Councillor Ian Maher (in the Chair)
Councillors Atkinson, Lappin and Roscoe

80. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummins, Doyle, Fairclough, Hardy, Moncur and Veidman.

It was noted that the above Members had submitted their apologies for absence to reduce the number of Members at the Cabinet meeting for safety reasons associated with the recent local increase in Covid-19 cases. The minimum number of Cabinet Members were present to ensure that the meeting was quorate.

81. DECLARATIONS OF INTEREST

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

82. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the Meeting held on 2 December 2021 be approved as a correct record.

83. HOLY SPIRIT CATHOLIC PRIMARY SCHOOL – APPROVAL OF LEGAL DOCUMENTATION FOR ACADEMY CONVERSION

The Cabinet considered the report of the Head of Education that informed of the decision by the Secretary of State for Education to convert Holy Spirit Catholic Primary School, to a sponsored academy in accordance with statutory requirements and which sought authorisation for officers to sign the documentation required to by the academy conversion process. The ESFA had indicated that the date of conversion would be 1 April 2022.

Decision Made:

That:

- (1) the statutory requirements regarding the Holy Spirit Catholic Primary School academy conversion be noted;
- (2) the financial implications to the Council of the Holy Spirit Catholic

Primary School academy conversion be noted;

- (3) the Executive Director of Corporate Resources and Customer Services and the Interim Executive Director of Children's Social Care and Education, in consultation with the Cabinet Member – Education, be authorised to complete the necessary agreements required as part of the academy conversion process as outlined in the report; and
- (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 ESFA has notified the Council that the timescale for the conversion of Holy Spirit Catholic Primary School is 1 April 2022. Permission is required to complete the necessary agreements required as part of the academy conversion process in the short timescale available.

Reasons for the Decisions:

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

Alternative Options Considered and Rejected:

No other options are available. The Secretary of State has the powers to direct that the academy conversion process can continue if the agreements are not signed.

84. TENDER - ARBORICULTURAL WORKS CONTRACT 2022 - 2027

The Cabinet considered the report of the Head of Operational In-House Services that sought approval to procure a new contract for arboricultural works, and to award the contract based on the lowest priced tender that met all pre-determined minimum quality requirements.

Decision Made:

That:

- (1) the procurement of a new contract for arboricultural works be approved;
- (2) the basis for the evaluation of tenders received be approved; and

- (3) authority be delegated to the Head of Operational In-House Services, in consultation with the Cabinet Member – Health and Wellbeing, to award the contract upon completion of the procurement process.

Reasons for the Decisions:

The existing contract is due to expire on 31 May 2022. Establishing a replacement contract will provide the Council with sustainable arrangements for commissioning arboricultural work on a planned and responsive basis. It will avoid additional costs that are likely to be incurred from procuring such work on an ad-hoc basis and provide a service in response to emergencies or call-outs outside of normal office hours.

Alternative Options Considered and Rejected:

Not to replace the existing contract would result in arboricultural work having to be undertaken in an ad-hoc way, outside of a framework contract, which would result in increased costs and risks to service delivery.

85. BOOTLE LEVELLING UP FUNDING AND OTHER BID SUBMISSION FEEDBACK

The Cabinet considered the report of the Executive Director (Place) that provided an update on the outcomes and feedback of the two Levelling Up funding bid submissions made in June 2021, along with further actions and recommendations for future rounds of Levelling Up funding; and on Arts Council England funding given recent expressions of interest and feedback, as well as on recent bids for Community Renewal funding, and People and Places Partnership funding.

The Cabinet Member – Regeneration and Skills commended the Executive Director and his staff for their hard work in the preparation and submission of the Levelling Up funding bids and raised concerns about the categorisation of Sefton in the framework and decision, despite the content and quality of the bid.

Decision Made:

That:

- (1) the outcomes and feedback outlined within the report be noted;
- (2) the submission of up to three Levelling Up funding bids to Government, or pursuit in line with future process and guidance, when future funding rounds are announced be approved;
- (3) approval be given to continue to promote to Government departments the importance of such funding opportunities to areas of Sefton that have not yet had such support, and to continue to

challenge Government's categorisation of Sefton for Levelling Up funding at the lowest level of priority;

- (4) the finalisation of the Levelling Up funding bid submissions be delegated to the Executive Director (Place), in consultation with the Cabinet Member - Regeneration and Skills;
- (5) the pursuit of further opportunities for funding where aligned to the Council's vision and core purpose be approved; and
- (6) It be noted that any funded projects may require Cabinet and Council approval if successful and would be presented for review and approval if successful and at the appropriate time, in accordance with the Council's Financial Procedure Rules.

Reasons for the Decisions:

Given the profile of the Levelling Up funding bid submissions made in June 2021, and the importance of such projects to economic recovery in the borough, it is appropriate to ensure Cabinet visibility of outcomes, feedback, and proposed next steps. The same visibility is appropriate given outcomes and feedback on other bid submissions to various funding opportunities. If the requirement continues to proactively bid for funding opportunities as and where available, it is important that the Council understands key decision making criteria and captures feedback, good practice and lessons learned to ensure continuous improvement in bidding activity to maximise the likelihood of future bidding success for Sefton.

Alternative Options Considered and Rejected:

The options of not capturing feedback and lessons learned, or of not submitting bids for future funding opportunities, are rejected given the importance of capturing all available funding opportunities to enable programme and project delivery in all areas.

86. SUSTAINABLE WARMTH FUNDING 2022-2023

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services advising that as part of a competitive bidding process co-ordinated through the Combined Authority, Sefton Council had been awarded £3,374,297 of grant funding to retrofit 307 poorly insulated homes for low income Sefton residents; and that the funding had come from the Department of Business Energy and Industrial Strategy (BEIS) as part of the government's post Covid-19 response and supporting the UK Net Zero Carbon by 2050 target.

The report also sought approval to accept this funding to ensure that Sefton could benefit from almost £3.4 million, 100% grant funding. Spending this funding was time critical to ensure residents received the benefits and that no proportion of the funding was returned due to slippage

in delivery. The programme was due to be delivered between January 2022 and 31 March 2023.

Due to the level of the grant funding, authority to accept the funding as well as secure permission to procure and award works was required from Council.

The funding was a continuation of the Green Homes Grant (GHG) Local Delivery Scheme (LAD) phase 2 but had been renamed as Sustainable Warmth.

Decision Made:

That subject to Council approving a supplementary capital estimate of £2.89m fully funded by grant funding:

- (1) a supplementary revenue estimate of £0.5M fully funded by grant funding be approved;
- (2) delegated authority be granted to the Executive Director of Corporate Resources and Customer Services, in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services, to sign the grant funding agreement with the Combined Authority;
- (3) delegated authority be granted to the Executive Director of Corporate Resources and Customer Services, to enter into a delivery partner agreement with One Vision Housing to deliver improvements to 50 properties as part of the sustainable warmth funding programme; and
- (4) delegated authority be granted to the Executive Director of Corporate Resources and Customer Services, in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services, to appoint a contractor via a direct award from a public procurement regulations compliant framework(s) or Dynamic Purchasing System and enter into the contract once the procurement process is completed in order to undertake the required works.

Reasons for the Decisions:

If this funding is not accepted, residents will not receive the investment required to improve their home, which is designed to reduce fuel poverty, reduce carbon emissions, support local jobs and improve the communities where these homes exist.

The £3,374,297 funding allocation is 100% grant and does not require any match funding from the Council and there is no risk of clawback of the funding if fully utilised.

Delegated responsibility has been requested to help to streamline the governance of the project whilst maintaining full accountability. Any funding that is not utilised within the timeframe of the scheme (end date 31 March 2023) may be reallocated to other Local Authorities that are able to undertake the works in a timely manner.

Alternative Options Considered and Rejected:

Not to accept the funding – Rejected due to the loss of potential benefits to Sefton residents.

87. ELECTRICITY PROCUREMENT (CORPORATE PORTFOLIO) FOR THE PERIOD 01/04/2023 - 31/03/2028

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that sought approval for the use of a Public Contracts Regulations compliant Framework (The Supply of Energy and Ancillary Services (RM6011)) and its scheduled replacement Framework on expiry of RM6011; and which indicate that this would be from 2023 under the Crown Commercial Service (CCS) Framework for a four plus one year period, in order to secure value for money, good customer service and maximise the Council's Net Zero Carbon goals by 2030.

Decision Made:

That:

- (1) the selection of the Crown Commercial Services Public Contracts Regulations Compliant Framework to secure electricity supplies for all Council buildings, including schools and Street Lighting be approved;
- (2) approval be granted for Sefton Council join the CCS Electricity Supply Framework, with instruction to purchase electricity supplies on behalf of the Council for contracts commencing 1 April 2023 until 31 March 2027 with the option to extend for a further year (to 31 March 2028);
- (3) the Executive Director of Corporate Resources and Customer Services, in consultation with Cabinet Member - Regulatory Compliance and Corporate Services, be granted delegated authority to sign all required documentation in relation to this process including Customer Access Agreements (CAA) and model contracts;
- (4) the Executive Director of Corporate Resources and Customer Services, in consultation with Cabinet Member - Regulatory Compliance and Corporate Services, be granted delegated authority to approve any extension of the contract for an additional 12-month period (1 April 2027 – 31 March 2028); and

- (5) authority be delegated to Executive Director of Corporate Resources and Customer Services, in consultation with Cabinet Member - Regulatory Compliance and Corporate Services, to approve purchasing decisions including annual 100% renewable or 'green' energy options.

Reasons for the Decisions:

In order to comply with Procurement Rules, and due to the 12-18 month lead in times, it is necessary to plan for when the current arrangements expire on 31 March 2023. Acting now will establish a new electricity contract with a new supplier in timely manner to minimise risk in exposing the Council to default penalty rates beyond 31 March 2023, which would be at a significantly higher cost.

In order to manage the risk associated with a volatile energy market, Sefton Council utilise a central purchasing body, to ensure procurement of electricity is conducted by a well-regulated team of experts utilising an approved strategy. This approach ensures the authority are protected from the high market price peaks, through procurement over several months when prices are lower.

This procurement exercise included a review of four of the largest central purchasing bodies (public sector buying organisations) and their associated electricity procurement frameworks.

The use of existing public sector framework contracts had been thoroughly investigated within the context of achieving maximum future business value and net zero carbon goals to the Council and partners on its contracts.

Crown Commercial Services were able to demonstrate purchasing strategies that are managed by a well-qualified team that would offer a well-managed, lower risk, yet flexible approach. Together with firm options for green energy to assist the Council and partners, should they choose, in realising Net Zero targets.

Alternative Options Considered and Rejected:

Option 1

Do nothing - Letting the contracts expire and go into to default rates would expose the council to significant financial risk. Therefore, this option was rejected.

Option 2

Conduct an in-house procurement exercise. The officer time involved in such a lengthy, above threshold procurement process is considered onerous and better directed towards actions in contributing to the Council's Net zero carbon goals. Therefore, this option was rejected.

Option 3

Delay this decision - The lead time for making a change to the current electricity supply arrangements is significant, so any delay in making a decision would shorten the window for purchasing electricity in advance. This would reduce the Council's options and increase the risk associated with market conditions during that time. Therefore, this option was rejected.

88. RE-TENDER OF THE COUNCILS CORPORATE INTERNET AND WIDE AREA NETWORK CONNECTIVITY PROVISION

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that detailed the background to the Council's current Corporate Internet and Wide Area Network connectivity contract, providing details of the current set up and also the proposed changes to the delivery model. The report also detailed the associated procurement route required to make this change.

Decision Made:

That:

- (1) the Executive Director of Corporate Resources and Customer Services be authorised to conduct a procurement exercise for a new corporate internet and wide area network provision for a period of 5 years (with the option to extend for a further 2 years); and
- (2) the Executive Director of Corporate Resources and Customer Services, in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services, be granted delegated authority to award a Contract resulting from the procurement exercise and any extension to the contract.

Reasons for the Decisions:

To ensure that there is both a continued and suitable ICT core connectivity service in place to ensure that the Council has the means to provide internet connectivity, network connectivity, and secure remote access and also to take the opportunity to modernise and make improvements to the network in line with new technologies available and revised operating models.

Alternative Options Considered and Rejected:

To continue with the current wide area network service supplied by Virgin Media however the Council would be acting outside Contract Procedure Rules and Public Contract Regulations due to the current contract ending in March 2023. In addition, this would not allow the Council to take advantage of new opportunities and upgraded technologies now available in the marketplace such as the proposed, SD-WAN (Software Defined Wide Area Network).

89. COUNCIL TAX REDUCTION SCHEME, COUNCIL TAX BASE 2022/23

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that provided details of the review of the local Council Tax Reduction Scheme for 2021/22 and recommending that there was no change to the scheme for 2022/23 for working age claimants; and that provided an updated Council Tax Base for Sefton Council and each Parish area for 2022/23.

Decision Made:

That:

- (1) the contents of the review of the Council Tax Reduction Scheme for the current financial year, 2021/22 be noted;
- (2) it be recommended to Council that there are no changes to the existing Scheme for 2022/23 for working age claimants; and
- (3) It be recommended to Council the relevant Council Tax Base for Sefton Council and each Parish Area for 2022/23, as set out in Annex A of the report, be approved.

Reasons for the Decisions:

Council Tax Reduction Scheme

Each financial year, the Council must consider whether to revise or replace its local Council Tax Reduction Scheme. The Council must approve and adopt the 2022/23 Council Tax Reduction Scheme by 11 March 2022, as set out in the Council Tax Reduction Scheme (Amendment) (England) Regulations 2017.

The report provides an update on key aspects of the local Council Tax Reduction Scheme. After consideration of the factors outlined in the report it is proposed that the local Council Tax Reduction Scheme for 2022/23 remains unchanged for working age claimants.

Council Tax Base

In accordance with Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as amended, the Council is required to set a tax base for both Sefton Council and for each Parish Area for 2022/23 before 31st January 2022.

Alternative Options Considered and Rejected:

Council Tax Reduction Scheme

The Council Tax Reduction Scheme was last revised in 2018/19 following a public consultation process. The changes introduced then continue to address the Council's priorities to minimise the impact on vulnerable residents, by striking a balance between dealing with Council priorities. Ongoing monitoring and evaluation assess the impact of those changes to ensure that they remain fit for purpose. No alternative options have been considered for 2022/23.

90. FINANCIAL MANAGEMENT 2021/22 TO 2024/25 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2021/22 INCLUDING THE FINANCIAL IMPACT OF COVID-19 ON THE 2021/22 BUDGET - JANUARY UPDATE

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

- (1) the current financial implications of COVID-19 on the 2021/22 Budget;
- (2) the current position relating to the 2021/22 revenue budget;
- (3) the current forecast on Council Tax and Business Rates collection for 2021/22; and
- (4) the monitoring position of the Council's capital programme to the end of November 2021 in respect of:
 - the forecast expenditure to year end variations against the approved budgets and an explanation of those variations for consideration by Members.
 - updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

The Cabinet Member – Regulatory, Compliance and Corporate Resources commended the Executive Director and his staff for their hard work in the preparation of the report and their on-going work on the Council's budget.

Decision Made:

That:

- (A) in respect of the Revenue Budget:
 - (1) the current financial implications of COVID-19 on the 2021/22 Budget together with the key issues that will

influence the final position be noted;

- (2) the current position relating to the 2021/22 revenue budget be noted;
- (3) the financial risks associated with the delivery of the 2021/22 revenue budget be recognised and it be acknowledged that the forecast outturn position will continue to be reviewed to ensure a balanced forecast outturn position and financial sustainability can be achieved; and
- (4) it be noted that the Government Workforce Recruitment and Retention Fund grant that has been received to help local authorities to bolster the dedicated care workforce and that £0.889m will be allocated to care providers in accordance with central government guidance, with the remaining £0.143m being approved as a Supplementary Revenue Estimate by the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care and the Executive Director for Corporate Resources and Customer Services; and

(B) In respect of the Capital Programme:

- (1) the spending profiles across financial years for the approved capital programme (paragraph 6.1) be noted;
- (2) the latest capital expenditure position as at 30 November 2021 of £18.671m (paragraph 6.4); the latest full year forecast is £44.650m (paragraph 6.6) be noted;
- (3) the explanations of variances to project budgets (paragraph 6.7) be noted; and
- (4) it be noted that the capital resources will be managed by the Executive Director of Corporate Resources and Customer Services to ensure the capital programme remains fully funded and that capital funding arrangements secure the maximum financial benefit to the Council (paragraph 6.11).

Reasons for the Decisions:

To ensure Cabinet are informed of the current position in relation to the 2021/22 revenue budget, including COVID19 pressures and additional funding being made available to the Council.

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

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To keep members informed of the progress of the Capital Programme against the profiled budget for 2021/22 and agreed allocations for future years.

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

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

Alternative Options Considered and Rejected:

Not applicable.