

CABINET

MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL, SOUTHPORT ON THURSDAY 23RD JUNE, 2022

PRESENT: Councillor Ian Maher (in the Chair)
Councillors Cummins, Doyle, Fairclough, Hardy,
Roscoe and Veidman

ALSO PRESENT: Councillor Sir Ron Watson

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Atkinson, Lappin and Moncur.

13. DECLARATIONS OF INTEREST

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

14. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the meeting held on 26 May 2022 be approved as a correct record.

15. WELFARE REFORM ANTI-POVERTY ANNUAL REPORT

The Cabinet considered the report of the Director of Public Health on this year's Welfare Reform and Anti-Poverty Group (WRAP) annual report which recorded the work of Sefton's multi-agency partnership from March 2021 to March 2022 over a challenging and exceptional twelve-months.

The report highlighted how committed partners had worked hard to rise to the unprecedented challenges of recent times during the global pandemic and outlined many of the local responses to managing the impact of Covid-19 with local communities. The report also provided valuable case studies and summarised how operational teams had been at the centre of the local response to the pandemic.

The Welfare Reform Anti-Poverty Annual Report was attached to the report.

Decision Made:

That

- (1) it be noted that there is wide evidence on the multiple and overlapping disadvantages experienced by many families and the impact that this has on children and their chances later in life; and it also be noted and recognised that the link between specific types of disadvantages, such as poverty and problem debt, continues to place families and children at greater risk of further problems and the Welfare Reform and Anti-Poverty Group continues to support our most vulnerable communities; and
- (2) it be noted and acknowledged that the report is key to illustrating how better outcomes for people living in disadvantage and deprivation can be delivered and it be ensured that commitment to continue to focus in on these priority areas is made clear in moving forward.

Reasons for the Decision:

To highlight examples of good practice and case studies which illustrate success and identify where we need to scale up our efforts. We recognise that we still need to do more to tackle many problems, such as family instability, unemployment and personal debt which can make families' lives particularly hard. It is important to emphasise how much the WRAP is committed to ensuring that as we move forward in the next phase of our work, our focus and attention remains firm in reducing inequalities, building on what we have already achieved and using best practice and a wide evidence base to tackle these unacceptable problems that persist in our borough.

Alternative Options Considered and Rejected:

None.

16. RE-COMMISSIONING OF 0-19 HEALTHY CHILD PROGRAMME AND CHILDREN'S DRUG AND ALCOHOL SERVICE

The Cabinet considered the report of the Director of Public Health indicating that on 31 March 2023, existing contracts for the 0-19 Healthy Children Programme provided by MerseyCare NHS Foundation Trust, and Sefton's Young People and Family Substance Use Service, provided by Addaction, would expire.

The purpose of the report was to seek approval to complete a tender exercise to re-procure Sefton's 0-19 Healthy Child Programme; and this would include a revised specification aligned to the latest Children's Policy drivers, including the updated National Healthy Child Programme, latest evidence and local need.

The replacement contracts for both services to be reprocured would be for a 5-year core period, with the option to extend for up to 2 (individual) periods of 12 months.

Both tender exercises would be required to follow a Find a Tender Service (FTS) Light- Touch Regime Open Procedure, as part of this process; approval was sought for the Director of Public Health in consultation with the Cabinet Member - Health and Wellbeing to be given delegated authority to award the contract at the end of the tender process.

Delegated authority was also sought for the Director of Public Health, in conjunction with the Cabinet Member – Health and Wellbeing, to award the remaining subsequent extension options if any future extensions of this contract were deemed appropriate and offered value for money.

Development of the evolving Sefton Partnership and the Health and Care Bill becoming law on 1 July 2022 might impact on the service redesign and recommissioning model. For example, this might mean a change in budget arrangements and the potential delivery model involving partners across the Sefton Health and Care system. Any developments in the model going forward would be overseen by the Sefton Partnership with Public Health leadership and the Cabinet was asked to note this.

Links to appropriate guidance were contained within the report.

Decision Made:

That

- (1) the Director of Public Health be authorised to conduct a Find a Tender Service (FTS) Light Touch Regime tender exercise for the Sefton 0-19 Healthy Child Programme Service to run for a period of five years from 1 April 2023 with the option of two further one-year extensions;
- (2) the Director of Public Health be authorised to conduct a FTS Light Touch Regime tender exercise for the Sefton Young People and Family Substance Use Service to run for a period of five years from 1 April 2023 with the option of two further one-year extensions; and
- (3) the Director of Public Health in consultation with the Cabinet Member - Health and Wellbeing be granted delegated authority to award the contracts resulting from the procurement and to award any extension thereof.

Reasons for the Decision:

1. The current contracts would expire on 31 March 2022.
2. The Local Authority has a Statutory duty to deliver Public Health Services for children under the age of 5 years old.

Alternative Options Considered and Rejected:

- 1) To work with the existing Providers to further develop services to meet the new specification and emerging needs of Children, Young People and Families in Sefton.

Establishment of the 'Provider Selection Regime' is subject to Parliamentary approval and final formulation of the regulations by government. Therefore, the Council is bound by existing procurement legislation.

The current procurement system for healthcare services is governed by two pieces of legislation.

- The Public Contracts Regulations (PCR 2015)
- The Procurement, Patient Choice, and Competition Regulations 2013 (PPCCR2013),

- 2) Cease service delivery

Rejected based on 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. Furthermore, the lack of universal service and specialist provision for children, young people and families, would have a significant negative impact on health and wellbeing and increase safeguarding risk.

17. INTEGRATED HEALTH AND CARE

The Cabinet considered the report of the Executive Director of Adult Social Care and Health that sought approval to establish new governance arrangements for supporting and overseeing the integration of Health and Care services in Sefton in preparation for the implementation of the Health and Care Act 2022, which had now received royal assent and would be enacted on 1 July 2022.

The report set out the broader context of why the new arrangements were required, the scope of the new governance and the implications for Members.

The proposals set out in the paper had been developed with the NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group (CCGs) and other NHS partners, to ensure a common position on the proposed arrangements between the NHS and the Council.

The Sefton Place Partnership Board Terms of Reference were attached to the report.

Decision Made:

That

- (1) the intention to enter into a new Section 75 agreement be approved;
- (2) authority be delegated to the following officers: Executive Director of Adult Social Care and Health/Place Director Designate (ICB); Executive Director for Corporate Resources and Customer Services; and Chief Legal and Democratic Officer, to complete the Section 75 agreement with the Cheshire and Merseyside Integrated Care Board to enable further expansion of Sefton's pooled fund arrangements and to govern the delivery of the Sefton Better Care Fund Plan 2022/23;
- (3) authority be granted to the Executive Director of Adult Social Care and Health/ Place Director Designate (ICB) in consultation with the Cabinet Member - Health and Wellbeing to sign the Collaboration Agreement on behalf of the Council which will outline how Health and Care partnerships will work together to improve outcomes to Sefton Residents;
- (4) the Sefton Partnership Board be agreed with place partners from 1 July 2022; and
- (5) authority be delegated to the Executive Director of Adult Social Care and Health/Place Based Director Designate (ICB) in consultation with the Chief Legal and Democratic Officer and the Cabinet Members for Adult Social Care and Health and Wellbeing, to agree and finalise the governance for Sefton Place and any future requirements to establish Place Based committee arrangements.

Reasons for the Decision:

To support integrated partnership working with the Council and health partners at a local level to improve health and social care outcomes for residents of the borough and reduce inefficiencies in care.

To establish governance arrangements to support new integrated working arrangements, in accordance with the requirements of the Health and Care Act 2022, that enable health and care decisions to be made together, with a common purpose and shared strategy, and with strong local partnerships.

Alternative Options Considered and Rejected:

None considered.

18. DOMICILIARY CARE PROCUREMENT

The Cabinet considered the report of the Executive Director of Adult Social Care and Health that updated on work that had taken place regarding the Domiciliary Care sector since the last report to the Cabinet in December 2021 and seeking approval on a specific procurement exercise to establish

a new Sefton Pseudo Dynamic Purchasing System (PDPS) for the future commissioning of domiciliary care services in Sefton.

Decision Made:

That

- (1) the commencement of a procurement exercise to establish a new Sefton only Pseudo Dynamic Purchasing System (PDPS) for domiciliary care services, be established for up to, and not more than, a ten-year period, commencing in April 2023; and all contracted spend on domiciliary care is in scope of the Cabinet report;
- (2) decisions on the rules of the new PDPS, including the workforce strategy, specification, quality and cost threshold, initial procurement, tender evaluation process direct awards throughout the life of the new PDPS to deal with any specific additional service delivery requirements, be delegated to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care;
- (3) decisions on any new Provider contract model, contractual terms and conditions, service delivery arrangements (including service specification and geographical contracted areas) and payment arrangements (including fee rates paid for services, including any enhanced rates for certain geographical areas) to be applied to the above procurement exercise and throughout the life of the new PDPS, be delegated to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care and the Executive Director of Corporate Resources and Customer Services, subject to adhering to the required budgetary approval processes;
- (4) delegated authority be given the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care to award contracts under this new PDPS to Providers, based on the contract model agreed, which may include the awarding of Lead Provider contracts and SPOT Provider contracts, including at the commencement of the new PDPS the direct award of contracts to Providers contracted under the current PDPS for Domiciliary Care services;
- (5) throughout the life of the new PDPS delegated authority be given to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care to make decisions on the implementation of any permitted extension periods to contracts initially awarded;
- (6) throughout the life of the new PDPS delegated authority be given to the Executive Director of Adult Social Care and Health in

consultation with the Cabinet Member – Adult Social Care to make decisions on periodic re-opening exercises of the PDPS, to attract new Provider applications onto it, and to then make decisions on the awarding of contracts and any subsequent permitted extensions within them, to successful new applicants; and

- (7) throughout the life of the new PDPS delegated authority be given to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member – Adult Social Care to make decisions on any amendments to its operation, to ensure that such decisions can be implemented in a timely manner and ensure that the PDPS is able to operate in a flexible way which addresses any emerging issues and supports wider work such as the further integration of Health and Children’s Services with Adult Social Care.

Reasons for the Decision:

To ensure that commissioning arrangements for the provision of Domiciliary Care within Sefton are directed by Sefton, to meet its demographic requirements, are in place to meet the assessed needs of Sefton’s residents, so that future decisions on commissioning and market management can be made in a timely manner and to put in place new contractual and service delivery arrangements which both seek to ensure market sustainability and reduced disruption to Service Users.

Alternative Options Considered and Rejected:

1. **Maintaining the status quo** – This was not considered a viable option due to identification of the need to establish new purchasing arrangements in Sefton for the commissioning of Domiciliary Care needs, which reflect the needs of Sefton residents and meets Sefton’s demographic requirements aligned to enabling market sustainability and sufficiency.
2. **Establishing a new local PDPS which would encompass all current contracts being put out for re-tender** – This option was considered and rejected as it was identified that where applicable, should existing contracted Providers meet the requirements for the new local PDPS, then Sefton should have the ability make direct awards of contracts to such Providers as this will ensure reduced market disruption and widescale disruption for Service Users and Provider Staff.

19. NEW DIRECTIONS ANNUAL REPORT AND BUSINESS PLAN

The Cabinet considered the report of the Executive Director of Adult Social Care and Health submitting the New Directions Business Plan for review, and outlining how Adult Social Care would support and inform the delivery of the plan to ensure that it was delivered in alignment with its commissioning intentions, strategic priorities and proposed future contractual and market management arrangements.

The Draft New Directions Strategic Business Plan was attached to the report at Appendix A.

Decision Made:

That

the contents of the report and the submitted draft Strategic Business Plan be noted and:

- (1) any comments on the draft plan be submitted to the Executive Director of Adult Social Care and Health and authority be delegated to the Cabinet Member - Adult Social Care and Executive Director of Adult Social Care and Health to approve the future commissioning decisions which may impact on New Directions in meeting the Local Authority duty under the Care Act in relation to sufficiency of excellent quality social care services;
- (2) the approach on the proposed future service development and contractual arrangement with New Directions, be approved, under the principle that any such new arrangements fall within the current financial envelope;
- (3) in the event of any material variations to the plan or that financial performance is compromised which may put the Council at risk, a subsequent report be presented to the Cabinet, together with a remedial action plan; at the earliest opportunity; and
- (4) the intention for a further update report to be provided to the Cabinet in October 2022, be noted.

Reasons for the Decision:

New Directions is a company whose sole shareholder is Sefton Council. The Cabinet Member - Adult Social Care is the shareholder representative. Councils are required to submit to the Cabinet the business plan, in line with good practice and to outline to the Cabinet how the Council will support and inform delivery of the plan, and monitor all risk associated with quality and funding impact.

Alternative Options Considered and Rejected:

Not Submitting the plan to Cabinet – this option was considered and rejected as New Directions are required (and in line with good practice) to produce and submit to its sole Shareholder an Annual Report and Business Plan.

20. SEFTON YOUTH JUSTICE PARTNERSHIP - ANNUAL PLAN

The Cabinet considered the report of the Head of Communities indicating that each year the Youth Justice Board (YJB) required local Youth Justice Services to produce an Annual Plan to satisfy the grant allocation and to ensure that the YJB is kept abreast of local business and performance. This year, the YJB had recommended that each Youth Justice Service adhere to a template for consistency and that the plan was signed off by the Chair of the local Youth Justice Partnership (formerly the YOT Management Board).

Sefton's Youth Justice Partnership Annual Plan had been produced in accordance with the YJB requirements and had been shared with the Cabinet Member - Children's Services, Head of Communities, Head of Children's Social Care, Executive Director - People and the Executive Director of Children's Services. The Chair of the Youth Justice Service Partnership, Superintendent Local Policing, Merseyside Police, had signed off the Plan.

The Youth Justice Partnership Annual Plan was attached to the report.

Decision Made:

That the Council be requested to review and acknowledge the Annual Plan.

Reasons for the Decision:

To align with the requirements of the Council's Constitution.

Alternative Options Considered and Rejected:

Not applicable.

21. PROCUREMENT OF ANNUAL SERVICE CONTRACTS FOR HIGHWAY MAINTENANCE WORKS

Further to Minute No. 78 of 26 March 2015, the Cabinet considered the report of the Head of Highways and Public Protection that sought a change to an earlier Cabinet decision relating to the procurement of Annual Service Contracts for Highway Maintenance Work.

Decision Made:

That

- (1) the procurement of the Annual Service Contracts referred to in the report, and previously agreed by the Cabinet, be postponed for the reasons set out within the report;
- (2) following termination of the HM10 Contract with the previous Prime Contractor, the intention for Dowhigh to be appointed as Prime

Contractor, having previously been appointed as Reserve Contractor, be noted;

- (3) the extension and award of contracts to the incumbent contractors for the periods set out below, be approved:
- i) HM8 - Service Contract for Carriageway and Footway Surface Dressing
Extension period: 1 September 2022 to 31 August 2024
 - ii) HM10 - Service Contract for Highway and Footway Maintenance
Extension Period: 1 October 2022 to 30 September 2024; and
- (4) the Head of Highways and Public Protection, in consultation with the Chief Legal and Democratic Officer, the Head of Strategic Support and the Cabinet Member - Locality Services, be authorised to determine the best time to recommence the procurement, noting the maximum period for the current contracts, as set out above.

Reasons for the Decision:

In June 2021, the Cabinet agreed to the procurement of the annual service contracts referred to in the report, but changed circumstances indicate that extension of the existing contracts now provides the best value option for the Council.

Alternative Options Considered and Rejected:

Continuation of the procurement has been considered, but for the reasons set out in the report is not considered to be the best value option for the Council at this point.

22. ANNUAL PROGRESS REPORT CLIMATE EMERGENCY

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services indicating that the Council had declared a climate emergency in July 2019. Following the declaration, work had progressed within the Council and a climate emergency strategy and associated action plan had been created.

Annual reporting on progress made was required as part of the governance approach to the programme. Members were asked to note the progress made on achieving net zero carbon by 2030 and the programme of works supporting the Council's transition to low carbon working.

The Climate Emergency Annual Report 2021/22, and the Climate Emergency Annual Report Appendix 1 Action Plan progress, were attached to the report.

Decision Made:

That the Council be recommended to note the progress made on the targets in the Sefton climate emergency strategy and action plan.

Reasons for the Decision:

To support the delivery of the Council motion that declared a climate emergency.

Alternative Options Considered and Rejected:

Not acting would increase the risks to Sefton in future years, on the themes of energy cost and security, and climate change resilience (increased incidence of extreme weather events, sea level rise etc.).

23. FINANCIAL MANAGEMENT 2022/23 TO 2024/25 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2022/23 – JUNE UPDATE

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

1. The current position relating to the 2022/23 revenue budget.
2. The potential implications on the Medium-Term Financial Plan (MTFP) for 2023/24 and 2024/25.
3. The proposed scheme relating to the discretionary payments of the Council Tax Energy Rebate.
4. The seeking of approval for Additional supplementary capital estimates to the Council's capital programme.

The Scheme for the discretionary payments of Council Tax Energy Rebate was attached to the report at Appendix 1.

Decision Made:

That

Revenue Budget

- (1) the current position relating to the 2022/23 revenue budget be noted;
- (2) the Remedial Action Plan to offset the budget pressures being faced in 2022/23 and the intention to create a Social Work Academy, be noted;
- (3) the financial risks associated with the delivery of the 2022/23 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) the potential implications on the Medium-Term Financial Plan for 2023/24 and 2024/25 be noted;

Capital Programme

- (5) the Council be recommended to approve a supplementary capital estimate of £1.033m for the Sandway Homes Phase 2 Pre-Development Works in 2022/23, subject to approval of the grant applications;
- (6) a supplementary capital estimate of £0.224m for the Schools Condition Allocation 2022/23 be approved;
- (7) the Council be recommended to approve a supplementary capital estimate of £4.971m for the High Needs Provision Capital Allocations 2022/23 and 2023/24;
- (8) a supplementary capital estimate of £0.879m for the Schools Basic Needs allocation 2023/24 be approved;
- (9) a supplementary capital estimate of £0.695m for the City Region Sustainable Transport Settlement 2022/23 be approved;
- (10) a supplementary capital estimate of £0.800m for Key Route Network Maintenance funding in 2022/23 and 2023/24 be approved;
- (11) a supplementary capital estimate of £0.994m for the Transforming Cities Fund – Urban Traffic Control grant 2022/23 and 2023/24 be approved; and
- (12) the Council be recommended to approve a supplementary capital estimate of £0.270m for essential maintenance and refurbishment works at Dunes Splashworld funded by borrowing;

Council Tax Energy Rebate – Discretionary Fund

- (13) the proposed scheme relating to the distribution of payments from the Council Tax Energy Rebate Discretionary Fund be approved;

Rule 27

- (14) 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 (Regulatory, Compliance and Corporate Services) 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 of the significant

financial impact on the Council's budget for 2022/23 and the need to approve mitigating actions to meet these pressures.

the Council be recommended to:

Revenue Budget

- (15) note the current position relating to the 2022/23 revenue budget;
- (16) approve the actions included in the Remedial Action Plan to offset the budget pressures being faced in 2022/23 and the funding of a Social Work Academy in 2022/23;
- (17) recognise the financial risks associated with the delivery of the 2022/23 revenue budget and acknowledge that the forecast outturn position will continue to be reviewed to ensure a balanced forecast outturn position and financial sustainability can be achieved; and
- (18) note the potential implications on the Medium-Term Financial Plan for 2023/24 and 2024/25; and

Capital Programme

- (19) approve a supplementary capital estimate of £1.033m for the Sandway Homes Phase 2 Pre-Development Works in 2022/23, subject to approval of the grant applications;
- (20) approve a supplementary capital estimate of £4.971m for the High Needs Provision Capital Allocations 2022/23 and 2023/24;
- (21) approve a supplementary capital estimate of £0.270m for essential maintenance and refurbishment works at Dunes Splashworld funded by borrowing; and
- (22) approve a supplementary capital estimate of £0.557m for the Bootle Canalside Business Case capital works funded from the Economic Recovery Earmarked Reserve.

Reasons for the Decision:

To ensure the Cabinet and the Council are informed of the current position in relation to the 2022/23 revenue budget.

To seek Members' approval of supplementary capital estimates to be added to the Capital Programme previously approved by Budget Council.

To seek Members' approval for the proposed scheme relating to the discretionary payments of the Council Tax Energy Rebate.

Alternative Options Considered and Rejected:

CABINET - THURSDAY 23RD JUNE, 2022

Not applicable.