

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 8 AUGUST 2023. MINUTE NO.S 39, 43, 47 (5) AND (9) AND 54 ARE NOT SUBJECT TO "CALL-IN"

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 27TH JULY, 2023

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

34. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Cummins.

35. DECLARATIONS OF INTEREST

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

36. MINUTES OF THE PREVIOUS MEETINGS

Decision Made:

That the Minutes of the meetings held on 22 and 29 June 2023 be confirmed as a correct record.

37. RE-COMMISSION OF THE LIVING WELL SEFTON SERVICE

The Cabinet considered the report of the Director of Public Health that sought approval for the following:

- To undertake a tender process to recommission the Living Well Sefton Community Service (LWS) with intention to contract the service for a 3-year core contract period commencing 1 April 2024, with the option to extend for a further two, one-year extensions.
- To undertake a tender process to recommission the Specialist Stop Smoking Service 'Smokefree Sefton', for a 3-year core contract period commencing 1 April 2024, with the option to extend for a further two, one-year extensions.
- To give delegated authority for the Director of Public Health in consultation with the Cabinet Member - Health and Wellbeing to authorise a waiver to recommission a specialist stop smoking in pregnancy midwife based at Mersey and West Lancashire Teaching Hospital NHS Trust, for a 3-year core contract period commencing 1 April 2024, with the option to extend for a further two, one-year

extensions. The total expenditure for the 5-year potential contract period will not exceed the Light Touch Regime threshold.

- For the Director of Public Health in consultation with the Cabinet Member - Health and Wellbeing to be granted delegated authority to award the contracts resulting from the procurement and waiver processes and to award any extension options available.

The report set out the background to the matter and an Equality Impact Assessment was attached to the report.

Decision(s) Made:

That the Director of Public Health:

- (1) be authorised to undertake a Find a Tender Service (FTS) Light Touch Regime tender exercise for Living Well Sefton Community Service to run for a period of three years from 1 April 2024 with the option of two further one-year extensions;
- (2) be authorised to conduct an FTS Light Touch Regime tender exercise for the Specialist Stop Smoking Service 'Smokefree Sefton' to run for a period of three years from 1 April 2024 with the option of two further one-year extensions;
- (3) be granted delegated authority, in consultation with the Cabinet Member - Health and Wellbeing to award the contracts resulting from the procurement and to award any extension thereof; and
- (4) be granted delegated authority, in consultation with the Cabinet Member - Health and Wellbeing, to waive the contract procedure rules and make a direct award to Mersey and West Lancashire Teaching Hospital NHS Trust, for the contract of a dedicated stop smoking pregnancy midwife for 3 years from 1 April 2024, with the option of two further one-year extensions.

Reasons for the Decision(s):

1. The current contracts would expire on 31 March 2024.
2. The local authority public health team had responsibility to drive an early intervention and agenda, specifically targeting areas of inequality, to improve local population health outcomes.

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 local people in Sefton, this was a universal service though interventions were specifically targeted in areas of highest need.

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

The current procurement system for healthcare services was 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 that address the health needs of the local population and tackle health inequalities.

Furthermore, the lack of specialist provision for smoking cessation would have a significant negative impact on continuing higher rates of smoking-related illness in economically disadvantaged groups would continue to perpetuate health inequalities in long term conditions, especially lung cancer and chronic obstructive pulmonary disease.

38. DETERMINATION OF PROPOSAL TO ESTABLISH SEND RESOURCE PROVISION AT HOLY FAMILY CATHOLIC HIGH SCHOOL, FORMBY HIGH SCHOOL, THOMAS GRAY PRIMARY SCHOOL, BISHOP DAVID SHEPPARD CE PRIMARY SCHOOL

The Cabinet considered the report of the Executive Director for Children's Social Care and Education that proposed the establishment of a Special Educational Needs and Disability (SEND) Resourced Provision.

Appendix A to the report set out the Public Notices and Proposal for the Establishing Resources Bases.

Decision(s) Made:

That

- (1) the proposal as detailed in the statutory notice to establish the four SEND Resourced Provisions with effect from 1 September 2023 be approved; and

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- (2) 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 if consideration of the matter was deferred to comply with the Forward Plan timetable, then the implementation date would not be able to be met.

Reasons for the Decision:

The local authority had the power to consider all options including expanding a school following the statutory process detailed in the report.

The proposal would build on the good standards for teaching and learning already in place at the schools. The development would provide places for children and young people with SEND within the Resourced Provision. All four schools were judged by Ofsted to be providing good quality education.

This development would not have any negative impact on other schools, academies, and educational institutions in the area.

The proposed resource base would not replace existing provision but would supplement and improve provision across the Borough.

The addition of the Specialist Resource Base to the school would not have a direct impact on admissions or provision at other schools within the area.

Long-term value for money would be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This would free special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the Borough, rather than in out-of-Borough provision.

Alternative Options Considered and Rejected:

Failure to provide sufficient places for children with Special Education Needs and Disability (SEND) in the Borough would result in additional costs for the Council through more expensive specialist placements.

39. HIGH NEEDS FUNDING 2023/24 QUARTERLY MONITORING UPDATE

The Cabinet considered the report of the Assistant Director of Children's Services (Education) that advised of:

1. The monitoring position of the High Needs budget position on 1 July 2023, as per the previous agreement to provide regular updates, and included:
 - The forecast expenditure to year end based on current / anticipated Special Educational Needs and Disability (SEND) support required during 2022/23.

- The provisional High Need budget forecast for the 2023/24 financial year based on announced funding levels and estimated High Needs demands.
2. An update on the current SEN Review / Sufficiency Programme aimed at bringing High Needs expenditure pressures back into a more manageable financial position in the future including the outcomes from the work to date on the national Delivering Better Value Programme

Decision(s) Made:

That **the Council** be requested to:

Dedicated Schools Grant (DSG) – High Needs Budget

- (1) note the current forecast position relating to the 2023/24 High Needs Budget;
- (2) note the forecast accumulative deficit position of the High Needs Budget;
- (3) note the provisional potential deficit position facing the 2023/24 High Needs Budget;

Update on the Special Educational Needs (SEN) Review / Sufficiency Programme

- (4) note the outcomes from the Delivering Better Value Programme; and
- (5) note the continuing work being undertaken through the SEN Review/ Sufficiency Programme.

Reasons for the Decision:

- 1) To provide an updated on the 2023/24 High Needs budget financial position.
- 2) To provide Members with a provisional update of the potential deficit budget forecast against the High Needs budget in 2023/24.
- 3) To ensure that the SEND Review / Sufficiency programme could progress to provide sustainable and effective SEND support for Sefton pupils within the available resources allocated through the Dedicated Schools Grant – High Needs Block.

Alternative Options Considered and Rejected:

Not applicable.

40. APPROVAL OF THE PLAYING PITCH AND OUTDOOR SPORTS STRATEGY

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) seeking to approve the 2023 Sefton Playing Pitch and Open Space Strategy (PPOSS), and to replace the 2016 Playing Pitch Strategy which was out of date, according to Sport England guidance.

The PPOSS looked at current and future need and provision for outdoor sport in Sefton. It provided a robust and objective justification and a strategic framework to make sure that Sefton would be able to best meet existing and future need for outdoor sport. This would help the Council to protect sports sites from loss due to development, help justify developer contributions including compensatory provision, provide a strategic context for sports asset provision and management and support and justify investment decisions including external funding bids. It would also support Sefton's corporate health and other initiatives.

The PPOSS had been prepared by consultants for a Steering Group comprising officers across relevant Council departments, Sport England and sports' National Governing Bodies, in line with Sport England guidance.

Appendix 1 to the report set out the draft Playing Pitch and Open space strategy for Sefton.

Decision Made:

That the 2023 Sefton Playing Pitch and Open Space Strategy be approved and replace the 2016 Playing Pitch Strategy.

Reasons for the Decision:

National planning and Sport England guidance required the Council to have a robust and up-to-date assessment of outdoor sports provision. The guidance stated that any Playing Pitch and Open Space Strategy (PPOSS) which had not been revised for more than 3 years should be considered out of date. Sefton's previous Playing Pitch Strategy dated from 2016.

Alternative Options Considered and Rejected:

The alternative would be not to have an up-to-date PPOSS. This would make it more difficult to protect outdoor sports sites from development through the development management process, to justify the need for developer contributions including compensatory provision or to justify the policy approach in any Local Plan review. There would be no up-to-date strategic context for sports asset provision and management (including 3G pitches) or support for Sefton's corporate health and other initiatives. Having no up-to-date PPOSS would severely constrain the ability of sports

clubs and site managers (including the Council) to access external funding. The lack of an up-to-date PPOSS could also lead to a poor relationship with other Steering Group members and partners, such as Sport England, the Football Association and Football Foundation.

41. CONFIRMATION OF AN ARTICLE 4 DIRECTION TO PREVENT THE CONVERSION OF USE CLASS E (COMMERCIAL, BUSINESS AND SERVICE) TO USE CLASS C3 (HOUSING) WITHOUT THE NEED FOR PLANNING PERMISSION

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) confirming the making of a non-immediate Article 4 Direction in relation to changes of use from E (Commercial, Business and Services) to C3 in shopping parades in the Bootle Area Action Plan area. The proposed Article 4 Direction was made in February 2023 and sought to restrict permitted development rights in these areas from commercial, business and service uses to dwelling houses.

Appendix A to the report set out the Article 4 Direction.

Decision Made:

That the making of a non-immediate Article 4 Direction, as attached to the report at Appendix A, in relation to changes of use from E to C3 on commercial parades within the Bootle Area Action Plan area, be confirmed, the Article 4 Direction to come into force on 7 February 2024, one year after it was made.

Reasons for the Decision:

People could, using permitted development rights under the General Development Permitted Order 2015 (as amended), convert their commercial units on local shopping parades to residential properties. Whilst in many instances, residential use would be appropriate, in some instances this could result in sub-standard accommodation. Changes of use could also result in negative impacts upon the vitality and viability of shopping parades.

Once the Article 4 Direction came into effect, planning permission would be required before such changes of use could take place, and this would ensure the Council had control of these proposals. The Council would therefore be able to consider whether the proposals, either individually, or in combination, would have a detrimental impact on residential amenity.

Alternative Options Considered and Rejected:

Option 1 – Do not have an article 4 direction. It would mean business as usual and that the Council would continue to have little control over conversions from units in Use Class E (such as in shopping parades) to Use Class C3 (residential). It might risk further fragmentation of shopping

areas with a detrimental impact on the usability and health of those shopping areas. It might also mean that some accommodation provided might be low quality and provide poor living conditions.

Option 2 – Issue an Article 4 direction with an immediate effect. This would mean that the control of use from units in parades to dwellings would be in place as soon as the direction was made. However, the Council would be liable to pay compensation to owners. This could be costly, and it was not clear how this could be financed.

Option 3 – Cover the whole of Sefton or the Bootle AAP area with an article 4 direction. The National Planning Policy Framework was clear that an article 4 should be kept to the minimum area that was necessary. The Council was aware of article 4 directions being rejected by the Secretary of State due to proposed directions being applied too widely.

42. PROCUREMENT OF FLEET AND MACHINERY FOR GREEN SEFTON

The Cabinet considered the report of the Assistant Director of People (Operational In-House Services) that sought approval for officers to complete procurement exercises for the provision of machinery and fleet vehicles required for the ongoing delivery of Green Sefton's land management and maintenance services. The report also sought delegated authority for the Assistant Director of People (Operational In-House Services), in discussion with the Cabinet Member - Health and Well Being, to award the new contracts to the highest scoring Bidder(s), in accordance with the scoring criteria set out in the report.

Decision(s) Made:

That

- (1) the Assistant Director of People (Operational In-House Services) be authorised to undertake a procurement exercise for the provision of fleet vehicles and machinery required for the ongoing delivery of Green Sefton's land management and maintenance services to the current standards. This is to utilise the Frameworks listed, and to be based on a Schedule of Rates approach to allow flexibility in future ordering, but with a sample Bill of Quantities for pricing purposes only at this stage, and with a view to entering into a contract for a maximum period of 10 years comprising an initial 7 year period with an option to extend for up to 3 periods of 12 months;
- (2) the basis of evaluation of quotations, as set out in the report, be approved; and
- (3) the Assistant Director of People (Operational In-House Services) be granted delegated authority, in consultation with the Cabinet Member - Health and Well Being, to award the new contract(s) to the highest scoring Bidder(s) in accordance with the scoring criteria

set out in the report, and to award any extension thereof in due course; this would be subject to adequate revenue and capital budgets being available and approved post tender.

Reasons for the Decision:

The procurement exercise outlined in the report was essential to provide appropriate arrangements for the ongoing operational delivery of Green Sefton's land management and maintenance services to the current standards.

Alternative Options Considered and Rejected:

Lease hire of fleet vehicles, machinery and equipment instead. However, as had been demonstrated previously, this would incur significant increased revenue costs, limit the fleet vehicles, machinery and equipment available and restrict the flexibility of future service delivery options.

Another option discounted would be not to allocate the revenue funding anticipated as being required (to be confirmed post tender). However, the service was already delivering a basic specification and standard – not providing the resources required to maintain these standards would result in lowering of said standards further resulting in increased risk, potential insurance claims on unmaintained land, certainly a further rise in public complaints etc. leading to reputational damage.

43. PRE-PROCUREMENT REPORT : SUPPLY OF FRUIT & VEGETABLES

The Cabinet considered the report of the Assistant Director People (Operational In-House Services) seeking approval to commence a mini competition procurement exercise for the Supply of Fruit and Vegetables via the University Catering Organisation (TUCO) framework agreement, of which the Council was a member.

Decision(s) Made:

That

- (1) a mini competition procurement exercise for the Supply of Fruit & Vegetables for the Catering Service via the TUCO framework agreement, of which the Council is a member, be approved; and

Rule 46

- (2) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given their 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 a new Fresh Fruit and Vegetable supplier needs to be in

place for the new school term in September. The current supplier of Fresh Fruit & Vegetables has stated that the company will cease to trade in the near future and will not be able to supply the service from September onwards.

Reasons for the Decision(s):

To comply with The Council's Contract Procedure Rules 2023, Cabinet approval was required prior to the commencement of the procurement exercise with a value exceeding the Public Contracts Regulations Spend Threshold (i.e. £533,691.00 for goods/services).

The Framework was compliant with the Public Contract Regulations and Officers from the Council's procurement section were satisfied that it could be used for this purpose.

The Assistant Director People (Operational In-House Services) had delegated authority to award, negotiate and enter into the contract that arose from the procurement exercise.

Alternative Options Considered and Rejected:

None.

44. APPOINTMENT TO THE WALTON CENTRE NHS FOUNDATION TRUST

The Cabinet considered the report of the Chief Legal and Democratic Officer seeking to appoint an elected Member to serve on the Council of Governors for The Walton Centre NHS Foundation Trust.

Decision Made:

That Councillor Laura Lunn Bates be appointed to serve on The Walton Centre NHS Foundation Trust - Council of Governors for three years, commencing September 2023.

Reasons for the Decision:

The Cabinet had delegated powers set out in Chapter 5, Paragraph 40 of the Constitution to appoint the Council's representatives to serve on Outside Bodies.

Alternative Options Considered and Rejected:

None.

45. TREASURY MANAGEMENT OUT-TURN 2022/23

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services providing a review of the Treasury

Management activities undertaken during 2022/23 and an update to 30 June 2023. The Cabinet received the outturn report to allow monitoring against the Treasury Management Policy and Strategy and Prudential Indicators approved by the Cabinet and Council in March 2022. The report was also provided to the Audit and Governance Committee, whose role it was to carry out scrutiny of treasury management policies and practices.

Decision Made:

That the Treasury Management position during 2022/23 and the update to 30 June 2023 be noted, together with the review of the effects of decisions taken in pursuit of the Treasury Management Strategy and the implications of changes resulting from regulatory, economic and market factors affecting the Council's treasury management activities.

Reasons for the Decision:

To ensure that Members were fully apprised of the treasury activity undertaken during 2022/23 and also to 30 June 2023, in order to meet the reporting requirements, set out in Sefton's Treasury Management Practices and those recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) code.

Alternative Options Considered and Rejected:

Not applicable.

46. FINANCIAL MANAGEMENT 2023/24 TO 2026/27 - REVENUE AND CAPITAL BUDGET UPDATE 2023/24 – JULY UPDATE

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

- 1) The current position relating to the 2023/24 revenue budget.
- 2) The current forecast on Council Tax and Business Rates collection for 2023/24.
- 3) The monitoring position of the Council's capital programme to the end of June 2023:
 - 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.

Decision(s) Made:

That:

Revenue Budget

- (1) the current position relating to the 2023/24 revenue budget be noted;
- (2) the actions being taken to refine forecasts and identify mitigating efficiencies to ensure each service achieves a balanced position be noted;
- (3) the financial risks associated with the delivery of the 2023/24 revenue budget be recognised and it be acknowledged that the forecast outturn position will continue to be reviewed, and remedial actions put in place, to ensure a balanced forecast outturn position and financial sustainability can be achieved.

Capital Programme

- (4) the spending profiles across financial years for the approved capital programme, as outlined in paragraph 7.1 of the report be noted;
- (5) the latest capital expenditure position as at 30 June 2023 of £4.475m, as outlined at paragraph 7.3 of the report, and the latest full year forecast of £63.057m, as outlined at paragraph 7.4 of the report, be noted;
- (6) it be noted that capital resources will be managed by the Executive Director 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, as outlined at paragraphs 7.12-7.14 of the report.

Reasons for the Decision(s):

To ensure the Cabinet was informed of the current position in relation to the 2023/24 revenue budget.

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

To keep Members informed of the progress of the Capital Programme against the profiled budget for 2023/24 and agreed allocations for future years.

To progress any changes that were 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 could be applied to capital schemes in the delivery of the Council's overall capital strategy.

Alternative Options Considered and Rejected:

Not applicable.

47. FINANCIAL AND CORPORATE PERFORMANCE 2022/2023

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services on the revenue and capital outturn position in relation to the 2022/23 financial year. The report outlined key variations and, where appropriate, any impact on future years' financial performance. In addition, the report provided details of the Council's Corporate Performance for 2022/23 and current corporate risks.

Decision(s) Made:

That

Revenue Outturn

- (1) the General Fund net deficit of £2.808m for 2022/23 that will reduce the Council's General Balances by £5.700m more than was budgeted for, but in line with the decisions of the Cabinet during the year to partially fund the pressures faced during the year, be noted;
- (2) the decrease in Schools' balances of £0.296m for 2022/23 and the net reduction of non-schools centrally retained Dedicated Schools Grant (DSG) balances of £5.962m, be noted;
- (3) the overall deficit on the High Needs Budget of £18.666m, be noted;
- (4) the changes to Earmarked Reserves in 2022/23 be noted;
- (5) **the Council** be requested to approve the addition and utilisation of the Earmarked Reserves, as detailed in paragraph 6.4.(a), (c) and (d) in the report;

Capital Outturn

- (6) the total capital outturn of £35.941m for the financial year 2022/23 be noted;
- (7) the successful delivery of a number of schemes, as set out in section 11 of the report, that have supported the delivery of the Council's core purpose, be noted;

Corporate Performance

- (8) the Council's Corporate Performance Report for 2022/23 and the latest Corporate Risk Register alongside the financial outturn for the year be considered and noted; and

the Council is recommended to:

Revenue Outturn

- (9) approve the addition and utilisation of the Earmarked Reserves detailed in paragraph 6.4.(a), (c) and (d).

Reasons for the Decision:

The production of a revenue and capital outturn report was a key feature of effective financial management and would allow Members to make informed decisions that would support service delivery and medium-term financial sustainability.

This report should be read in conjunction with the Treasury Management Outturn report for 2022/23 that also appeared on the agenda.

Alternative Options Considered and Rejected:

Not Applicable.

48. EXCLUSION OF PRESS AND PUBLIC

To comply with Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice had been published regarding the intention to consider the following matters in private for the reason set out below.

Decision Made:

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the press and public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

49. SEFTON NEW DIRECTIONS - EXEMPT APPENDIX

The Cabinet considered exempt information provided by the Executive Director Adult Social Care and Health in relation to Sefton New Directions. (Minute No. 53 below refers).

Decision Made:

That the exempt information be considered as part of the report in relation to Sefton New Directions. (Minute No. 53 below refers).

Reasons for the Decision:

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

Alternative Options Considered and Rejected:

None.

50. DISPOSAL OF AINSDALE ATC AND MEADOWS SITE, SANDBROOK ROAD, AINSDALE - EXEMPT APPENDICES

The Cabinet considered exempt information provided by the Executive Director of Corporate Resources and Customer Services in relation to the Disposal of Ainsdale ATC and Meadows Site, Sandbrook Road, Ainsdale (Minute No. 54 below refers).

Decision Made:

That the exempt information be considered as part of the report in relation to the Disposal of Ainsdale ATC and Meadows Site, Sandbrook Road, Ainsdale. (Minute No. 54 below refers).

Reasons for the Decision:

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

Alternative Options Considered and Rejected:

None.

51. ST ANNE'S HOUSE, ST PETERS HOUSE AND BALLIOL ROAD CAR PARK, BOOTLE - EXEMPT APPENDICES

The Cabinet considered exempt information provided by the Executive Director of Corporate Resources and Customer Services in relation to St Anne's House, St Peters House and Balliol Road Car Park, Bootle. (Minute No. 55 below refers).

Decision Made:

That the exempt information be considered as part of the report in relation to St Anne's House, St Peters House and Balliol Road Car Park, Bootle. (Minute No. 55 below refers).

Reasons for the Decision:

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

Alternative Options Considered and Rejected:

None.

52. RE-ADMITTANCE OF THE PUBLIC

Decision Made:

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

53. SEFTON NEW DIRECTIONS

The Cabinet considered the report of the Executive Director Adult Social Care and Health indicating that Sefton New Directions was a wholly owned Council company. The report updated on the financial position of the company and requested the Cabinet to note the ongoing work with Sefton New Directions, in order to understand the financial pressures relating to the company.

Decision(s) Made:

That

- (1) the financial information / update provided as an Appendix to the report be considered and noted;
- (2) it be noted that a review of Sefton New Directions has commenced in partnership with the company;
- (3) it be noted that a further report will be submitted to the Cabinet in Autumn 2023, following the completion of the review of services; and
- (4) decisions relating to any immediate risks identified during the period of the review which require action be delegated to the Executive Director Adult Social Care and Health in consultation with the Cabinet Member - Adult Social Care.

Reasons for the Decision:

To provide an update on Sefton New Directions, as part of regular reporting on the company, and to highlight the recommendation which was to complete a strategic service review and report back findings to the Cabinet in Autumn 2023.

Alternative Options Considered and Rejected:

There were no alternative options to be considered other than the proposed option to undertake a review of the services provided by Sefton New Directions in partnership with the company to better understand the current financial position and consider ways to mitigate any future risk.

**54. DISPOSAL OF AINSDALE ATC AND MEADOWS SITE,
SANDBROOK ROAD, AINSDALE**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services requesting approval to complete the asset disposal of the Meadows/Sandbrook ATC site in Ainsdale to Registered Provider, The Riverside Group. Following the disposal, the site would be redeveloped to provide affordable housing, an extra-care housing scheme, and a learning disabilities and autism short-term assessment unit (STAU), the latter to be owned by the Council.

The report set out the background to the matter and site plans were attached to the report.

Decision(s) Made:

That

- (1) the sale of the Council's freehold interest in land at Sandbrook Road, Ainsdale, shown edged red on the plan within Appendix 2 of the report, to The Riverside Group on the basis of the Heads of Terms detailed within Appendix 1 of the report, be approved;
- (2) the transfer of the relevant section of the existing highway land, as detailed in Section 4.2 of the report, from The Sovini Group to the Council at a nominal value, which will in turn form part of the wider land sale transfer to The Riverside Group, be approved;
- (3) a supplementary capital estimate in the Adult Social Care capital budget programme of £0.987m to deliver the STAU be approved. This is in addition to the £2.580m that was previously approved by the Council following a recommendation from the Cabinet in September 2021 and is funded by the Better Care Fund – Disabled Facilities Grant (DFG). This development is within the conditions of the DFG grant that permit the Local Authority to expend a proportion of its allocation on other social care projects;
- (4) the deduction of up to 4% of the eventual capital receipt to cover the professional fees and incidental costs of disposal as set out in Capital Accounting Regulations, be approved;
- (5) authority be delegated to the Executive Director of Adult Social Care and Health, in consultation with the Cabinet Member – Adult Social Care, to approve any design changes to the STAU during the delivery phase and associated cost increases as a result of varying the contract;
- (6) the Chief Legal and Democratic Officer be authorised to complete the necessary legal formalities for the transfer of the section of highway land from The Sovini Group to the Council and in turn

dispose of the land shown edged red on the plan within Appendix 2 of the report to The Riverside Group;

- (7) the Chief Legal and Democratic Officer be authorised to complete the necessary legal formalities in relation to the development agreement for The Riverside Group to construct the STAU, on the Council's retained land shown edged red on the plan within Appendix 3 of the report;
- (8) the fact that The Riverside Group's contractor partner will commence site works immediately, and the new Short Term Assessment Unit is anticipated to be fully operational by July 2026, be noted; and

Rule 46

- (9) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) had given their 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 of the need to facilitate the completion of the land sale transfer with The Riverside Group as soon as practically possible, which will allow the demolition of existing buildings to commence. The site has been a target for anti-social behaviour with youths causing damage to buildings and nuisance to local residents. It is essential that the buildings are removed as swiftly as possible to remove this public health risk.

Reasons for the Decision(s):

This property transaction ensured delivery of a new Short Term Assessment Unit and a 90-unit extra care housing scheme that would support strategic aims of Adult Social Care. This project had already been approved by the Cabinet on 29 July 2021.

Alternative Options Considered and Rejected:

- (i) Option 1 – "*Do nothing*": do not dispose of the site to Riverside. This would result in no new autism care facility on the site. The Council would continue to utilise current provision and out-of-Borough placements which did not meet its needs and were financially unsustainable. There were also holding costs attached to the vacant assets on the site as well as ongoing anti-social behaviour which required constant review, management and revenue expenditure.

Risk: a continuation of current out-of-Borough placements would mean that the Council continued to incur substantial revenue costs.

- (ii) Option 2 – "*Redevelop the Meadows site for alternative use*": this might generate a higher capital receipt but leave the Council with

having to use existing building-based provision – this had been explored and discounted as an option as refurbishment and redevelopment of several existing care facilities would be at a higher cost and the technology and space standards could not be integrated due to age of buildings. In addition, there would be a need to identify alternative services/placements whilst this happened for an extended period.

Risk: higher capital cost to the Council and refurbishment of older buildings may not meet the stringent care quality standards set by wider NHS partners.

- (iii) Option 3 – “*Design and build of the STAU solely by the Council*”: would have an additional capital impact of £0.75m. By pursuing a partnership approach, the Council would be benefiting from the economies and capacity to deliver the scheme as part of the larger build contract.

Risk: higher capital costs to the Council and there would be additional resourcing requirements. A professional team would need to be procured to lead on technical design and the procurement of building contractor.

55. ST ANNE'S HOUSE, ST PETERS HOUSE AND BALLIOL ROAD CAR PARK, BOOTLE

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services requesting approval to complete the freehold disposal of three property assets comprising St Anne’s House, St Peter’s House and Balliol Road Car Park, Bootle on the terms detailed within this report. The disposal formed part of Phase 3 of the Council’s Asset Disposal Programme and was conditional upon the purchaser securing planning consent to convert St Anne’s House and St Peter’s House to residential use.

Decision(s) Made:

That

- (1) the Heads of Terms for the proposed sale of St Anne’s House, St Peter’s House and Balliol Road Car Park, as detailed within Appendix 1 of the report, be approved;
- (2) the Valuation and gross figures provided within Appendix 2 of the report, which ensured the Council was obtaining best consideration for the sale of St Anne’s House and St Peter’s House, be noted;
- (3) authority to approve the valuation of Balliol Road Car Park be delegated to the Cabinet Member - Regulatory, Compliance and

Corporate Services, which shall inform the future price to be paid for this asset;

- (4) the deduction of up to 4% of the eventual capital receipt to cover the professional fees and incidental costs of disposal, as set out in Capital Accounting Regulations, be approved;
- (5) the Chief Legal and Democratic Officer be authorised to complete the necessary legal formalities;
- (6) it be noted that the relocation of the Council IT Data Centre from St Peter's House will be fully funded by the capital receipt from the sale of St Anne's House, St Peter's House and Balliol Road Car Park. The options and costs associated with relocating the IT Data Centre are currently being finalised and will be the subject of a further report to the Cabinet.

Reasons for the Decision(s):

- (i) The three assets were identified as being surplus to operational requirements and disposal would generate a capital receipt that could support the delivery of economic development and regeneration projects, which formed part of the Growth and Strategic Investment Programme.
- (ii) Incidental costs of disposal, such as Consultant's fees and valuation reports, could be deducted from a capital receipt in accordance with Local Authority Capital accounting Regulations.
- (iii) The assets had been identified for disposal because they adhered to two criteria: that each capital receipt forecasted represented financial "best consideration" and where the loss of other opportunities was quantifiable and did not undermine wider service delivery and economic development/ regeneration priorities.

Alternative Options Considered and Rejected:

- (iv) Option 1 – "*Do nothing*": do not dispose of St Peter's House and Balliol Road car park. The Council was obliged to agree to the Long Leaseholder's request to convert St Anne's House to residential use. Clause 2(13) of the existing lease did not permit the conversion of St Anne's House from office to residential, with such consent not to be unreasonably withheld by the Council (the Landlord).

Risk: Officers undertook a review of the Council's office accommodation in Bootle during 2021/22. A cost benefit assessment was completed, which led to the Council agreeing terms for a new lease of Magdalen House in 2022. Retention of St Peter's House was not required as the Council was in the process

of relocating all remaining services into Magdalen House and other operational Council buildings within Bootle. If the Council were to retain St Peter's House it would be left with a vacant office building and would incur holding costs including business rates of over £100k per annum.

- (v) Option 2 – “*Seek a joint disposal of St Anne’s House and St Peter’s House*”: the Council and the Long Leaseholder would jointly appoint agents to market both assets for sale, with interest from purchasers likely to be for converting the buildings to residential use.

Risk: this option was not preferred by officers as a joint disposal would be complex for both parties. Prospective purchasers would see this as an added complication, given that the Council and the Long Leaseholder may have conflicting objectives for a disposal. The agent acting for the Long Leaseholder had confirmed that a joint disposal was not the favoured option for his client.

- (vi) Option 3 – “*Council to buy out the Long Leaseholder of St Anne’s House*”: the Council would acquire the Long Leasehold interest in St Anne’s House for the sum presented within Appendices 1 and 2. This would provide the Council with unencumbered freehold ownership of the asset and the ability to bring forward a wider redevelopment scheme with other public sector partners.

Risk: The short-to-medium term (1-3 year) risk was that the Council was going to incur upfront capital outlay to buy-out the long leaseholder of St Anne’s House without any clearly defined financially viable plan for the assets. The Council would have ongoing revenue costs associated with holding two multi-storey vacant office blocks.