

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 13 NOVEMBER, 2018. MINUTE NO. 62 IS NOT SUBJECT TO "CALL – IN."**

## **CABINET**

### **MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 1ST NOVEMBER, 2018**

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

**APRESENT:** Councillor Sir Ron Watson

#### **52. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cummins and Fairclough.

#### **53. DECLARATIONS OF INTEREST**

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

#### **54. MINUTES OF THE PREVIOUS MEETING**

##### **Decision Made:**

That the minutes of the Cabinet Meeting held on 4 October 2018 be confirmed as a correct record.

#### **55. SAND DUNES NURSERY SCHOOL – OUTCOME OF THE CONSULTATION ON THE PROPOSAL TO CLOSE THE SCHOOL BECAUSE IT IS NOT FINANCIALLY VIABLE.**

In accordance with the Council's Constitution, the Head Teacher of Sand Dunes Nursery School had submitted a petition, containing the signatures of 88 residents of the Borough, which opposed the closure of the Nursery. Michelle Hoang, a parent, was permitted to address the Cabinet for a period of up to 5 minutes on the content of the petition which stated that:

*"Sand Dunes Nursery School in Seaforth is facing possible closure in July 2019. The school is well-established within the area and has been part of the immediate community for over 80 years. Sand Dunes provides a very strong support network for all their families, not only providing high quality education and care for children in the critical early stages of their*

*development but supporting parents in numerous ways which include educational advice, support and general guidance which our families need and rely upon. The families that access Sand Dunes are very concerned that there will not be spaces available to cater for their children if this setting was to close and they are keen to make sure their children continue to receive the same high quality education and support.*

*Independent research has shown that Maintained Nursery Schools provide the highest quality Early Years Education, meeting higher standards and employing the most qualified staff. They provide a different service to other early years providers, closing the achievement gap for some of the most disadvantaged children in the country.”*

During her presentation, Michelle Hoang referred to the number of children who currently attend Sand Dunes Nursery School, who are classed as vulnerable and have external involvement from various other agencies and she suggested that there were other alternatives to closing the maintained nursery that are potentially viable and should be fully explored before a decision is made to close the nursery, such as:

- Merging or working with other maintained nurseries in the area, before Sefton runs the risk of losing all four, and having a bigger cumulative financial debt.
- Using Sand Dunes as a profitable educational training hub. Many other settings are having to attend courses/training outside of the area, and Sand Dunes are already providing advice and training for other local settings.
- Consider using Sand Dunes as a specialist provision for those with Special Educational Needs, to free up places in similar settings, such as Rowan Park.

The Cabinet then considered the report of the Head of Schools and Families which indicated that the Cabinet at its meeting held on 26 July 2018 (Minute No. 29) had been advised that the Governing Body of Sand Dunes Nursery School had informed Council Officers that it was unable to set a budget and produce a plan to bring the school back into budget and consequently the school was no longer financially viable. The Cabinet had agreed to undertake a statutory consultation and the report provided details of the outcome of the consultation on the proposed closure of Sand Dunes Nursery School, the current financial position of the school and sought approval to publish a Statutory Notice relating to the proposal. All consultation responses are available and the issues raised were detailed in the body of the report.

The report indicated that the school was currently overspending by approximately £140,000 a year and had now exhausted its available balances. The projected financial position for 2018/19 was a deficit of £275,000. Should the school close in July 2019 the closing school deficit budget was predicted to be -£360,000 and this would need to be picked up by the local authority. There would also be closure costs that would need

to be factored into the final deficit position but these were unknown and at this time, cannot be quantified.

The Head of Schools and Families outlined the content of the report, giving a background to the request from the Governing Body of the Nursery School for a statutory consultation on the future of the school, the financial position of the school, the consultation exercise undertaken and the responses received. He also circulated a copy of a statutory proposal to discontinue the Nursery School with effect from 31 August 2019.

During the deliberations, Members raised the following observations/questions:

Councillor J.J. Kelly referred to the two consultation meetings held 18 September 2018 with Parents and Carers, and Staff and Governors which were detailed in paragraphs 3.2 and 3.3 of the report. The Head of Schools and Families indicated that he had requested all parties at the two meetings to submit any alternative options for the future of the Nursery School together a business case for consideration.

Councillor Lappin enquired about the current funding for the Nursery School and whether there was any possibility of additional funding. The Head of Schools and Families indicated that the school was funded by the Council from the Dedicated Schools Grant (DSG) awarded by the Government and that the DSG was ring-fenced to three separate allocation blocks of early years; school years and additional needs/special educational needs. There was flexibility for the Council to move monies between the separate allocation blocks but all blocks had been exceeded, so there no monies available to fund the Nursery School's projected budget deficit.

Councillor Hardy referred to the concerns raised by some parents about the perceived lack of support that children with Special Educational Needs would receive in similar settings and the provision of wrap-around care. The Head of Schools and Families indicated that if a decision was made to close the Nursery School on 31 August 2019, Officers would meet with individual parents to discuss the needs of each individual child and would focus their efforts on children with Special Educational Needs.

Councillor Moncur enquired about the support to be provided to the staff at the School and the impact of any staff leaving the school prior to the proposed closure date. The Head of Schools and Families indicated that the staff had been offered support in preparing CVs and job applications and with training on interview techniques. All staff who met the essential criteria of any jobs at other primary schools in the Borough would be guaranteed a job interview. He also indicated that if a decision was made to close the school, it was inevitable that some staff may leave the school prior to the end of the academic year in August 2019. Council officers would work with the Head

Teacher to manage the situation as best as they can with support from other schools if necessary.
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Councillor Atkinson referred to the three alternative options referred to by Michelle Hoang earlier in the meeting and set out above and enquired whether they were feasible options.
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The Head of Schools and Families indicated that officers would spend time with the parents to see if the options could be developed into a business plan and consideration would be given as to whether or not they were viable financial options for submission to the Cabinet prior to any final decision on the future of the school was taken.
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In conclusion, the Leader of the Council referred to all of the issues raised during the deliberations on the report and requested officers to continue to explore all of the alternative suggestions which are put forward and include the outcome in the determination report.

**Decision Made:** That:

- (1) the petition and representations made be noted;
- (2) the responses to the statutory consultation process be noted;
- (3) the other information set out in the report regarding the quality and availability of other providers in the local area be noted;
- (4) the financial position of the school in terms of its significant deficit and the fact there are no viable proposals to address this, be noted;
- (5) with deep regret, approval be given to the publication of the Statutory Notice on the closure of Sand Dunes Nursery School; and
- (6) officers be requested to continue to explore suggestions put forward by the School, in the meeting with Councillors and by the parents at this meeting, for alternatives and include the outcome in the determination report.

**Reasons for Decision:**

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

**Alternative Options Considered and Rejected:**

All alternative options had been explored by the Governing Body of the School with support from Officers prior to the Governing Body making their request for a statutory consultation on a proposal to close the school. No viable alternative options to address the financial viability of the school have come from the consultation process.

## 56. LIVERPOOL CITY REGION CARE AND SUPPORT

Further to Minute No. 130 of the meeting held on 8 March 2018, the Cabinet considered the report of the Head of Adult Social Care which provided an update on the outcome of the procurement activity relating to the establishment of a Pseudo Dynamic Purchasing System (PDPS) for purchasing care and support in Extra Care Housing, hosted by Liverpool for the Tripartite Authorities (Liverpool, Sefton and Knowsley).

The report also sought authorisation for the procurement of replacement contracts for Care and Support services within two existing Extra Care Housing schemes in Sefton.

### **Decision Made:** That:

- (1) the completion of the previously agreed procurement exercise, hosted by Liverpool City Council, establishing a Pseudo Dynamic Purchasing System (PDPS) accessible to Liverpool, Knowsley and Sefton councils for the procurement of Care and Support services in Extra Care Housing be noted;
- (2) it be noted that Sefton is not obliged to exclusively use the PDPS and can opt to use the PDPS or procure such services through alternative procurement routes, as appropriate to the specific circumstances;
- (3) the circumstances set out within the report in relation to the renewal of contracts for Care and Support services within the existing Extra Care Housing schemes in Sefton be noted;
- (4) approval be given to the commencement of a "Light Touch Regime" OJEU Open procurement exercise that complies with the obligations of the Public Contract Regulations 2015, to award a 3 year contract, with 2 x 12 month extension options, for the provision of Care and Support at James Horrigan Court. The award criteria used for this procurement to be based on "MEAT" (Most Economically Advantageous Tender) taking into account a balance between Price and Quality that will be published in the Invitation to Tender documentation;
- (5) approval be given to the extension of the current contract for 3 months, to enable the above procurement and any subsequent transfer of provision to take place if required;
- (6) the Head of Adult Social Care, in conjunction with the Cabinet Member Adult Social Care, be authorised to award a contract following completion of the above procurement exercise; and
- (7) approval be given to the direct award of a 2-year contract for provision of Care and Support services at Parkhaven Court Extra Care Housing scheme to the existing Provider.

**Reasons for Decision:**

To establish formal arrangements for the procurement of care and support services for vulnerable people in Extra Care services and to put contracts in place to ensure provision of care and support services for vulnerable people in 2 existing Extra Care Housing schemes.

**Alternative Options Considered:**

The following options were considered and rejected:

1. Procuring the two contracts for Extra Care services at Parkhaven Court and James Horrigan Court through the PDPS was considered and rejected as it would prevent the existing care providers, who both provide good quality services, from inclusion in the procurement process.
2. An open procurement process was considered for the contract for Extra Care services at Parkhaven Court but was rejected due to the interrelationship with other services provided on the same site by the existing provider and the desire to ensure stable provision on site whilst further consideration was given to the longer-term arrangements with the development of a more personalised approach for the commissioning of services.

**57. SEFTON COMMUNITY INFECTION CONTROL SERVICE**

The Cabinet considered the report of the Head of Health and Wellbeing which provided details of the options for the provision of a community infection prevention service following the expiration of the existing service contract with Mersey Care NHS Foundation Trust on 30 June 2019.

**Decision Made:** That:

- (1) the Chief Executive be authorised to conduct an OJEU Light Touch Regime tender exercise for the Community Infection Control Service to run for a period of three years from 1 September 2019 with the option of two further one-year extensions;
- (2) the evaluation be based on MEAT (Most Economically Advantageous Tender) taking into consideration a balance between Quality and Cost;
- (3) the Chief Executive be granted delegated authority to award the contract, following the tender exercise, in consultation with the Cabinet Member for Health and Wellbeing.

**Reasons for the Decision:**

The Sefton Community Infection Prevention and Control Service supports hospices, care homes and schools across the Borough to prevent and manage communicable disease outbreaks.

The Service works closely with care homes across the Borough to support the management, control and prevention of influenza and norovirus (winter vomiting bug). This ensured that vulnerable care home residents are protected during community outbreaks of norovirus and influenza. Consequently, there was a high level of critical activity for this Service when seasonal flu and norovirus are circulating within the community. This peak in activity typically occurs between early November and mid- April.

Extending the contract by an additional two months would ensure that activity related to procurement and mobilisation take place after this period. The submission of bids would take place toward the end of April 2019 and the mobilisation would take place from June to August 2019. This option would allow a period of two months following the new Service contract start date before we would expect a seasonal increase in activity.

The contract would be awarded on the basis of a core contract period of three years with two further optional extension periods of one year each. The purpose of building contracts around core and extension periods was to ensure that the quality of the contract is maintained throughout the life of the contract and to ensure that the Council, particularly at times of financial uncertainty, has flexibility to bring contracts to a conclusion and/or is able to refine services and or goods received under the contract.

The Community Infection Prevention and Control Service is part of the mandated health protection function of Public Health in the Local Authority, this is set out in Part 2 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013, Regulation 8.

**Alternative Options Considered and Rejected:**

The option of re-procuring the Service with a start date of 1 July 2019 would involve submission of bids in January/February 2019 with mobilisation of the new Service commencing 1 April 2019, during the services anticipated peak in activity.

Therefore, this option would potentially impact on the services ability to respond to community outbreaks. This option had been rejected due to risks associated with procurement and mobilisation of this Service during the anticipated seasonal peak in critical activities, which occurs between November and April.

## **58. PERMIT SCHEME FOR ROAD AND STREET WORKS**

The Cabinet considered the report of the Head of Locality Services - Commissioned which provided details of the results of the third year review of the permit scheme for road and street works operated within the Borough and sought approval to increase the current permit fees.

### **Decision Made: That:**

- (1) the benefits of the permit scheme as detailed in the report be noted; and
- (2) approval be given to an increase in the permit fees as set out in Appendix A of the report.

### **Reasons for Decision:**

The Council had successfully operated a permit scheme since 2 February 2015. Each of the 3 yearly reviews had demonstrated the success of the scheme and the financial benefits to the economy and road user.

Increased operating costs over the duration of the permit scheme have highlighted the need to review the fee structure to ensure that the Council does not operate the scheme at a financial loss.

### **Alternative Options Considered and Rejected:**

The Council could choose to maintain the existing permit fee structure, however, this may result in an operational loss for the running of the scheme.

## **59. HOUSING DEVCO – UPDATES TO COMPANY ARTICLES**

Further to Minute No. 74 of the meeting held on 5 October 2017, the Cabinet considered the report of the Head of Commercial Development which provided details of two proposed changes and a clarification of the Articles of Association for the Council's Housing Development Company (the DevCo), as follows:

1. A change - to allow remuneration for Non-Executive Directors of the Company.
2. A change – of the trading name of the company, following a brand development exercise, to “Sandway Homes”.
3. A clarification - to provide a clearer definition of the responsibilities and authority of the Shareholder Representative, a role created to allow an individual Cabinet Member to represent the collective Cabinet in relation to the DevCo.



The report indicated that if approved by Cabinet, the Articles would be updated with those changes and registered with Companies House, becoming part of the Company's constitution.

Councillor Hardy referred to a typographical error in paragraph 1 d of the reasons for the recommendations, set out in the report and indicated that the reference to a member of an Overview and Scrutiny Committee should read a Chair of an Overview and Scrutiny Committee.

The following appendices were attached to the report:

- Appendix 1 – Agreed definition of the role of Non-Executive Directors.
- Appendix 2a – Details of Brand Development Exercise (“Brand Book”)
- Appendix 2b – Details of Brand Options (“Identity Proposal”)
- Appendix 2c – Details of Brand Recommendation (“Tone of Voice and Guidelines”)
- Appendix 3a – Existing Articles for the HoldCo
- Appendix 3b – Existing Articles for the SaleCo

**Decision Made:** That:

- (1) approval be given to the change to the Articles of Association to allow for the remuneration of Non-Executive Directors as set out in the report;
- (2) approval be given to the proposed change to the Articles to allow trading as ‘Sandway Homes’;
- (3) approval be given to the detailed definition of the role of the Shareholder Representative as set out in the report; and
- (4) the Executive Director (Sarah Kemp), in consultation with the Cabinet Member for Communities and Housing be authorised to implement these changes to the Articles and register updated Articles with Companies House.

**Reasons for Decision:**

1. Allowing remuneration of Non-Executive Directors (NEDs) would make it possible to attract industry leading individuals to the DevCo Board, ensuring that the Company benefits from the extensive skills and experience that these kinds of individuals possess helping to maximise the success of the Company and the return to the Shareholder (the Council). The recommended proposals are as follows:

- a. NEDs will be external (i.e. not Officers or Members of the Council).
- b. NEDs will have the same voting rights as the Executive Members of the Council (which Executive Directors include an Executive Director of the Council (initially acting as Chair of the Board), a Head of Service (acting as Managing Director) and the Deputy Section 151 Officer (acting as Finance

Director) along with a front-line (non-Cabinet member) councillor).

c. Any members of the Board who are officers of the Council will not be paid any additional amount above their Council salaries for fulfilling their roles on the Board of the Companies, in line with their contracts of employment.

d. The front-line member of the Council would be paid a Special Allowance (at the same level as a Chair of an Overview and Scrutiny Committee), so long as they are not already in receipt of any other Special Allowance, in-line with the Council's Constitution.

e. NEDs would be paid a day rate of £500 per day for their work on the Company Board as follows:

- 0.5 days preparation for Board meetings.
- 0.5 days follow-up from Board meetings.
- 1.0 days for attendance at Board meetings.
- 6 Board meetings planned per year, £6k (maximum of £12k).

2. Adopting the trading name and brand identity developed through a market focused brand development exercise conducted recently will help position the company to compete effectively in the market place.

3. Clarifying the role of the Shareholder Representative will provide more robust governance of the Companies in line with the Council's constitution whilst avoiding any unnecessary administration or delays to decision making. The recommended detailed definition of the role, which has been consulted on with the Cabinet Portfolio Holder and the Executive Leadership Team, is as follows.

a. The objective of the role of Shareholder Representative is to empower a single person to act for the whole Cabinet as the sole shareholder of the DevCo companies:

- The holding company (HoldCo): Sefton (ACS) Holding Company Limited, wholly owned by the Council.
- The sales company (SaleCo), Sefton (ACS) Sales Company Limited, wholly owned by the Council through the HoldCo.
- Any future DevCo companies set up under the HoldCo.

b. The Shareholder remains the Cabinet, which retains the legal rights and obligations of the Shareholder under Company Law.

c. The Shareholder Representative would have full delegated authority from the Cabinet to act as the Shareholder in respect of all Shareholder decisions relating to the DevCo companies, including in particular:

- Appointing and dismissing directors of the Boards.

- Assessing and making recommendations in respect of the performance of the Boards and individual directors.
- Approving the Annual Business Plans.
- Approving any in-year changes to the approved Annual Business Plans, including new investments to be made by the Companies.
- Making decisions in respect of Reserved Matters.
- Chairing the Annual General Meetings (AGMs).
- Voting on behalf of the Shareholder at the AGMs.

d. The Shareholder Representative, whilst not a voting Director on any of the Boards, may at their discretion attend Board meetings as an Observer to monitor proceedings.

e. The Shareholder Representative will be supported by the Council's Chief Executive and Section 151 Officer in ensuring the performance of the Companies and the continued alignment of the business of the Companies with the objectives of the Council.

f. The Shareholder Representative may seek further consultation or approval from Cabinet on any matters for which they feel this would be appropriate, at their discretion, or for which this is required under the Council's Constitution. This may simply be to gain support in assessing information and making decisions.

g. The role of Shareholder Representative will be in addition to the internal oversight role of the Cabinet Portfolio Holder in relation to the DevCo as a Council commercial project. The existing oversight arrangements, including monthly reviews with the responsible Council officers (Executive Director sponsor, and Head of Service project lead) are expected to continue alongside the role of the Shareholder Representative.

h. Therefore, the Shareholder Representative would be empowered to appoint the Boards of Directors for the HoldCo and the DevCo (so long as this is consistent with the requirements documented in the approved Articles), and to approve the updated Articles, without further referral to Cabinet.

#### **Alternative Options Considered and Rejected:**

##### **1. Remuneration of Non-Executive Directors (NED)**

a. Alternative Option A - do not offer any remuneration. Consultation with professional NED recruitment consultants confirmed that offering no remuneration at all would be a major disincentive for good quality candidates as it would indicate that the company was not a substantive or serious enterprise. As a result, any recruitment process would be very unlikely to attract suitable candidates, fail to appoint appropriate NEDs and be a waste of Council time and money (recruitment consultant fees)

b. Alternative Option B – offer a fixed fee of £8,000 per annum (in-line with the Special Allowance for front-line councillors undertaking a comparable role, such as being members of the Overview and Scrutiny committee). Consultation with professional NED recruitment consultants confirmed that good quality candidates would expect to have clarity of the fees in day rate terms at rates that are competitive in the market for NEDs of SME organisations. That consultation did confirm that it would not necessarily be a disincentive if the potential minimum annual fee was lower than £8,000 if fewer than 12 Board meetings a year was required.

## 2. Trading name and brand.

Alternative names/brands were considered through a market analysis and stakeholder workshop (attended by industry experts and leadership personnel from key organisations in the community). Details of the options are included in the documents in Appendix 2. The consensus from the stakeholder workshop was to adopt the name “Sandway Homes”.

## 3. Definition of the Role of Shareholder Representative.

Alternative Option A – do not clarify the definition of the role any more than is already included in the approved FBC and Articles. It is believed that this will result in an imperative for the Shareholder Representative to refer most decisions back to Cabinet undermining the role’s purpose and objectives.

## **60. REVENUE AND CAPITAL BUDGET PLAN 2018/19 – 2019/20**

The Cabinet considered the report of the Head of Corporate Resources which provided details of the current forecast revenue outturn position for the Council for 2018/19 and potential impact on the 2019/20 budget; the current forecast on Council Tax and Business Rates collection for 2018/19 and the current position of the 2018/19 Capital Programme.

Councillor Moncur enquired about the impact of the Chancellor of the Exchequer’s Budget announced on 29 October 2018 upon the Council and the Head of Corporate Resources indicated that officers were awaiting details of the allocations / bid criteria for the additional one - off funding to be provided for adult social care and highway potholes. He also indicated that more definitive information would be provided when the Government publishes the Local Government Financial Settlement on 6 December 2018. The details of which would be made available to Members of the Council in due course.

Councillor Hardy requested that a report on the funding of the Community Transition Fund be submitted to the Cabinet in due course.

**Decision Made: That:**

- (1) approval be given to the implementation of the mitigating actions to deal with the significant budget pressure that have been identified and are detailed within the report;
- (2) in the event that there is a material change to the 2018/19 outturn forecast, additional remedial measures should be identified in order that a balanced budget position can be achieved; and
- (3) as a result of the impact of the current financial position in 2018/19, and its subsequent impact on the 2019/20 budget, officers continue to identify new budget saving proposals for Members to consider in order that a robust and sustainable budget can be set for 2019/20.

**Reasons for Decision:**

To ensure Cabinet are informed of the forecast outturn position for the 2018/19 revenue and capital budgets as at the end of September 2018 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates.

In March 2017 Council approved a three-year budget plan to March 2020. The final two years of this plan were revised in March 2018 as part of the process of setting the 2018/19 budget. The Council is half way through the second year of the budget plan and remains confident that the strategic approach to budget planning alongside good financial management and extensive community engagement means that it will secure future sustainability to 2020 and beyond. However, in year demand for social care services is currently resulting in the costs for these services exceeding the budget. Corrective action will be required to bring the overall budget into balance before the end of the financial year if the position worsens over the coming months.

**Alternative Options Considered and Rejected:**

None.

**61. APPOINTMENT TO OUTSIDE BODIES 2018/19 - VETERANS IN SEFTON AND NORTH WEST BOROUGH'S HEALTHCARE NHS FOUNDATION TRUST - COUNCIL OF GOVERNORS**

The Cabinet considered the report of the Chief Legal and Democratic Officer which sought the appointment of a Council representative to serve on Veterans in Sefton until May 2019; and the North-West Borough's Healthcare NHS Foundation Trust - Council of Governors for 2018/19 for the remainder of a 3 year appointment until 31 May 2020.

**Decision Made: That:**

- (1) Councillor Lappin be appointed to serve on the Veterans in Sefton outside body for the remainder of the 2018/19 Municipal Year; and
- (2) Councillor Moncur be appointed to serve on the North-West Boroughs Healthcare NHS Foundation Trust – Council of Governors outside body for the remainder of a 3 year appointment until 31 May 2020.

**Reasons for 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.

**62. THE COTTAGES, 1-3 CHAPEL LANE, NETHERTON**

Further to Minute No. 66 of the meeting of the Planning Committee held on 17 October 2018, the Cabinet considered the report of the Chief Planning Officer which provided details of the urgent decision taken by the Leader of the Council to approve the removal of further permitted development rights at The Cottages, 1-3 Chapel Lane, Netherton following the revocation of Lawful Development Certificate DC/2014/01497 for the 'proposed development for the erection of proposed buildings and means of enclosure incidental to the enjoyment of the dwellinghouse'.

**Decision Made:**

That the decision of the Leader of the Council be noted.

**Reasons for Decision:**

The removal of permitted development rights via Article 4 direction is necessary to prevent any further or alternative buildings being erected at the premises following the removal of that existing, causing continued public concern over harm to amenity.

**Alternative Options Considered and Rejected:**

The alternative is to not serve an Article 4 direction, which would allow the landowner to erect further buildings potentially injurious to amenity whilst undermining the steps taken to revoke a Lawful Development Certificate for the erection of buildings and means of enclosure incidental to the enjoyment of the dwellinghouse (ref. DC/2014/01497).