CABINET

REMOTE MEETING HELD ON THURSDAY 3RD SEPTEMBER, 2020

PRESENT: Councillor Maher (in the Chair)

Councillors Atkinson, Cummins, Fairclough, Hardy, John Joseph Kelly, Lappin, Moncur and Veidman

29. APOLOGIES FOR ABSENCE

No apologies for absence were received.

30. DECLARATIONS OF INTEREST

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

31. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the Meeting held on 30 July 2020 be approved as a correct record.

32. IMPLEMENTING THE CHILDREN AND YOUNG PEOPLE'S COMMISSIONING STRATEGY

The Cabinet considered the report of the Head of Children's Social Care that sought approval to progress the procurement of a Provider/Partner agreement (PPA) with residential and independent foster agencies within the Liverpool City Region (LCR). The procurement was being undertaken by Halton Council under the 'light touch regime' for social and other services as listed at Schedule 3 of the Public Contracts Regulations 2015 and would result in a Purchasing System being available.

The report also sought approval to direct award children's residential placements on a block purchase basis using the previously approved Placements North West Purchasing System and any additional Providers included on the Partner Provider Agreement (PPA).

Decision Made:

That:

(1) the involvement of Sefton in the procurement exercise and subsequent use of the Partner Provider Agreement (PPA), to be led by Liverpool City Region as part of regional joint working arrangements, encompassing a Flexible Purchasing System (FPS)

- being implemented for the provision of Residential and Foster Services for children and young people, be approved;
- (2) the Head of Children's Social Care in consultation with the Cabinet Member for Children, Schools and Safeguarding be granted delegated authority regarding matters in relation to the development of the Provider Partner Agreement (PPA), acknowledging that such decisions will be collective decisions by all participating authorities;
- (3) following its establishment, the use of the Provider Partner Agreement (PPA) for the future procurement of Residential and Foster Services for children and young people, where an options appraisal, as described in the report, has determined it to be the most appropriate approach, be authorised;
- (4) delegated authority be granted to the Head of Children's Social Care and nominated Service Managers in the awarding of any contracts called off the Provider Partner Agreement (PPA); and
- (5) the block contracting arrangement as described in paragraphs 5.5 of the report, via a direct award using the previously approved North West Flexible Purchasing System, be approved and the Head of Children's Social Care in consultation with the Cabinet Member for Cabinet Member for Children, Schools and Safeguarding be granted delegated authority to the awarding of any further block contracting arrangements from this purchasing system or the PPA when in place.

The Commissioning Strategy and Market Position Statement for children and young people in Sefton was agreed by Cabinet in January 2020 and included the need to: -

- a) identify new block contracts with the Independent Sector targeted at specific levels of need and complexity both for Residential and for Fostering Services
- b) make more efficient use of framework agreements employing benefits realisation evaluations of current framework arrangements and agreement to continue or adopt other mechanisms. Including North West and Liverpool City Region.
- c) encourage and develop closer working relationships with local providers who can demonstrate good quality and value for money.
- d) commission and procure on both a local and regional footprint employing new ways of working and new models of service delivery

If approved the recommendations in this report will enable the Council to establish new commissioning and contractual arrangements for the provision of Residential and Fostering services, which will enhance existing arrangements, enable improved use of the local market, improve market sustainability and improve outcomes for children and young people by providing a greater number of opportunities for the child or young person to maintain local relationships.

Alternative Options Considered and Rejected:

Maintaining the status quo – this was not considered a viable option as there is a need to commission more local providers who are not part of the North West Placements Purchasing System.

33. NORTH WEST FLEXIBLE PURCHASING SYSTEM FOR CHILDREN & YOUNG PEOPLE WITH SEND

The Cabinet considered the report of the Head of Communities that sought approval to join and progress the procurement of a flexible Purchasing System (FPS) for purchasing services for Children & Young People with Special Educational Needs and Disabilities (SEND) as part of a North West regional collaboration of 23 local authorities. The procurement was being undertaken by Cheshire East Council under the 'light touch regime' for social and other services as listed at Schedule 3 of the Public Contracts Regulations 2015 and would result in a Flexible Purchasing System being available.

Decisions Made:

- (1) the commencement of a procurement exercise, to be led by North West Placements and Cheshire East Council as part of regional joint working arrangements, which will encompass a Flexible Purchasing System (FPS) being implemented for the provision of services for children and young people with SEND, be approved;
- (2) the Head of Communities in consultation with the Cabinet Member for Children, Schools and Safeguarding be granted delegated authority to make decisions regarding the FPS procurement evaluation criteria, service specification and contractual terms. Such decisions will be made in advance of any procurement exercises commencing and will be collective decisions by all participating authorities;
- (3) following its establishment, authorise use of the FPS for the future procurement of services for children and young people with SEND, where an options appraisal, as described in this report, has determined it to be the most appropriate approach, be approved; and
- (4) the awarding of any contracts called off the FPS be delegated to the Head of Communities and nominated Service Managers.

The Joint Commissioning Strategy for SEND 2020 – 2023 was agreed by the Health and Wellbeing Board in March 2020. The purpose of the Strategy and associated Action Plan being to deliver improved outcomes for children and young people with SEND across the local area. It identified a number of needs which included:

- a. Ensure that we jointly commission services with a clear assessment of local needs, delivering personalised integrated support that delivers outcomes and brings support together across the system
- b. Improves our local offer so that the experiences of children and young people with SEND and their families and carers receive joined up services that are easy to navigate, accessible and available to our children and young people and their families.
- c. The Strategy will inform the development of robust priorities and effective joint working which will inform commissioning intentions and meet local needs more effectively.

The recommendations in this report will enable the Council to source placements for children and young people aged 0-25 years that have an Education, Health and Care plan (ECHP), using the Flexible Purchasing System (FPS) at Independent and non-maintained special schools and post 16 institutions.

The anticipated benefits of a regional contract include, consistency in the services and outcomes required by placing local authorities, streamlined processes for commissioning placements and an improved route to market, increased transparency and clarity on the marketplace in the region (in relation to services/ placements, outcomes and costs), regional approach to engaging with providers and shaping/ developing the market.

Outcomes for children and young people would be met through ensuring that the most appropriate selection of a placement is made to meet needs.

Alternative Options Considered and Rejected:

- 1. Maintaining the status quo this was not considered a viable option as currently there is no coherent model for Local Authorities to transparently procure SEND placements and to ensure that there is an evidence base regarding decisions made as to why a placement was secured.
- 2. There are increasing cost pressures and taking a regional approach to the procurement of placements will enable the collation of data/intelligence on placements which can be used to develop a regional commissioner -provider relationship.

34. DISCRETIONARY BUSINESS GRANT UPDATE

The Cabinet considered the report of the Head of Economic Growth and Housing that advised, in accordance with the Constitution of the Council, of the decision of the Leader to exercise his powers to make urgent decisions because of the necessity to revise and deliver emergency grant funding to Sefton businesses as part of the Government's Covid19 response in Sefton.

Decision Made:

That the report and the necessity for the Leader of the Council to exercise his powers under the Council's Constitution to make urgent decisions to deliver emergency grant funding to Sefton businesses as part of the Government's Covid19 response in Sefton, be noted.

Reason for the Decision:

To inform members that in accordance with the Constitution of the Council, the Leader of the Council had exercised his powers to make urgent decisions due to the necessity to revise and deliver emergency grant funding to Sefton businesses as part of the Government's Covid19 response as to delay would cause them further financial hardship and distress.

Alternative Options Considered and Rejected:

Delay approval of the revisions until the date of this Cabinet meeting. This was rejected as to delay any further would have caused business recipients further financial hardship and distress and potentially place many businesses at risk of contraction or closure. This cuts across the purpose and rationale behind the scheme.

35. PROCUREMENT OF 120 LITRE BLUE WHEELED BINS FOR GLASS RECYCLING

The Cabinet considered the report of the Head of Highways and Public Protection that sought authorisation for the procurement of Wheeled Bins to enable implementation of a glass collection and recycling service from domestic premises in the borough and a contract for the distribution of those bins to designated households.

Decisions Made:

That the Head of Highways & Public Protection be:

(1) authorised to conduct a procurement exercise, via mini-competition through the Yorkshire Purchasing Organisation (YPO) Framework 551 - Lot 1, for the supply of approximately 100,000 wheeled bins;

- (2) authorised to conduct a procurement exercise, via the Yorkshire Purchasing Organisation (YPO) Framework 551 Lot 2, for a contract to distribute the above wheeled bins to individual properties within Sefton; and
- (3) granted delegated authority, in consultation with the Cabinet Member for Locality Services and Chief Legal and Democratic Officer, to award the contracts resulting from the procurement exercises referred to above.

It is necessary to procure the supply and distribution of approximately 100,000 wheeled bins in order to implement a glass collection and recycling service for domestic properties. In accordance with the Council's Contract Procedure Rules, the value of this procurement requires preprocurement approval from Cabinet.

Alternative Options Considered and Rejected:

Alternative methods of procurement, such as the Council running its own OJEU compliant procurement process, were considered and rejected as use of the existing OJEU-compliant YPO Framework was felt to provide the most effective and efficient route.

36. PROCUREMENT AND CHANGE OF SERVICE FOR SCHOOLS ICT PROVISION

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services in relation to the procurement and changes of service for Schools ICT. The report detailed the historical background to the current ICT connectivity provision provided to approximately 75 schools within the authority and also set out the proposed change to the delivery model to improve performance and internet speeds at schools. The report also referred to the associated procurement route required to make the necessary changes.

Decisions Made:

That the Executive Director of Corporate Resources & Customer Services:

- (1) be authorised to conduct a procurement exercise for direct internet access, firewalls and a web-filtering solution for a period of 3 years for all schools wishing to remain taking services from the Council or indeed any additional Schools within the authority who may wish to return to taking this service from the Council; and
- (2) in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be granted delegated authority to award the Contract resulting from the procurement exercise.

To have an appropriate, safe and improved ICT service available for schools that meets the educational needs of children within the borough.

Alternative Options Considered and Rejected:

To continue with the model provided currently to schools. This option however would require a large capital investment to refresh and also improve the network equipment in the Council's main data centre which would either have to be funded by the Council or recharged back to schools which may make the service financially unfeasible.

37. PROCUREMENT OF BULK PRINT & HYBRID MAIL SOLUTION

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services in relation to the Council's current bulk print and mail arrangements and detailed a proposed procurement route for a new bulk print and mail contract.

Decisions Made:

That the Executive Director of Corporate Resources & Customer Services:

- (1) be authorised to conduct a procurement exercise for bulk print & hybrid mail services with a view to entering into a contract for a maximum period of 5 years comprising of an initial 3 year period with an option to extend for up to 2 periods of 12 months; and
- (2) in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be granted delegated authority to award the Contract resulting from the procurement and to award any extension thereof.

Reason for the Decisions:

To have an appropriate and best value contract in place for bulk print and mail services provision.

Alternative Options Considered and Rejected:

None

38. REVENUE AND CAPITAL BUDGET UPDATE 2020/21 INCLUDING THE FINANCIAL IMPACT OF COVID-19 ON THE 2020/21 BUDGET

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

(1) the current estimated financial impact of COVID-19 on the

2020/21 Budget;

- the current forecast revenue outturn position for the Council for 2020/21;
- (3) the current forecast on Council Tax and Business Rates collection for 2020/21; and
- the monitoring position of the Council's capital programme to the end of July 2020 relating to:
 - the forecast expenditure to year end;
 - variations against the approved budgets and an explanation of those variations for consideration by Members:
 - updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

The Cabinet Member for Regulation, Compliance and Corporate Services, Councillor Lappin extended her appreciation to all staff concerned who have worked hard to protect the residents of Sefton.

Both the Leader of the Council, Councillor Maher and Councillor Lappin highlighted the importance of continuing to lobby the Government regarding the funding that was promised to Local Councils to support the ongoing extra costs of the Covid-19 pandemic.

Decision Made:

- (A) in respect of the Revenue Budget:
 - (1) the current estimated impact of COVID-19 on the 2020/21 Budget together with the key issues that will influence the final position; and that further government guidance is awaited on the additional support that will be provided to the Council which will inform the Council's strategy for delivering financial sustainability be noted;
 - (2) the financial risks associated with the delivery of the 2020/21 revenue budget and the material variations that are to be expected to the current estimates contained in the report be recognised, and it be agreed that subsequent reports provide updates and where appropriate remedial action plans as appropriate;
 - (3) the government grant funding that has been received and

- that has been used to support the response to the pandemic and which has been distributed in accordance with central government guidance be noted;
- (4) the current forecast revenue outturn position for 2020/21 be noted; and
- (5) 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
- (B) in respect of the Capital Budget:
 - (1) the spending profiles across financial years for the approved Capital Programme (paragraph 6.1 of the report) be noted;
 - (2) the latest capital expenditure position as at 31 July 2020 of £3.869m (paragraph 6.2.1 of the report) with the latest full year forecast of £35.930m (paragraph 6.3.1 of the report) be noted;
 - (3) the explanations of variances to project budgets (paragraph 6.2.3 of the report) be noted;
 - (4) 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 (paragraph 6.4 of the report); and
 - (5) That in relation to Grant Funding the offer of £969,724
 Adult Education Budget funding available to Sefton
 Council, ring-fenced for the delivery of adult community
 learning provision for residents aged over 19 be noted
 and accepted.

Reasons for Decision:

To ensure Cabinet are informed of the forecast outturn position for the 2020/21 Revenue Budget as at the end of July 2020, including delivery of a remedial action plan, and to provide an updated forecast of the outturn position regarding the collection of Council Tax and Business Rates.

To keep Members informed of the progress of the Capital Programme against the profiled budget for 2019/20 and agreed allocations for future years.

To progress any changes that are required in order to maintain a relevant

and accurate budget profile necessary for effective monitoring of the Capital Programme.

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

Alternative Options Considered and Rejected:

None.

39. EXCLUSION OF PRESS AND PUBLIC

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 remote meeting for the following items of business 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.

40. SEFTON COUNCIL- SANDWAY HOMES LIMITED

The Cabinet considered the joint report of the Chief Executive and the Executive Director of Corporate Resources and Customer Services in relation to exempt information regarding Sefton Council Housing Development Company – Sandway Homes Limited.

Decision Made:

That the exempt information be considered as part of the public report in relation to this matter, reference Minute No: 43 refers.

Reason for the Decision:

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

Alternative Options Considered and Rejected:

None.

41. SOUTHPORT MARKET

The Cabinet considered the report of the Head of Economic Growth and Housing in relation to exempt information regarding Southport Market.

Decision Made:

CABINET- THURSDAY 3RD SEPTEMBER, 2020

That the exempt information be considered as part of the public report in relation to this matter, reference Minute No: 44 refers.

Reason for the Decision:

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

Alternative Options Considered and Rejected:

None.

42. RE-ADMIT PRESS AND PUBLIC

Decision Made:

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

43. SEFTON COUNCIL - SANDWAY HOMES LIMITED

The Cabinet considered the joint report of the Chief Executive and Executive Director of Corporate Resources and Customer Services that updated Members of progress made over the last 12 months in relation to Sandway Homes Limited. The report detailed the most up to date financial position against the business case of the Housing Development Company.

The Cabinet Member for Communities and Housing, Councillor Hardy welcomed the report and referred to the development of the operational plan and how that reflected the quality of controls in place in ensuring that the operational plan was aligned with the Local Plan in meeting the Social Housing needs of the Council.

Decisions Made:

- (1) the updated financial forecasts for the returns to Sandway Homes Limited through delivering the Phase 1 Business Plan and for the Council in terms of the realisation of the benefits detailed in the Business Case, be noted and approved;
- (2) the internal and external factors that could influence and impact upon the financial returns to the Council and approve the controls in place to manage those, be noted;
- (3) the risk management arrangements that continue to be in place in respect of Sandway Homes Limited, be noted;
- (4) the changes to key personnel within Sandway Homes Limited as set out in the report, be noted;

- (5) based on the information contained within the report Sandway Homes Limited continuing to progress with the delivery of the Phase 1 Business Plan, be approved;
- (6) Sandway Homes Limited and the Council be authorised to continue to work together to determine the exact assets the Council could purchase from the company as social housing and the financial implications, and that a further report be submitted to a future meeting of the Cabinet in that respect to support a decision in accordance with the Council's Constitution and Financial Procedure Rules, be approved; and
- (7) that the Council be authorised to engage with the Company in developing Phase 2 of the Business Case and that a further report be submitted to a future meeting of the Cabinet in that respect.

Since 2016 the Council has been considering its role in the provision of housing throughout the Borough to complement an active third and private sector market. There is significant demand for housing sites and housing development within Sefton, with over 11,000 housing units being required, over the Local Plan period, in order to meet with the local housing demand.

There is a national shortfall of circa 1m homes (of which 400,000 fall into affordable homes) whilst across the Liverpool City Region a total of circa 50,000 housing units will be required in the medium term. Sandway Homes Limited seeks to increase housing completions and the availability of choice for residents and those wishing to live in Sefton.

Alternative Options Considered and Rejected:

The Council set out its evaluation criteria in October 2017 that led to the decision to establish a wholly owned Housing Development Company.

44. SOUTHPORT MARKET

The Cabinet considered the report of the Head of Economic Growth and Housing that provided an update on the previous and current performance of Southport Market, and presented a preferred option that will provide a sustainable future for Southport Market and outlined the additional benefits to the wider Town Centre of Southport linking to the future Town Deal.

The Leader of the Council, Councillor Maher referred to the excellent work that had been progressed and reported that this was a good way forward for Southport Market. The Leader of the Council requested that a Changing Places unit be included in the design.

CABINET- THURSDAY 3RD SEPTEMBER, 2020

The Cabinet Member for Adult Social Care, Councillor Cummins also sought reassurance that a Changing Places unit would be included in the design.

Executive Director, Mr Stephen Watson reassured the Cabinet that a Changing Places unit would be included in the design.

The Cabinet Member for Regulation, Compliance and Corporate Services, Councillor Lappin reported that this was an excellent opportunity for Southport and asked what the interest had been from traders.

Executive Director, Mr Stephen Watson reported that the Council had consulted widely, and the results were included within the Business Case and that consultation with current and future potential market traders had shown that interest had remained positive. It was further reported that the Town Centre Regeneration Initiatives should also capture the interest of market traders.

The Cabinet Member for Regeneration and Skills, Councillor Atkinson referred to the excellent work in securing investment of 1.4 million pounds for the refurbishment project of Southport Market.

Councillor Atkinson stated that the project would deliver a revitalised market space with a shift in focus to a quality food and beverage offer providing a vital boost to the local economy and continued regeneration of Southport's market quarter and King Street. Councillor Atkinson also highlighted the importance of the project in providing opportunities to new business start up's whilst also creating new employment opportunities and safeguarding existing jobs.

Councillor Atkinson extended her appreciation to the Town Deal Board for their support.

Decision Made:

- (1) option 3 be progressed as the preferred option and the Business Case, be agreed;
- (2) the Head of Economic Growth & Housing be authorised to implement a delivery plan outlined within the business case in consultation with the Cabinet Member Regeneration and Skills;
- (3) the Head of Economic Growth & Housing be authorised to conduct a procurement exercise for the appointment of a contractor to undertake the capital works as outlined within the report in consultation with the Cabinet Member and be granted delegated authority to award the contract resulting from the procurement;
- (4) the Head of Economic Growth & Housing be authorised to further

engage the preferred bar operator in order to finalise the final design, agree bar/floor operation and in consultation with the Cabinet Member Regulatory, Compliance and Corporate Services be granted delegated authority to award a lease.

- (5) officers be authorised to further engage in appropriate consultation with existing market traders;
- (6) the capital cost of the project and refurbishment of £1.400m, being funded from a £0.500m direct grant by the Combined Authority, with the remaining £0.900m being funded by the Government's accelerated grants fund as part of the Southport Town Deal, be noted along with a subsequent supplementary capital estimate for this sum being recommended to Council for approval;
- (7) the Head of Economic Growth and Housing be requested to include a Changing Places unit in the finalised design, and
- (8) the Cabinet note the following recommendation to the Council:
 - (a) a supplementary capital estimate of £1.400m for the redevelopment of Southport Market. This will be funded from a £0.500m direct grant by the Combined Authority and from a £0.900m accelerated grant as part of the Town Deal process, be approved; and
 - (b) the future years revenue implications arising from the proposal and approve that such revenue implications be built into the Council's medium-term financial planning and annual budgets, be noted.

Reason for the Decisions:

The reasons for these recommendations are to provide a sustainable future for The Market Hall and allow the recommended option to be delivered.

Alternative Options Considered and Rejected:

Four options for delivery of the objectives of this project were considered, which are detailed in the table below.

The assessment of these options identified the Preferred Option to be Option 3: Food and bar concessions with full refurbishment

OPTION	VALUE AND RISK ASSESSMENT
Option 0 - Do nothing	No requirement for capital investment
	Additional budget required of £209k over and above the existing budget of £75k (as at year 3)

OPTION	VALUE AND RISK ASSESSMENT
	Number of traders will continue to reduce potentially leading to closure of Market Hall (estimated April 2021)
	Decline in revenues over time as remaining traders leave
	Will not contribute to regeneration of Southport
	Will weaken Southport's tourism offer
	Continued market uncertainty in context of COVID-
	Overall assessment: not a sustainable option.
Option 1 - Mixed goods market with rent reduction	Reduction in rent may attract a small number of new traders
	No material changes to quality of offer.
	Rental reductions and rent-free periods have been used before with little or no effect
	Additional budget required of £226k over and above the existing budget of £75k (as at year 3)
	Unlikely to contribute to the regeneration of Southport
	Continue to be difficult to include into the overall tourism offer
	Capital investment still required
	Continued market uncertainty in context of COVID-
	Overall assessment: not a sustainable option.
Option 2 - Food concessions with Council operated bar – Full refurbishment	Change in operation and offer that would significantly contribute to the wider regeneration of Southport
	Become an active part in Southport's tourism offer
	Opportunities for new business start ups

OPTION	VALUE AND RISK ASSESSMENT
	Additional budget required of £175k over and above the existing budget of £75k (as at year 3) Council having to run bar and market floor with
	no prior experience
	Large staff costs and no to little experience of managing a bar and food floor operation
	Continued market uncertainty in context of COVID- 19
	Overall assessment: not a sustainable option.
Option 3 – Food & Bar Concessions with flexible	Profitable by year 3 (£101k surplus) even with prudent assumptions
events/market space	Change in operation and offer that would significantly contribute to the wider regeneration of Southport
	Become an active part in Southport's tourism offer
	Opportunities for new business startups, safeguarding jobs and job creation
	Bar operator taking risk of bar and responsibility of running market floor
	Partnership approach with the operator to create food offer along with marketing/events
	Increased financial performance allowing a greater contribution to the historic borrowing on previous scheme.
	New turnover rental model means Council not guaranteed set amount of rental income
	New offer in Southport, therefore no actual comparison how it may perform
	Additional budget required of £61k over and above the existing budget of £75k (as at year 3)
	Continued market uncertainty in context of COVID-

CABINET- THURSDAY 3RD SEPTEMBER, 2020

OPTION	VALUE AND RISK ASSESSMENT
	Overall assessment: Sustainable and preferred option