

Town Hall
Lord Street
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To: Members of the Cabinet

Date: 24 May 2011

Our Ref:

Your Ref:

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Dear Councillor

CABINET - THURSDAY 26TH MAY, 2011

I refer to the agenda for the above meeting and now enclose the following report(s) which were unavailable when the agenda was printed.

Agenda No.	Item
10.	Appointment of Representatives on Outside Bodies 2011/12 (Pages 81 - 90) Details of the proposed appointments to Outside Bodies
11.	Merseyside Integrated Transport Authority - Representation (Pages 91 - 96) Report of the Head of Corporate Legal Services

Yours sincerely,

M. CARNEY

Chief Executive

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APPOINTMENTS TO OUTSIDE BODIES AND JOINT AUTHORITIES 2011/12

(A) ANNUAL APPOINTMENTS TO EXPIRE IN MAY 2011

<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u> <small>(THE CHANGES ARE HIGHLIGHTED IN BOLD)</small>
Aintree University Hospitals NHS Foundation Trust	Older People & Health	1	Cabinet Member - Older People and Health (Councillor Porter)
British Resorts and Destination Association	Leisure, Culture & Tourism Services	1	Cabinet Member - Leisure, Culture & Tourism Services (Councillor Booth)
Community Foundation for Merseyside	Safer Communities & Neighbourhoods	3	Councillors Cuthbertson, Kerrigan and Robertson
Formby Pool Trust - Board	Leisure, Culture & Tourism Services	2	Councillor Griffiths and Mr. Rajan Paul (Head of Landscape Services)
Frank Hornby Trust	Regeneration & Housing	2	Councillor Robertson and Mr. M. Kundi (Economic Regeneration Manager)
John Goore's Charity, Lydiate	Safer Communities & Neighbourhoods	1	Councillor Fenton
Joint Health and Wellbeing Scrutiny Committee	Older People & Health	3	Chair - Overview and Scrutiny Committee (Health & Social Care) (Councillor Hill) and 2 Spokespersons (Councillors Griffiths and Webster)

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<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVE S</u>	<u>PROPOSED REPRESENTATIVE(S)</u>
Liverpool City Region Cabinet	Leader of the Council	1	Leader of the Council (Councillor P. Dowd)
Liverpool City Region Child Poverty and Life Chances Commission (New Body)	Children, Schools & Families	1	The recommended representative is the Cabinet Member - Children, Schools & Families (Councillor Moncur)
Liverpool City Region Economy Panel	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher)
Liverpool City Region Employment and Skills Panel	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher)
Liverpool City Region - Environment and Waste Board	Environmental	1	Cabinet Member - Environmental (Councillor Shaw)
Liverpool City Region Housing and Spatial Planning Board	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher) (substitute representative - Chair of the Planning Committee - Councillor Tweed)
Liverpool City Region Safer, Healthier Communities Board	Leader of the Council (Lead Member)	1	Leader of the Council (Councillor P. Dowd) - (Chair)
Liverpool John Lennon Airport Consultative Committee	Environmental	1	Councillor Brady (or his nominee)

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<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u>
Mersey Waterfront Regional Park Board	Leisure, Culture & Tourism Services	1	Cabinet Member - Leisure, Culture & Tourism Services (Councillor Booth)
Merseyside Improvement and Efficiency Board	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher)
Merseyside Pension Fund Pensions Committee	Corporate Services	1	Councillor McIvor (substitute Councillor Cuthbertson)
Merseyside Playing Fields Association	Leisure, Culture & Tourism Services	1	Cabinet Member - Leisure, Culture & Tourism Services (Councillor Booth) (substitute representatives - Councillors Cummins and Jones)
Merseyside Police Authority Appointments Committee	Safer Communities & Neighbourhoods	3	Leaders of the 3 Political Groups - Councillors P. Dowd, Parry and Robertson (or their nominees)
Merseyside Strategic Transportation and Planning Committee	Street Scene & Transportation	2	Cabinet Member - Street Scene & Transportation (Councillor Fairclough) and Councillor Dodd
Merseyside Third Sector Technology Centre (3TC)	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher)
Merseytravel Advisory Panel (Sefton Division)	Street Scene & Transportation	3	Councillors Griffiths, Sumner and Veidman (or their nominees)
NewHeartlands Board	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher) (substitute Councillor Fairclough)
North West Home Safety Council	Environmental	3	Councillors Dutton, Hardy and Tonkiss (or their nominees)

<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u>
North Western Local Authorities Employers' Organisation (Appointment to conclude in May 2012 following cessation of the Council's Membership)	Corporate Services	1	Cabinet Member - Corporate Services (Councillor Parry)
One Vision Housing Board	Regeneration & Housing	2	Mr. R. Connell and Mr. D. Hardy
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	Street Scene & Transportation	1	Cabinet Member - Street Scene & Transportation (Councillor Fairclough) (substitutes - Councillors Parry and Robertson)
Raven Meols Community Centre, Formby - Management Committee	Safer Communities & Neighbourhoods	2	(NB - Nominated Member <u>and</u> substitutes must be Cabinet Members.) Councillors Griffiths and McIvor
REECH Steering Group (Renewable Energy and Energy Efficiency in Housing)	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher)
Sefton Business Village Partnership	Regeneration & Housing	1	Leader of the Council (Councillor P. Dowd)
Sefton Chamber of Commerce and Industry	Regeneration & Housing	3	Councillors K. Gluskey, Lord Fearn and Porter
Sefton Coast Partnership Board	Leisure, Culture & Tourism Services	3	Councillors Cummins, Crabtree and McGuire (or their nominees)

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<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u>
Sefton Council for Voluntary Service	Safer Communities & Neighbourhoods	3	Councillors Hill, Papworth and Veidman
Sefton Cultural Forum	Leisure, Culture & Tourism Services	1	Cabinet Member - Leisure, Culture & Tourism Services (Councillor Booth)
Sefton Cycling Forum	Street Scene & Transportation	3	Councillors K. Cluskey, Crabtree and Weavers
Sefton Education Business Partnership	Children, Schools & Families	3	Cabinet Member - Children, Schools & Families (Councillor Moncur) and 2 Spokespersons (Councillors Dorgan and Preece)
Sefton Equalities Partnership	Safer Communities & Neighbourhoods	1	Cabinet Member - Safer Communities & Neighbourhoods (Councillor P. Dowd)
Sefton New Directions Limited Board	Older People & Health	3	Councillors Brennan, Parry and Rimmer (Non-Executive Directors)
Sefton Sports Council	Leisure, Culture & Tourism Services	3	Cabinet Member - Leisure, Culture & Tourism Services (Councillor Booth) and 2 Spokespersons (Councillors Cummins and Jones)
Southport Pier Trust	Leisure, Culture & Tourism Services	3	Councillors Byrom, Lord Fearn and Crabtree (or their nominees)
Standing Advisory Committee for Religious Education (SACRE)	Children, Schools & Families	3	Cabinet Member - Children, Schools & Families (Councillor Moncur) and 2 Spokespersons (Councillors Dorgan and Preece) with their Deputies as substitutes
The Mersey Partnership Board	Regeneration & Housing	1	Cabinet Member - Regeneration & Housing (Councillor Maher) (substitute representative - Councillor Fairclough)

<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u>
Trans Pennine Trail Members Steering Group	Street Scene & Transportation	2	Cabinet Member - Street Scene & Transportation (Councillor Fairclough) and Chair of the Planning Committee (Councillor Tweed) (or their nominees)
University of Liverpool - Court	Children, Schools & Families	6	Cabinet Member - Children, Schools & Families (Councillor Moncur) and 2 Spokespersons (Councillors Dorgan and Preece) plus the Mayor, the Chief Executive and the Strategic Director - People, who are ex-officio Members

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APPOINTMENTS TO OUTSIDE BODIES 2011/12

APPOINTMENTS FOR A PERIOD OF OVER ONE YEAR

<u>ORGANISATION</u>	<u>PORTFOLIO LINK</u>	<u>NUMBER OF REPRESENTATIVES</u>	<u>PROPOSED REPRESENTATIVE(S)</u>	<u>TERM OF OFFICE EXPIRES</u>
North West Reserve Forces and Cadets Association	Safer Communities & Neighbourhoods	1	Councillor Byrom	15.5.2011 (3 year appointment)
North Western Inshore Fisheries and Conservation Authority	Leisure, Culture & Tourism Services	2	Councillor Glover and Head of Coast and Countryside	30.5.2011 (4 year appointment)
<u>CHARITIES</u>				
Ashton Memorial Fund, Formby	Safer Communities & Neighbourhoods	1	Councillor Griffiths	31.5.2011 (4 year appointment)
Consolidated Charities of Thomas own and Marsh Dole	Safer Communities & Neighbourhoods	2	Councillor Dutton Councillor Ibbs	26.6.2012 26.6.2014 (4 year appointment)
Ball Educational Foundation	Children, Schools & Families	1	Councillor Parry	21.5.2011 (2 year appointment)
<u>GOVERNING BODIES</u>				
Hugh Baird College, Bootle	Children, Schools & Families	1	Councillor Hill	3.2.2013 (4 year appointment)
Peterhouse School, Southport	Children, Schools & Families	1	Councillor Glover	July 2013 (3 year appointment)
St. Mary's College, Crosby	Children, Schools & Families	2	Councillors Dorgan and Hill	May 2013 (3 year appointment)

The appointment to the Governing Body of Clarence High School, Freshfield has discontinued.

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Report to: Cabinet

Date of Meeting: 26 May 2011

Subject: Appointment of Representatives to the Merseyside Integrated Transport Authority

Report of: Head of Corporate Legal Services **Wards Affected:** None

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

Purpose/Summary

To determine the appointment of four Council Representatives on to the Merseyside Integrated Transport Authority (MITA) and one of the representatives on to the Strategic Board of Sefton Borough Partnership subject to the approval of the MITA.

Recommendation(s)

- 1) The Cabinet is requested to consider the issues set out in the report and appoint four representatives onto the MITA for 2011/12; and
- 2) The Cabinet is requested to appoint one of the MITA Representatives (Councillor Griffiths, Conservative nominee) as a member of the Strategic Board of Sefton Borough Partnership subject to the approval of the MITA. (Paragraph 1.3 refers)

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

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Reasons for the Recommendation:

The Council is required by law (Section 15 of the Local Government and Housing Act 1989) to allocate seats in accordance with the new political make-up of the Council following an election. The Council has referred consideration of the matter to Cabinet. The report sets out the legal position and the provisions contained within the convention which the 3 Political Group Leaders previously agreed should apply. The application of the provisions in the convention require the unanimous agreement of all 3 Political Groups, otherwise the legal default position must apply.

What will it cost and how will it be financed?

(A) Revenue Costs - Nil

(B) Capital Costs - Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal These are contained within the contents of this report.
Human Resources There are no implications arising from the contents of this report
Equality 1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT has been consulted (FD.781).

Are there any other options available for consideration?

As set out in the report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet.

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Background Papers:

There are no background papers available for inspection.

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1. Introduction/Background

- 1.1 The Council at its Adjourned Annual Meeting held on 17 May 2011 considered a schedule regarding the proposed Council representation on the four Merseyside Joint Authorities for 2011/12.
- 1.2 The Council approved the proposed representation on the Merseyside Fire and Rescue Authority, Merseyside Waste Authority and Merseyside Police Authority. In relation to the proposed appointments on the Merseyside Integrated Transport Authority, Council **resolved**:

That in relation to the Merseyside Integrated Transport nominations, the names identified in the schedule (Councillors Dodd, McDowd, Griffiths and Sumner) remain the Council's nominations until such time as the next Cabinet Meeting amends the nominations following clarification of issues relating to proportionality.

- 1.3 Council has by default, also referred consideration of the appointment of the MITA representative on the Strategic Board of Sefton Borough Partnership to Cabinet. The Council previously agreed to apply proportional balance to the Strategic Board. The effect of this is that the seats on the Board are allocated as follows: Labour 2, Liberal Democrat, 1 and Conservative 1. The Labour Group has nominated Councillors Cluskey (Waste Disposal Authority) and Byrom (Fire and Rescue Authority); and the Liberal Democrat Group has nominated Councillor Howe (Police Authority) to the Board. The effect of this is that the MITA representative on the Board falls to Councillor Griffiths, Conservative Group, in order to effect the political balance on the Strategic Board. The Merseyside Integrated Transport Authority will be asked to confirm this appointment.

Legal Position

2.1 The Local Government and Housing Act 1989 ("the Act") specifies the responsibilities upon relevant authorities to appoint to a Joint Board (or indeed any body to which they are required to appoint to) in accordance with the representation of different Political Groups on the body. This is a statutory requirement.

Sub-section 5 of Section 15 to the Act stipulates the principles that must be considered when filling appointments to be made to any relevant authority. These are;

- a) that not all seats on the body are allocated to the same political group
- b) that the majority of the seats on the body is allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership
- c) that subject to (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and

- d) Subject to paragraphs (a) and (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by all number of members of that group to the membership of the authority

The Act through Section 21 and Schedule 1 makes it clear that the above principles apply to the appointment of members on a joint board for transport.

Political Conventions Document

- 3.1 The Political Conventions Document signed by the three Group Leaders on 29 March 2010 indicates that the position with regard to the appointment of Council representatives on the four Merseyside Joint Authorities is as follows:

9.0 Joint Boards

- 9.1 The Police Authority seats are allocated proportionately on a Pan-Merseyside basis and the respective Party shares will be calculated after the Elections. Accordingly it is custom and practice for the Council to make reserve nominations in case the Council finds itself in the situation, as in the past, where it needs to change nominations to ensure the appropriate political balance.

- 9.2 On the three Joint Boards the Council has ten representatives (Transport: 4 / Waste: 2 / Fire: 4). The Council has always pooled the ten seats (plus the two Police nominees) and distributed them proportionately to the Parties, (although it should be noted in the past this convention has been challenged by Liverpool City Council.)

3.2 The pooled proportionality on the 3 Joint Boards is

Joint Authority	No. of Reps	Political Group		
		Labour	Liberal Democrat	Conservative
Fire and Rescue	4	2	1	1
Integrated Transport	4	1	2	1
Waste Disposal	2	1	1	0
Total	10	4	4	2

This is the same position as for 2010/11

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3.3 The proportionality per Joint Board would be:

Joint Authority	No. of Reps	Political Group		
		Labour	Liberal Democrat	Conservative
Fire and Rescue	4	2 (1.81)	1 (1.48)	1 (0.71)
Integrated Transport	4	2 (1.81)	1 (1.48)	1 (0.71)
Waste Disposal	2	1 (0.90)	1 (0.74)	0 (0.35)
Total	10	5	3	2
Impact	-	+1	-1	Nil

The impact would be that the Labour Group would gain one place on the Merseyside Integrated Transport Authority and the Liberal Democrat Group would lose one place on that Authority.

3.4 The provisions within the Act only apply where the relevant authority is making at least three appointments to a body. With regard to the appointments to the Integrated Transport Authority, these rules do not apply to Knowsley and St. Helens Councils.