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Town Hall
Trinity Road
Bootle
L20 7AE

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Our Ref: CL
Your Ref:

Contact: Ruth Harrison
Contact Number: 0151 934 2046
Fax No: 0151 934 2034
e-mail: ruth.harrison@sefton.gov.uk

Dear Councillor

COUNCIL - THURSDAY 25TH JANUARY, 2018

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

1. **Questions Raised by Members of the Council**

To receive and consider questions to Cabinet Members, Chairs of Committees or Spokespersons for any of the Joint Authorities upon any matter within their portfolio/area of responsibility, of which notice has been given by Members of the Council in accordance with Paragraph 48 to 50 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

Yours faithfully,

M. CARNEY

Chief Executive

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COUNCIL - 25 JANUARY 2018

QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

1. **Question submitted by Councillor David Barton to Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“Are there any procedures or measures in place to prevent the repute of the Sefton Metropolitan Borough Council being brought into disrepute, be this through serial and personally aimed remarks at whole cross sections of the Borough through salacious quotes provided to the local media, or periodic online intimidation of individual elected members, constituents or entire conurbations?”

Response:

“Sefton Metropolitan Borough Council is subject to all laws regarding slander and libel and Legal and PR departments monitor and manage issues where appropriate.”

2. **Question submitted by Councillor David Barton to Cabinet Member for Regeneration and Skills (Councillor Atkinson)**

“Can Sefton Metropolitan Borough Council produce a compendium section on its main website of all listed businesses across the Borough which may be updated through regular dialogue and consultation with said business owners, in particular those local enterprises providing a distinctive service unparalleled across the United Kingdom, an example being Specialist Restoration and Reproduction of period style architecture?”

Response:

“We would be unable to list Sefton’s 8,000 plus businesses due to both data protection and resource issues. In the 1990’s early oo’s Local Authorities would often meet such requests with the production of Business Directory’s, usually paid for through advertising and often in conjunction with Chambers of Commerce. This practice has largely stopped in the City Region as they are resource intensive, are limited in scope (usually no more than 500 businesses are listed) and there is no evidence of demand, certainly in Sefton. Instead businesses prefer to purchase electronic/web based solutions from the likes of Yell.com.

InvestSefton uses a Liverpool City Region CRM system for managing its relationship with new and existing businesses in the borough. However, this too is subject to data protection and could not be published in the manner requested.”

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3. **Question submitted by Councillor David Barton to Cabinet Member for Regeneration and Skills (Councillor Atkinson)**

“Can Sefton Metropolitan Borough Council produce a hard copy edition of all basic and required business guidance, including, but not mutually exclusive: how to create a sound business plan, managing and maintaining a competing business in difficult economic tides and how to produce a full and conducive marketing forward plan incorporating both traditional style methods and the digital media, that may be purchased if necessary by aspiring entrepreneurs and professionals alike seeking to invest in and across the Sefton Borough?”

Response:

“Hard copy business guides have been produced by a range of public and private sector providers, however, as access to this information is easily accessible via Google, local banks and a range of business sites, there is no intention to produce a publication specific to Sefton. In addition hard copy guides incur a cost, are difficult to distribute and the advice contained within is often time limited and subject to change, meaning they are not widely used now. Pertinent information is included on www.investsefton.com, with links to www.gov.uk and other sites that provide downloadable information and template documents to support those businesses looking for this form of support.

InvestSefton, the council’s business, enterprise and investment team, leads on this area of work and is one of the city regions specified Local Growth Hubs. Its preference, based on demand, is to provide direct support as no two business enquiries (start up or existing businesses) are the same.

InvestSefton provides nationally accredited Business Advisers to talk to businesses on a one to one or one to many basis on these issues; Our Business Growth Officers also support with initial diagnostic over phone and, where applicable, provide managed referrals to other public and private sector providers.

This includes the Enterprise Hub which is the Liverpool City Region body charged with delivering business start-up support and advice. We track business enquiries on a shared CRM system. The Enterprise Hub provides a central point of contact for people from the Liverpool City Region to easily access a comprehensive range of person focussed support and expertise to help them start a business.

Sefton businesses can get support with:

- Understanding process of starting a business
- Completing a business plan
- Assessing business viability / researching a business idea
- Marketing planning – digital marketing
- Creating financial forecasts
- Skills and human talent assessments

- Accessing the right networks
- Raising funding”

4. **Question submitted by Councillor David Barton to Cabinet Member for Locality Services (Councillor Fairclough)**

“Can Sefton Metropolitan Borough Council produce a specifically designated Street by street Tree Zone Register with costings and maximum numbers of potential trees for all electoral districts across the Borough so as to provide further advanced information to elected members when selecting the best specified locations for S106 expenditure?”

Response:

“There is insufficient staff capacity at the current time to survey the whole of the borough for potential tree planting sites. Nor is there sufficient funding to warrant such a register, however, we currently respond accordingly as and when funding has been identified.”

5. **Question submitted by Councillor David Barton to Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“What short- term and long- term support can Sefton Metropolitan Borough Council provide for stakeholders in Local Authority-owned assets such as the Southport Market and the Bootle Strand Shopping Centre?”

Response:

“We continue to work closely with all our business partners through our various fora, this is ongoing.”

6. **Question submitted by Councillor David Barton to Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“Can Sefton Metropolitan Borough Council provide any incentives for property owners to reduce business rents, for instance on an incremental scale of 100% for a full year followed by 90% the next year, so on and so forth to provide all business communities the best possible chance to become established for the long- term present and future, become proficient at marketing to attract footfall which may in turn support neighbouring precinct businesses and provide a more diverse selection of retail stores and boutiques once more for people visiting any particular part of the Borough?”

Response:

“Sefton offers various support mechanisms to local businesses through Invest Sefton.”

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7. **Question submitted by Councillor David Barton to Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“What plans, if any, are place to best utilise all Sefton Metropolitan Borough Council land and assets, such as the Lord Street Gardens for generating much needed revenue which may in turn be used to support key frontline services such as Social Care, civic asset maintenance, regeneration and environmental projects aimed at improving air quality?”

Response:

“We are continually reviewing our assets to ensure value for money.”

8. **Question submitted by Councillor David Barton to Cabinet Member for Planning and Building Control (Councillor Veidman)**

“What are the full powers available to Sefton Metropolitan Borough Council to enact Conservation area principles, where property which may have become either so greatly altered or changed altogether, may be fully restored to the original style of building on a like-for-like basis as whence before, an example being the soon to be vacated Argos on Lord Street, Southport?”

Response:

“Where sites have planning permissions or Listed Building Consent, there are no powers to rescind these permissions and return to how buildings looked prior to permission being granted. In the case of Argos, the building’s form is existing, unless a developer applies for permission to demolish and seek a replacement to its original form.

If development takes place without the required planning permission, and is within 4 years of implementation, enforcement action may be taken. Where Listed Building Consent is needed and has not been sought, there is no time restriction within which this can be enforced.”

9. **Question submitted by Councillor David Barton to Cabinet Member for Planning and Building Control (Councillor Veidman)**

“What means and measures can Sefton Metropolitan Borough Council undertake be this through relaxation or revision of statute guidelines with Central Government and Legal Counsel to thus incentivise property owners to invest thoroughly in their said properties, especially in said Conservation areas where strict parameters presently exist undermining actual usage and utilisation of the interior dimensions for enterprise purposes?”

Response:

“The Council does not have the authority to relax Central Government legislation in relation to Conservation Areas. It is not accepted that Conservation Area legislation undermines the use of properties for enterprise, rather it can actually enhance the potential for this through regeneration and reuse of these important buildings without damaging their integrity.”

10. **Question submitted by Councillor David Barton to Cabinet Member for Communities and Housing (Councillor Hardy)**

“How does Sefton Metropolitan Borough Council envisage further supporting all Local Authorities operating as part of the collective “Blue Light Brigade”: Merseyside Police, Merseyside Fire & Rescue Brigade and Merseyside Ambulance, in order to proficiently combat serial recurring crime and disorder across the Borough thus providing optimal guaranteed salvation?”

Response:

“The statutory responsibility for Blue Light Collaboration (under the Police and Crime Act 2017) rests with the Police and Crime Commissioner, the Chief Constable and the Fire and Rescue Authority in conjunction with the Chief Fire Officer. I understand that work on the operational planning of the collaboration is being progressed through a Committee of the Merseyside Fire and Rescue Authority. In terms of the Council’s involvement in this, the Council has representatives appointed to the Fire and Rescue Authority and the Police and Crime Panel.

As the Chair of the Sefton Safer Communities Partnership (which includes representation from both Merseyside Police and Merseyside Fire and Rescue) our partnership approach to tackling serious organised crime is evident within our Partnership Plan which was approved by the Sefton Safer Communities Partnership on 17th June 2017 for this current municipal year. The Plan details the Partnership’s priorities and actions for 2017/18 by setting out the expected outcomes and performance measures associated with a range of activities including organised crime groups and is available on the Council’s website.”

11. **Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher)**

1. The decision of the Council, recorded in paragraph 65(2) of the November 2017 Council meeting, do not in any way alter the rights of each and every individual member of this Council to have access to financial information in respect of financial decisions taken by the council after the conclusion of negotiations as set out under ***The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012***. This access is required under the law for ALL individual councillors and is completely separate from any political group memberships.

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- a. "Could the Leader of the Council inform the members of the Council of any legal basis upon which Members of this Council have, to date, been denied access to receive or view information on confidential terms in relation to scrutiny of all aspects of the final Bootle New Strand shopping centre purchase and management deal including gross and net costs, risk assessments and projected rates of return? Will the Leader commit to provide any councillor requesting it with written explanation explaining and giving appropriately-qualified legal justification for the council's view as to precisely how the view in favour of denying access has been arrived at?"
- b. "What is the basis of the Leader's assertions made in November Council meeting that there are *"legal professional privilege issues"* in the Council's Bootle Strand purchase decisions which might preclude any and all members of this authority viewing that information in private as part of an expressed need to inform their individual right and duty to electors to monitor the actions of the Executive?"
- c. "Does the Leader of the Council accept that the response which he provided in November to questions of propriety in respect of councillor's proper access to Council financial information, made in furtherance of her/his duty to hold the Executive to account, was incorrect in referring to measures restricting access to *"press and public"* since the legally-defined rights of councillors in this regard have nothing whatsoever to do with the completely separate and far more limited rights to information held by the press and public?"

Response:

"I can confirm that the Council decision of 16 November 2017 as recorded in minute 65 does not in any way alter the legal position in relation to a member's rights to information pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 nor indeed any other legislation.

A member's right to documentation under the above regulations and the Local Government Act 1972 is subject to Schedule 12A of the Act, which provides that the information in question is exempt from disclosure.

As part of the lengthy and thorough due diligence process the Council undertook prior to purchasing the shopping centre, the Council obtained external legal advice and the same is subject to legal professional privilege.

I accept that a member's right to documentation as outlined above is different to the rights of the press and members of the public.

When Cabinet approved the Business case for purchasing the Strand on 6th April 2017 Members resolved to "...commit to release appropriate information for a future scrutiny review (Regulation and Skills) about the process to secure/purchase these companies and asset at a suitable juncture".

Cllr Dawson may be aware that a special meeting of the Overview and Scrutiny Committee (Regeneration and Skills) has been arranged on Wednesday, 31st January, 2018 at 5.00 pm, when members will receive a presentation from Sarah Kemp, Executive Director, on the acquisition of the Strand shopping centre."

12. **Question submitted by Councillor Dawson to the Cabinet Member for Locality Services (Councillor Fairclough)**

"Who is the Council's present contractor for street lighting repair and replacement and what aspects of that firm's present provision exist which could not have also been provided, if required, by the Council's own workforce if this service had continued to be provided in-house?"

Response:

"The Contractor that has been appointed is Jones Lighting Ltd.

Activities that the new Contractor can complete that the In-house team were unable to:-

1. Disconnections, transfers of service and new connections on the Scottish Power mains network. This previously had to be sub-contracted as the Council's operatives were not trained or accredited to undertake such activities.
2. Erection and removal of street lighting columns. This previously had to be sub-contracted as the Council in-house team did not have a 'Hi-Ab' vehicle (Crane) to facilitate such installations.
3. Linked with 2 above, during out-of-hours emergency call-outs relating to street lighting, despite the in-house operatives attending site, if a column needed to be taken down or removed from site then this has to be undertaken by a sub-contractor delaying the make safe on site.
4. Due to the size of the organisation, if the Council experiences peaks in the number of active faults on street, the Contractor will have access to additional resources to deal with such peaks in workload; whereas the in-house team had a limited fixed resource and hence additional support had to be sub-contracted.

The new Contractor can now provide a 'Turn-Key' service to the Authority without the need to sub-contract elements of work, thus potentially reducing costs but also streamlining the management and delivery of the service."

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13. **Question submitted by Councillor Pugh to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“Can the Cabinet member identify any of the key witnesses to the Area Committee Working Group who proposed or suggested the abolition of area committees?”

Can the Cabinet member confirm that the council’s online survey resulted in 54% favouring the retention of area committees and only 17% supporting their abolition?

Can the Cabinet member confirm that the area committee working group found that there was a good police/partner relationship at area committees and police participation at meetings worked well?”

Response:

“This report was subject to a call in with Overview and Scrutiny Committee and has now been agreed by Cabinet. Our alternative proposals will enhance democratic engagement with residents whilst focusing on citizens services. I would suggest that all parties embrace this opportunity to hold meaningful non-party political engagement which will include all our partners.”

14. **Question submitted by Councillor Weavers to the Cabinet Member for Health and Wellbeing (Councillor Moncur)**

“Question asked by Cllr Tony Dawson at the Council meeting on 16th November 2017 to Cabinet Member for Health and Wellbeing Cllr Moncur. Kew, Southport

Cllr Moncur’s Response:

“Funding has been vired for Ovington Drive as set out in my earlier response and discussions have taken place with myself, Ward Councillors and residents around the future provision of play equipment for the park. Those discussions are ongoing.”

“Can the Cabinet Member correct his response when he stated he had had discussions with Kew Ward Councillors over Ovington Drive Playground when in fact he had had no discussions with the Ward Councillors?”

Response:

“The previous answer referred to discussions between Council Officers and Kew Ward Councillors. I can confirm that Kew Ward Councillors have not contacted me on this matter and had no part in the decision to allocate Council funding towards a new play facility.”