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Town Hall Trinity Road Bootle L20 7AE

To: All Members of the Council

Date: 19 September 2019

Our Ref: CL/RH

Your Ref:

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**Dear Councillor** 

### **COUNCIL - THURSDAY 19TH SEPTEMBER, 2019**

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

Agenda No. Item

6. **Questions Raised by Members of the Council** (Pages 67 - 80)

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 49 to 51 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

Yours faithfully,

D. JOHNSON

Chief Executive



#### COUNCIL - 19 SEPTEMBER 2019

#### QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

## 1. Question submitted by Councillor Irving to the Cabinet Member for Health and Wellbeing (Cabinet Moncur)

### Subject: Air Pollution Scheme in Sefton - Expanding Anti Idling Scheme

"Sefton Council have recently launched a campaign to improve the air quality in Sefton by encouraging drivers to take part in an anti-idling programme. This is a much needed, praise worthy scheme if implemented correctly will certainly improve the air quality in Sefton.

However, a resident in Formby recently complained to me about long delays for vehicles in each direction waiting for the railway barriers to be raised at Freshfields Station. The pollution given off by the vehicles was appalling and yet drivers just sit there blissfully unaware of the harm they are doing to the air quality. I have since checked this rail crossing out as well as several other major crossings in Sefton namely Birkdale and Ainsdale and the situation is even worse. Drivers of Buses, Lorries', small vans and saloon cars all sit there with their engines idling. The air quality especially at Birkdale village where there is major disruption to traffic flow when the barriers are closed is just incomprehensive. When you consider the number of rail crossings in Sefton as well as the whole of the Merseyrail Network air quality in these areas must be very poor.

In order to improve the situation not only in Sefton but the whole of Merseyside I ask that Sefton's Cabinet member for Health and Wellbeing, Cllr Ian Moncur request Sefton Councils' representatives on the Merseytravel Transport Committee put forward a motion under the Climate Change agenda to highlight this problem of air quality at road/rail crossings. I also ask that the Transport Committee consider installing on the approaches to rail crossings throughout Merseyside, as well as taxi waiting areas at railway stations 'Stop and Switch Off' engine signs to inform motorists."

#### Response:

"Sefton's Air Quality Officers undertake regular reviews and assessments of air quality in the Borough, using a combination of monitoring and modelling, to determine compliance with National Air Quality Standard objectives (NAQS). Air Quality in the majority of the Borough has been found to be of a good standard and within NAQS objectives. A small number of air pollution hotspots called Air Quality Management Areas (AQMA) have been identified in the South of the Borough where targeted actions are being implemented to improve air quality.

The areas immediately around road/rail crossings in Sefton have not been identified as areas where air quality exceedances of the NAQS objectives are considered likely.

Notwithstanding this Sefton Council has made dealing with poor air quality a priority and acknowledges that unnecessary vehicle idling is contributing to overall levels of air pollution in the Borough.

An anti-idling campaign has recently been launched utilising social media and signage to promote positive anti idling messages and request motorists stop and switch off. Initially the campaign will be targeting areas around schools and heavily trafficked roads/junctions. Officers are currently in the process of ordering appropriate signs and determining the most appropriate locations for these. Subject to securing appropriate resources the areas around road/rail crossings could also be targeted.

Additionally, in order to determine exact levels of air quality around road/rail crossings in Sefton, it is proposed that an air pollution monitoring exercise is undertaken around one of the busy crossings in the Borough to enable current levels of Nitrogen Dioxide to be determined and assess the impact on residents who live in the vicinity of the crossings. The results of this monitoring will be reported back to Councillor Irving following analysis of the required data."

## 2. Question submitted by Councillor Roscoe to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)

### **Subject: Crosby Funding**

- i) "Does the Cabinet Member share in my disappointment and anger at the recent announcement from government regarding Crosby, and it not being considered for funding from the future high street fund?"
- ii) "Does the Cabinet Member agree with the quote recently in the press from Crosby conservatives when they said Sefton Council has let Crosby down?"

#### Response:

- i) "Yes, I do share in Cllr Roscoe's disappointment and anger Crosby was not considered for funding from the future high street fund."
- ii) "No, I do not agree with the statement from Crosby Conservatives. It wreaks of hypocrisy."

### 3. Question submitted by Sir Ron Watson to Cabinet Member for Regeneration and Skills (Councillor Atkinson)

### **Subject: Southport Market**

"The recent media reports indicated significant proposed changes to the Southport Market.

The Cabinet Member concerned has advised that details to Elected Members was sent out by way of letter to the original press release in July and again for the latest set of proposals but no Elected Member concerned can trace having received this information. Would the Cabinet Member therefore please confirm that she will review the mechanism for sending out information in advance of it being released to the media."

### Response:

"The question was raised at 18th July Council meeting and was responded to on my

	return to public duties on 18 <sup>th</sup> August after surgery. Again, for completeness, ward Councillors were sent a letter via email from Mark Catherall, Tourism Manager."
4.	Question submitted by Sir Ron Watson to Cabinet Member for Regeneration and Skills (Councillor Atkinson)
	Subject: Southport Market
	"Who appointed DV8 Designs, what was the process, what costs have been incurred and will there be a contract for ongoing management costs?"
	Response:
	"DV8 are a subcontractor of Dawnvale Architects, who were successful following a procurement exercise through The Chest Northwest. That process invited 6 companies to tender for the design work package. The cost of the contract was £72,000. The detailed business case/ model for the operation of the market has not been finalised therefore no decisions can or have been made."
5.	Question submitted by Sir Ron Watson to Cabinet Member for Regeneration and Skills (Councillor Atkinson)
	Subject: Southport Market
	"The changes proposed to be made to the internal layout of the market will clearly cost a not insignificant amount of money. How is this to be paid for and over what period of time?"
	Response:
	"The detailed business case/model for the market has not been finalised therefore no decisions can or have been made."
6.	Question submitted by Sir Ron Watson to Cabinet Member for Regeneration and Skills (Councillor Atkinson)
	Subject: Southport Market
	"There is no indication as to whether or not there has been any interest shown, the sort of food and drink elements suggested, nor has there been any reference to practical issues such as opening times. Would the Cabinet Member please advise on what basis the assumptions for changes have been made and has there been any outside interest shown in any of the proposals from specialist providers particularly in respect of catering."
	Response:
	"Over the past 12 months council officers have carried out significant research into market operating models across the country. Furthermore, soft market testing with potential interested parties has been under taken in advance of any formal

	marketing of potential operational models and opportunities.
	The recent press releases and the marketing brochure which is available on the Southport market website has been very well received and a number of local and national food and drink operators have contacted the Council for more information on how they can be involved."
7.	Question submitted by Sir Ron Watson to Cabinet Member for Regeneration and Skills (Councillor Atkinson)
	Subject: Southport Market
	"There have been constant references to Altrincham Market which enjoys significant success.
	The catchment area - range of services provided and the wide variety of stalls have clearly proved to be supported by the public.
	Will the Cabinet Member please advise what assessment has been made however of the catchment area the opening times i.e. Altrincham Market is open three days per week, and the socio-economic mix all of which impact significantly on the Market in Altrincham.
	Will the Cabinet Member please provide specific not generalised answers to these questions and will she undertake to ensure that Ward Councillors and the existing retail sector are in a position to be part of a consultation process before any fundamental decisions are made."
	Response:
	"I have never referred to Altrincham Market."
	"The process will be followed in line with guidance from the Council's Consultation and Engagement Panel."
8.	Question submitted by Sir Ron Watson to the Leader of the Council
	(Councillor Maher)
	Subject: The Strand
	"There is provision under the Council's Constitution to exclude the press and public from receiving information. This provision goes back to 1972 and we now have considerable interest by the media in general i.e. television, radio, independent media production companies and wider social media. Should the designation be now changed to reflect the current situation?"
	Response:
	"The Council's Constitution complies with the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

	The Constitution and the legalisation do not make specific reference to the 'press' but it is common practice for the minutes of private meetings of the Cabinet to make reference to the exclusion of the Press and the Public."
9.	Question submitted by Sir Ron Watson to the Leader of the Council
	(Councillor Maher)
	Subject: The Strand
	"For the purposes of exclusion would the Leader of the Council confirm that Elected Members for the purposes of this provision are classified as Members of the public and does he agree that this is appropriate under the provisions for open government?
	In the event of him not agreeing would he please outline his reasons for holding such a view?"
	Response:
	"I am unclear what is meant by 'the provisions for open government' but I can assure you that meetings of the Cabinet or parts of meetings of the Cabinet which are held in private are held in accordance with the legislation cited in my answer to question above and only include members of the Cabinet (and appropriate officers) and all other people are excluded."
10.	Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)
	Subject: The Strand
	"Will the Leader of the Council please detail the experience that Elected Cabinet Members have in the area of large scale retail developments and extensive capital funding."
	Response:
	"Elected Members through their Portfolio responsibilities and as the Executive, ensure that appropriate professional services are secured to any capital projects, and that appropriate and robust due diligence is carried out to assure and scrutinise all capital projects."
11.	Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)
	Subject: The Strand
	"The recent Cabinet Meeting considered the 49 page report on the Strand.
	There was also consideration of a 3 page report that was predicated on the larger report that was kept secret."

	Resnonse:
	Response:
12.	Question submitted by Sir Ron Watson to the Leader of the Council
	(Councillor Maher)
	Subject: The Strand
	"The Council Constitution was last reviewed in 2012 and does he agree that as far as exempt information is concerned that nothing has changed?
	In the event of him holding this view would he outline to the Council his justification for holding such an opinion bearing in mind the fact that prior to 2012 under various types of administration including a political majority constituted Council representation from all Political Parties was on the majority of decision making bodies whereas under the current system one Party has the monopoly and has refused requests even for ex-officio members from the major parties to attend Cabinet in particular but with no power to vote?"
	Response:
	"The Council's Constitution is reviewed on a regular basis to ensure that it complies with legalisation, is fit for purpose and reflects best practice. It has been amended many times since 2012. No legislation has been passed which changes The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
	The current composition of the Cabinet reflects the outcome of the most recent democratic election process which returned a Labour Group majority to the Council."
13.	Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)
	Subject: The Strand
	"In respect of the last report on the Strand has the Leader of the Council shared the exempt and extensive document with Members of the Labour Group other than those who are Cabinet Members?"
	Response:
	"No"
14.	Question submitted by Sir Ron Watson to the Leader of the Council
	(Councillor Maher)
	Subject: The Strand
	"The Overview and Scrutiny Committee for Regeneration and Skills has the right to scrutinise the decision but does he consider it tenable that they would be able to take an independent view in the light of the fact that all Overview & Scrutiny Committees are chaired by Labour Members? Will the Leader of the Council confirm that Elected Members of the relevant Overview & Scrutiny Committee will have full access to the exempt reports on which the Cabinet subsequently made its decision?

In the event of them being denied access to this information will the Leader of the Council please explain how they are to come to an informed view on the validity of the decision made by the Cabinet if they are not able to see the information on which the cabinet decision was predicated." Response: "The Council will always comply with the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which contain regulations relating to the disclosure of documentation to overview and scrutiny committees, together with the recently published statutory guidance on Overview and Scrutiny in Local and Combined Authorities. The statutory guidance provides that each request for information by an Overview and Scrutiny Committee should be judged on its individual merits and the law recognises that there might be instances where it is legitimate for an executive to withhold information." Question submitted by Sir Ron Watson to the Leader of the Council 15. (Councillor Maher) **Subject: The Strand** "Will the Leader of the Council please advise whether or not the Full Council meeting on the 19th September will have the power to either alter or refer back for further consideration the cabinet decision made on the 25th July." Response: "There is no such provision." 16. Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher) **Subject: The Strand** "There have been recent reports that the capital value of the Strand has been reduced from £32m to £27m. There have been comments to the effect that this is of no consequence. Does the Leader of the Council agree with this approach and will be confirm that the Council is now paying annual loan charges on £32m on a centre that has lost £5m in terms of value?" Response: "As part of the annual closure of accounts process, the council is required to value all of its assets at agreed intervals. Due to the size of the Strand Shopping Centre this must be undertaken annually.

This valuation is taken at a single point in time and will always be the subject of change. There will be years that the value increases and decreases with the valuation reflecting national factors with regard to major financial transactions and retail behaviour in addition to local tenancy arrangements. Regardless of whether the asset increases in value or decreases at a point in time, there is no impact on the funding of council services.

The Council bought the asset as part of the Bootle Town Centre Framework to hold, retain and improve thus improving the long-term yield and sustainability of this vital community asset; not sell, therefore the valuation will not influence any short or long-term decisions and any loan charges are met from income from the asset. Indeed, £1m of income from the Strand has been used over 2018/19 and 2019/20 in order to fund front line council services."

### 17. Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)

### **Subject: The Strand**

"The report presented to Cabinet has open Agenda Item 18, page 183, refers to 'prevailing market conditions have adversely impacted on the current approved business plan for the Strand'.

Would the Leader of the Council please outline what this means in precise terms and to what extent are the original figures presented still valid?"

### Response:

"It is widely recognised that nationally the tenants on the high street and in shopping centres have encountered tough trading conditions. Despite this the strand has contributed £1m to front line services over 2018/19 and 2019/20 and last year made a further surplus of £0.162m that is available to support the Centre's operations should this be required."

## 18. Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)

### **Subject: The Strand**

"On page 184 of the same report there is reference to some residents visiting the Strand as much as three times per week.

What justification is there for such a statement and what percentage of residents are thought to fall into this category?

There is reference to the development of a health and wellbeing club and assertive technology showroom and the incorporation of Sefton at Work into the Strand. Do the first two facilities currently exist and if so who are they operated by, who funds them and will they be expected to make a financial contribution presumably from public funds in terms of relocation and annual charges?"

### Response:

"Detailed customer analysis is conducted within the centre to understand consumer behaviour - the number of visits made to the centre is part of this analysis and the last survey data indicated that 38,500 shoppers visit several times each week. As part of the performance management information commissioned to support operational decision making, "mystery shopping" is carried out at regular intervals to understand the purchasing behaviour of the customers of the Strand. This comprehensive report which is carried out over a three-week period, every day of the week and for the duration of all opening hours, and informs improvements to the Strand and supports negotiations with new tenants, by understanding how the community likes to access and interface with the shopping centre. This is the source of the information relating to frequency of visits.

The proposed developments are at inception stage."

## 19. Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)

### **Subject: The Strand**

"The report states there are no capital requirements other than those reflected in the updated business plan.

This is the document that has been denied to Elected Members not on the Cabinet. Would the Leader of the Council agree that this statement is a contradiction in terms and will he outline the capital costs involved and how they are to be funded?

A full and open response to these questions will help alleviate the growing concern that there is from Elected Members and the public and would the Leader agree that the information requested can only help both Councillors and the public come to an informed decision on the validity of the proposals that have been put forward in a closed session."

### Response:

"All financial issues are reflected in the business plan that as would be expected is continually updated. The cost of capital is met through income generated by the shopping centre."

## 20. Question submitted by Councillor Brough to the Cabinet Member for Health and Wellbeing (Councillor Moncur)

### Subject: NHS Southport Walk-in Centre/A&E

"At the 3rd September meeting of Overview and Scrutiny Committee for Adult Social Care the following question was put and responded to:

"Would the provision of a walk-in centre in Southport affect A&E?"

### Response:

"A&E at the Trust was considerably improved. Commissioners considered that

budgets were not necessarily best spent on the provision of a walk-in centre in Southport, rather investment had taken place in frail elderly care and close joined-up integrated working took place with the Council's Adult Social Care Team".

"Does the Cabinet Member agree with the responder and the Commissioners that the establishment of a walk-in centre for Southport would be an unnecessary and an unwise use of resources?"

### Response:

"No"

### 21. Question submitted by Sir Ron Watson to the Leader of the Council (Councillor Maher)

### **Subject: Social Housing**

"The Leader of the Council will be aware of the fact that the Local Government Association of which Sefton is a prominent member considered one of their greatest successes during the last Municipal year was the decision by the Government to allow and encourage significant social housing new build programmes.

The Leader will also know that there was a technical issue in terms of approval for those authorities who has not retained their Housing Revenue Accounts when large scale stock transfer to the voluntary sector took place who at the same time accepted responsibility for inherited capital debt.

Whilst the Minister confirmed that this should not stop Councils proceeding there appears to have been no subsequent action being taken by Sefton Council.

Does the Leader of the Council, therefore, agree:-

- (a) Sefton should seek urgent clarification on any outstanding concerns they have relating to inherited capital debt
- (b) Notwithstanding this point identify those sites within the Borough that are considered suitable for additional social housing
- (c) embark upon a consultation process with local residents in the area about future planning proposals
- (d) agree that the suggestion made by the Cabinet Member concerned as they would have more access was both unhelpful and illogical and that the responsibility for making progress clearly lies with the controlling Group on Sefton Council."

#### Response:

"Given the national state of the Conservative Party, it is perhaps not unsurprising that Conservatives locally have decided to ignore due political process and flout the

traditions of this Council Chamber.

I am, however, shocked that I need to remind Cllr Watson that the proper process for asking questions is to direct them to the relevant Cabinet Member (Councillor Trish Hardy). In order to help Cllr Watson I have therefore asked the relevant Cabinet Member (Councillor Trish Hardy) to provide him with a response and this is included below.

It has been almost a decade since the Tories savaged social housing grant in England. During that time we have, nationally and locally, seen the number of new build social housing decline dramatically.

It is somewhat surprising therefore to find any Conservative councillor directing questions about a lack of social housing to anywhere but his own Party - a Party which has no noticeable housing policy and which appears to change its Housing Minister on a six-monthly basis.

Perhaps more surprising is that, in asking this question, Cllr Watson clearly does not appear to have been paying attention.

At the Cabinet meeting of July this year, the Cabinet considered a report on the work that had been undertaken to update the Company's Business Plan for their Phase 1 new-build housing programme, and resolved:-

- the request to Sandway Homes Limited to identify up to 5 affordable homes for purchase by the Council for the purpose of providing Council Housing and that a subsequent report, detailing the exact assets to be purchased and the financial implications be provided to support the decision in accordance with the Council's Constitution and Financial Procedure Rules be approved.

I have already sought additional clarity on the point of outstanding HRA debt, and whilst the initial response from MHCLG was far from helpful, my officers and I have persevered and now have clarification that we can return to Council House ownership without the need to repay the historic debt.

So, to be clear Cllr Watson, we are already preparing to build Council housing.

Cllr Watson has also sought clarity previously on sites suitable for council housing. I am more than happy to confirm, again, that the Local Plan identifies sites that are suitable for future residential development including sites that are in Council ownership.

I am however somewhat confused as to why Cllr Watson would believe that social housing should only exist on designated sites. In my view, social housing should not and cannot be developed in isolation from other tenure types. Social housing should be embedded within and across our communities. Indeed, the Council's Local Plan also includes an Affordable Housing Policy, which requires the provision of a portion of new homes on new-build housing developments to be provided as affordable social rented homes.

The Local Plan has already been the subject of significant consultation and,

naturally, as we bring forward plans for Council housing development, our communities will be consulted and engaged as we always do on any Council led development in the Borough. Finally, I will remind Cllr Watson that the issue of social housing is indeed a national issue. It is a decision of national government to charge or remove historic debt. It is a decision of Government about how Right to Buy receipts may be used. It is a decision of Government what social housing grant is available and who it is made available to. I am surprised that Cllr Watson does not understand this and perhaps if Cllr Watson wished to genuinely help the cause of Council Housing in Sefton he would speak to his own Party's leadership to address these issues. In the meantime, I will continue to carry on having a conversation with the shambles that is currently masquerading as a Tory Government on these and other housing related issues." 22. Question submitted by Councillor Dawson to the Cabinet Member for Regulation, Compliance and Corporate Services (Councillor Lappin) Subject: Financial - Closure of Park "How many days in the financial year 2018-2019 was (a) all or (b) any significant part of Victoria Park, Southport closed to use by the general public and how does this accord with the Council's interpretation of the present agreement between the Council and the Southport Flower Show Company?" Response: "This had a written response at Council on 17th July 2019." Question submitted by Councillor Dawson to the Cabinet Member for Adult 23. **Social Care (Councillor Cummins) Subject: Southport and Formby Hospital** "Could the Cabinet Member comment upon the extent to which he believes that discharges of patients from Southport and Formby Hospital might be being delayed by local factors relating to nursing and residential home placements?" Response: "There are no delays as a result of local factors affecting nursing and residential home placements in Southport. There are currently vacancies across both residential and nursing care homes." 24. Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher) **Subject: Climate Emergency** 

"Could the Leader of the Council inform the Council of measures taken since the adoption of the motion at the July Council meeting to bring Sefton MBC into addressing Climate Emergency?"

#### Response:

"Following approval by Council in July work has started to mobilise this long-term programme. In order to inform this, extensive research has been undertaken into the approach of other local authorities. Following this work the scope of activity for the next 12 months has been identified. This will include:-

- Developing the required governance for the programme
- Developing the Council's Strategy in respect of the Climate Change Emergency
- Requesting each Overview and Scrutiny Committee to stocktake all activity in relation to carbon emissions to inform a council-wide baseline position and Identify all current projects that are taking place across the council that will support the delivery of the Council's Strategy;
- Building into all Cabinet and Council decisions governance around the contribution to the climate emergency
- Developing and resourcing the initial implementation plan
- Provide the first Annual report to Council in 2020."

### 25. Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher)

### **Subject: Brexit**

"Is the Leader of the Council aware of the recent report produced by St Helens Council concerning the potential effects of a 'No Deal' Brexit on that Borough?"

#### Response:

"Yes, and we have undertaken and continue to undertake evaluation of our risks and mitigation plans, to the extent that we can with the information we have.

Sefton, like St Helens and like all local authorities in the Liverpool City Region, is fully engaged in the Merseyside Resilience Forum and its scenario planning exercises for No Deal, and we have a clear action plan for Sefton being implemented by our officers."

