



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Remote Meeting of the Sefton Metropolitan Borough Council to be held on **Thursday 19th November, 2020 at 6.30 pm** to transact the business set out on the agenda overleaf.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Dwayne", followed by a horizontal line.

Chief Executive

Town Hall,
Southport

Wednesday 11 November 2020

Please contact Ruth Harrison, Democratic Services Manager
on 0151 934 2046 or e-mail ruth.harrison@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting by switching their camera and microphone off during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Minutes of Previous Meeting

(Pages 5 - 14)

Minutes of the meeting held on 17 September 2020.

4. Mayor's Communications

Public Session

5. Matters Raised by the Public

(Pages 15 -
16)

To deal with matters raised by members of the public resident within the Borough, of which notice has been given in accordance with the procedures relating to public questions, motions or petitions set out in Paragraph 36 to 47 of the Council and Committee Procedure Rules in Chapter 4 of the Council Constitution.

(A) Public Petition – Shy Lowen Horse and Pony Sanctuary

(Details of any further petitions notified or questions submitted by members of the public will be circulated at the meeting).

Council Business Session

6. 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 49 to 51 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

- | | |
|--|----------------------|
| 7. Proposed Public Space Protection Order - Dog Control | (Pages 17 -
80) |
| Report of the Head of Highways and Public Protection | |
| 8. Treasury Management Mid-Year Report 2020/21 | (Pages 81 -
90) |
| Report of the Executive Director of Corporate Resources and Customer Services. | |
| 9. Financial Procedure Rules | (Pages 91 -
166) |
| Report of the Executive Director of Corporate Resources and Customer Services. | |
| 10. Membership of Committees 2019/20 | |
| To consider any changes to the Membership of any committees etc. | |
| 11. Motion submitted by Councillor Moncur - The Union Learning Fund | (Pages 167 -
168) |
| 12. Motion submitted by Councillor Roscoe - Mosquito Devices | (Pages 169 -
170) |
| 13. Motion submitted by Councillor Thomas - Scrambler Bikes | (Pages 171 -
172) |
| 14. Motion submitted by Councillor Veidman - Planning White Paper | (Pages 173 -
174) |
| 15. Motion submitted by Councillor Dawson - Government Funding - Covid 19 | (Pages 175 -
176) |

COUNCIL

MEETING HELD AT THE REMOTE MEETING ON THURSDAY 17TH SEPTEMBER, 2020

PRESENT: The Mayor (Councillor Burns) in the Chair
The Deputy Mayor (Councillor Robinson) Vice Chair
Councillors Atkinson, Bennett, Brodie - Browne,
Brough, Byrom, Carragher, Cluskey, Cummins,
Dodd, Dowd, Doyle, Dutton, Evans, Fairclough,
Friel, Gannon, Grace, Halsall, Hardy, Howard, Irving,
Jones, Keith, John Joseph Kelly, Killen, Lappin,
Lewis, Maher, McCann, McGinnity, Moncur, Morris,
Murphy, Myers, O'Hanlon, Pitt, Pugh, Pullin, Roche,
Roscoe, Sathiy, Shaw, Spencer, Thomas,
Anne Thompson, Lynne Thompson, Tweed,
Veidman, Waterfield, Sir Ron Watson and Webster

5. MAYOR'S WELCOME

The Mayor took the opportunity to welcome Members to the remote meeting of Sefton Council and extended a special welcome to members of the public who were viewing the meeting online. This meeting was being held using Microsoft Teams Live Events software. A protocol for Members attending remote meetings had been circulated prior to the meeting and Members were respectfully requested to adhere to the protocol.

The Mayor advised all Members who were nominated Spokespersons to turn their cameras off and mute their microphones when not addressing the meeting. The Mayor also advised that any of the nominated Spokespersons who would like to address the meeting at any time should indicate by using the chat facility in Microsoft Teams and emphasised that the chat facility should only be used to indicate the wish to speak.

The Mayor further advised that all Members who were not nominated Spokespersons should turn their camera off and mute their microphone, and that they should only un-mute their microphone to confirm their attendance and to state how they wish to vote.

The Mayor highlighted that during the meeting if she anticipated that an item was agreed, that she would ask Members if the item was agreed and that Members only needed to indicate any disagreement in the chat facility. Silence would be taken as an agreement.

The Mayor concluded by explaining that if any member indicated that an item was not agreed or it was clear to her that an item would not be agreed, a vote would be taken on the item. The vote would be taken by an officer asking each member in alphabetical order to indicate their vote. Members should turn on their microphones when it was their turn to vote but that there was no need to turn on their camera.

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6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blackburne, Bradshaw, Brennan, Carr, Dawson, Hands, John Kelly, McKinley, Brenda O'Brien, John Sayers and Yvonne Sayers.

7. DECLARATIONS OF INTEREST

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

8. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meetings held on 27 February and 7 May 2020 were approved as a correct record.

9. MAYOR'S COMMUNICATIONS

Former Councillor Wendy Jones

The Mayor reported on the sad news that former Councillor Wendy Jones had passed away on 2 September 2020.

The Mayor indicated that she had attended the funeral of former Councillor Wendy Jones and wished to thank former Councillor Jones's family for their hospitality.

Cllr Jones served the Conservative Party in the Blundellsands Ward from 7th May 1992 until 6th May 2007, she was Mayor of Sefton from 2000-2001.

She was a member of Licensing & Regulatory Committee and Licensing Sub, the Planning Committee and the Joint Consultative Committee for Teaching Staff.

She was also Chair of Scrutiny & Review for Regen & Environmental, and a member of Crosby Area Committee.

Councillors Sir Ron Watson, Pugh, Brough and Cummins paid tribute to former Councillor Wendy Jones.

The Council observed a one Minute silence as a mark of respect to former Councillor Wendy Jones.

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Death of Councillor Michael O'Brien

The Mayor reported with great sadness on the passing of Councillor Michael O'Brien on 11 September 2020.

The Mayor gave notice that the funeral would be held on Wednesday 23 September 2020 at 10.00 a.m. at Christ Church, 1 Breeze Hill, Bootle, L20 9EY followed by Thornton Crematorium, she also gave notice of the restricted numbers allowed in the Church and stated that there would be an option to stand outside.

The Mayor confirmed that she would be in attendance.

The Mayor reported that Councillor Michael O'Brien was elected as a Member for Derby Ward on 22 May 2014.

In reflecting on his work as an active Member of Sefton Council during his term of office the Mayor indicated that Councillor O'Brien was currently the Vice Chair of the Planning Committee, a Member of the Planning Urgent Referrals Committee, Licensing and Regulatory Committee, Licensing Sub-Committee and Local Joint Consultative Committee and a Substitute Member of both the Overview and Scrutiny Committees for Adult Social Care and Health and Children's Services and Safeguarding and of the Joint Consultative Committee for Teaching Staff. Prior to his election to the Council Councillor Michael O'Brien was a Local Advisory Group member of the former Litherland and Ford Area Committee.

Councillor O'Brien had also been an active Member of various Overview and Scrutiny Committees and their Working Groups.

The Mayor stated that Councillor Michael O'Brien would be sadly missed by all his colleagues, friends and those he worked with and on behalf of the Council, sent deepest sympathy and prayers to Councillor Brenda O'Brien, daughter Rachel and son Jonathan at this sad time.

Councillors Maher, Fairclough, Robinson, Anne Thompson, Grace, Spencer, Pugh, Brough, Dutton and McCann paid tribute to Councillor Michael O'Brien.

The Council observed a one Minute silence as a mark of respect to Councillor Michael O'Brien.

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Covid-19

The Mayor referred to the hard work and dedication of Members and officers of the Council to their communities during the pandemic. The Mayor referred to the importance of keeping the vital services of the Council going and highlighted the importance of maintaining regular communication with all constituents to ensure they feel safe and supported. The Mayor thanked all Members and Officers.

10. MATTERS RAISED BY THE PUBLIC

The Mayor reported that no matters had been raised by members of the public.

11. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that the schedule setting out the questions submitted by Members of the Council together with the response by the appropriate Cabinet Member had been e-mailed to all Members of the Council.

The Mayor further reported on the following procedure for the asking of supplementary questions at the remote meeting of Council.

Members would be given the opportunity to ask one supplementary question of the Leader/Cabinet Member and those questions should be e-mailed to the Chief Legal and Democratic Officer by 4 pm the following day after the Council Meeting, Friday 18 September. It was further reported that the answers to the supplementary questions would be e-mailed directly to the Councillor by 4 p.m. on the Monday following the Council meeting, date being 21 September 2020.

The Mayor indicated that the Democratic Services Manager or her colleague would e-mail all Members of the Council with the complete supplementary question and answer schedule the following week after Council.

The Mayor reminded Members when submitting a supplementary question that the question should be a question and not a statement and furthermore must arise directly out of the original question or the reply.

12. PUBLIC HEALTH ANNUAL REPORT 2019-2020

The Council considered the report of the Director of Public Health regarding the Public Health Annual Report which had been produced as a short film in relation to health inequalities.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the Council note the Public Health Annual Report 2019/20.

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13. SOUTHPORT MARKET

The Council considered the report of the Head of Economic Growth and Housing in relation to the approval of a supplementary capital estimate of £1.400m to enable the redevelopment of Southport Market. The report outlined that the cost would 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.

It was moved by Councillor Maher, seconded by Councillor Fairclough and following debate the Chief Legal and Democratic Officer, Mr David McCullough officiated the vote and the Mayor declared that the **Motion was carried** and thereby:

RESOLVED: That:

- (1) a supplementary capital estimate of £1.400m for the redevelopment of Southport Market to be funded from a £0.500m direct grant by the Liverpool City Region Combined Authority and from a £0.900m accelerated grant as part of the Town Deal process, be approved; and
- (2) the future years revenue implications arising from the proposal, be noted and that those revenue implications be built into the council's medium-term financial planning and annual budgets, be approved.

14. OVERVIEW AND SCRUTINY ANNUAL REPORT 2019/20

The Council considered the Overview and Scrutiny Annual Report for 2019/20 and Councillors Doyle, Murphy, Robinson, on behalf of the Chair, John Sayers and Byrom, on behalf of the Chair, Councillor Bradshaw highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2019/20.

It was moved by Councillor Robinson, seconded by Councillor Murphy and

RESOLVED:

That the Overview and Scrutiny Annual Report 2019/20 be noted.

15. SEFTON CLIMATE EMERGENCY STRATEGY

The Council considered the joint report of the Executive Director - Corporate Resources and Customer Services and the Executive Director - People that indicated that Sefton Council was committed to reducing carbon emissions and had resolved to go further than the UK100 Agreement and to act in line with the scientific consensus that we must reduce emissions to net zero by 2030; and that as such the Council at its meeting in July 2019 declared a climate emergency. Following that

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declaration work had progressed within the Council on the agreed actions that were contained and approved by Members; and that as part of that work a Strategy for the delivery of the Council Motion had been developed and this report sought approval of that Strategy.

A copy of the Sefton Council Climate Emergency Strategy and Council Motion were attached to the report.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the “Sefton Climate Emergency Strategy” be approved.

16. SEFTON CLIMATE EMERGENCY IMPLEMENTATION PLAN

Further to previous Minute, Minute No: 15, Sefton Climate Emergency Strategy, the Council considered the report of the Executive Director - Corporate Resources and Customer Services in relation to the Sefton Climate Emergency Implementation Plan. The report included the first 3 Year implementation plan for the period 2020-2023 detailing the work that had been undertaken during the last 12 months.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the 3 Year Implementation Plan for the period 2020-2023 be approved.

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

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

- (1) the current estimated financial impact of COVID-19 on the 2020/21 Budget;
- (2) 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
- (4) the monitoring position of the Council's capital programme to the end of June 2020 relating to:
 - the forecast expenditure to year end;
 - variations against the approved budgets and an explanation of those variations for consideration by Members;

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- updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the revised Transport Allocations, as detailed in paragraph 7.3 of the report be approved.

18. FINANCIAL AND CORPORATE PERFORMANCE 2019/20

The Council considered the report of the Executive Director of Corporate Resources and Customer Services in relation to the Financial and Corporate Performance of the Council for 2019/20.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the balance on the Business Rate Reserve (£1.976m) be released back to the General Fund in 2019/20 to support the outturn position, as detailed in paragraph 6.5 (e) to the report, be approved.

19. LOCAL GOVERNMENT ACT 1972 – SECTION 85 - ATTENDANCE AT MEETINGS – COVID-19 ARRANGEMENTS

The Council considered the report of the Chief Legal and Democratic Officer that sought, due to the continuation of the Covid-19 pandemic, authority to approve and authorise the absence of any Councillors from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the absence of any Elected Members from all Council and Committee Meetings be authorised and approved for the period until 4 March 2021, pursuant to Section 85 of the Local Government Act 1972.

20. MEMBERSHIP OF COMMITTEES 2020/21

The Mayor reported the following changes to memberships of Committees, and representation on Joint Authorities:

Councillor Myers to replace Councillor Marshall on the Local Joint Consultative Committee;

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Councillor Killen to replace Councillor Marshall on the Overview and Scrutiny Committee (Regeneration and Skills);

Councillor Waterfield to replace Councillor Marshall on the Liverpool City Region Scrutiny Committee;

Councillor Roscoe to replace Councillor Marshall as a Substitute Member on the Audit and Governance Committee;

Councillor Halsall to replace Councillor Marshall on the Pay and Grading Committee; and

Councillor Shaw to replace Councillor Pullin as a Substitute Member on the Overview and Scrutiny Committee (Regeneration and Skills)

RESOLVED:

That the changes to the various Committees and representation on Joint Authorities as set out above be approved.

21. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 46 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) AND RULE 29 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council considered the report of the Leader of the Council in relation to a matter that was dealt with in accordance with Rules 29 (special urgency) and 46 (waiving call-In) of the Access to Information Procedure Rules of the Council Constitution, whereby “call in” was waived.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the report be noted.

22. MOTION SUBMITTED BY COUNCILLOR BROUGH - PRESS RELEASE

It was moved by Councillor Brough, seconded by Councillor Sir Ron Watson:

Press Releases

The Council agrees that in future any press releases and media contact that relate to fundamental strategic decisions on any aspect of Council business be forwarded to Elected Members 48 hours before they are made available to the press and media.

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An **amendment** was moved by Councillor Pugh, seconded by Councillor Shaw hat the Motion be amended by removing the words “48 hours”.

Following debate Councillor Pugh retracted his amendment and the Chief Legal and Democratic Officer, Mr David McCullough officiated the vote, after which the Mayor declared that the **Motion was lost**.

23. MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON - MEETINGS OF THE CABINET

It was moved by Councillor Sir Ron Watson, seconded by Councillor Brough:

Cabinet Meetings

Sefton Council Members will know of Section 82 of the Cabinet Constitution which states:-

“82 Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting]. However, the Leader has discretion to limit the number of such items to be considered per Cabinet meeting”.

The Council based on experience now believes that the veto which can be used by the Leader of the Council should be removed if the criteria under Rule 82 have been met.

Following debate the Chief Legal and Democratic Officer, Mr David McCullough officiated the vote, after which, the Mayor declared that the **Motion was lost**.

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Public Petition – Shy Lowen Horse and Pony Sanctuary

In accordance with the Council's Petition Scheme, a petition containing in excess of 2000 signatures has been submitted in relation to Shy Lowen Horse and Pony Sanctuary.

Reasons for the Petition and action petitioned for are:

"In 1999 we were granted a lease by the land owner Sefton MBC on an 8.5 acre piece of wasteland which had been subject to illegal tipping of demolition waste. The granting of the lease was subject to the clearance of the demolition waste and reinstatement of the land. 800 tons of rubble was removed. As that lease ended we were granted a 10 year lease following the building of new purpose built stabling and an Education Centre to support the alternative curriculum education programme, the mental health therapeutic interventions and the behaviour coaching which we do alongside the rescued horses and ponies. This intervention is known as Equine Assisted Therapy and we assist all ages of people, military veterans, people in recovery from addiction and homeless people. The cost of all of this was borne by our founding trustees who are not and were never wealthy people. The very foundation and development of this project has been built upon their personal sacrifice. Over 270 horses and ponies have come through our gates along with many hundreds of people. Many young people have gained successful careers in various equine roles following their engagement with Shy Lowen.

As the lease passed the half way point it became difficult to secure funding as there was no guarantee of longevity so on 2nd January 2017 an email was sent to the Manor Ward councillors to request support in gaining a new long lease. Following strong negotiation Sefton MBC eventually agreed in Summer 2019 that a 99 year lease could be granted at marginally below the commercial rate. We agreed although we are aware that the council could legally gift the site in the light of the investment made both financially and in public benefit as has been the case with other organisations. We have still not received a formal agreement and we now occupy a site for which we have no lease at all and so are rendered unable to obtain realistic funding to fund and further develop our offering.

Many lives are affected both equine and human by the nurturing nature of our organisation. Our methodology of Equine Assisted Therapy built on emotion and communication through 'horse whispering' is award winning and has been the subject of Mainstream Television documentaries. We now have an accredited course to teach people to become Equine Assisted Therapy Facilitators.

We want Sefton MBC to recognise the work we do and treat us with the respect we have earned over 21 years and grant us the permanence of occupancy we need to make Shy Lowen the place it really can be, bringing all the greatness of the outdoors to the Sefton community and beyond."

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In accordance with the Procedure Rules for Remote Meetings of Council, the Lead Petitioner has been advised of her right to submit a written statement, not lasting more than 5 minutes, that will be read out by the Chief Legal and Democratic Officer at the Meeting. The petition will then be discussed by Councillors for a maximum of 15 minutes and the Council will decide how to respond to the petition at the meeting.

Link to the petition:

https://www.change.org/p/sefton-metropolitan-borough-council-give-shy-lowen-horse-and-pony-sanctuary-the-security-they-deserve?recruiter=false&utm_source=share_petition&utm_medium=facebook&utm_campaign=psf_co_mbo_share_initial&utm_term=share_petition&recruited_by_id=a9cd9e60-1e1a-11eb-a05a-5f33f35c0fb4&utm_content=fht-25646841-en-gb%3A4

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Report to:	Licensing and Regulatory (Urgent Referrals) Committee	Date of Meeting:	Wednesday 4 November 2020
	Council		Thursday 19 November 2020
Subject:	Proposed Public Space Protection Order - Dog Control		
Report of:	Head of Highways and Public Protection	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To present for consideration the draft Public Space Protection Order – Dog Control, (PSPO) under the Anti –Social Behaviour Crime and Policing Act 2014.

To provide information concerning dog control and an overview of the public consultation on proposed additional dog control measures through a proposed new Public Space Protection Order (PSPO).

Recommendations:

Licensing and Regulatory (Urgent referrals) Committee is requested to recommend that Council gives its approval for the Proposed Public Space Protection Order as detailed in 1, 2 and 3 below: (amended to specifically state in each case that dogs should be kept on a lead of not more than 2.0 metres in length)

Council is requested to approve the Proposed Public Space Protection Order as detailed in 1, 2 and 3 below:

1. That the requirements / restriction previously contained within the Sefton Metropolitan Borough Council Public Space Protection Order – Dog Control 2017 (PSPO – dog control 2017) are included within the proposed new Public Spaces Protection Order

- i. Offence of not removing dog's fouling forthwith
- ii. Restrict the number of dogs that can be walked by one person to a maximum of 6.
- iii. Prohibit dogs from entering enclosed playgrounds
- iv. Prohibit dogs from entering marked or fenced sports pitches during specified periods.
- v. Dogs to be kept on a lead of not more than 2.0 metres in length within defined

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- vi. Dogs to be kept on a lead of not more than 2.0 metres in length within all public roads and footways.
- vii. Dogs to be kept on a lead of not more than 2.0 metres in length within all cemeteries and crematoria
- viii. Dogs to be placed on a lead of not more than 2.0 metres in length when directed by an authorised officer to prevent a nuisance or behaviour likely to cause annoyance or disturbance to the public

2. That the following additional requirement / restriction is included within the proposed PSPO

- i. Dogs to be kept on leads of not more than 2.0 metres in length within unfenced (open) playgrounds

3. That the following requirements / restrictions are not included within the proposed PSPO

- i. Dogs to be kept on leads of not more than 2.0 metres in length within a golf course
- ii. Dogs to be kept on a lead of not more than 2.0 metres in length on the beach

Reasons for the Recommendation(s):

The proposals are intended to provide enforcement powers to address irresponsible dog control and protect the public from anti-social behaviour that is having or likely to have a detrimental effect on the quality life of those in the locality and ensure this continues to be addressed across the Borough.

Alternative Options Considered and Rejected: (including any Risk Implications)

Members could take no action, following the PSPO consultation. In doing so, Members should note that the existing PSPO- Dog Control 2017 has expired resulting in only very limited powers to tackle irresponsible dog ownership. Existing Bye laws are dated in extent and coverage across the Borough. Crucially they fail to allow a Fixed penalty notice (FPN) to be issued and for the offender to discharge their liability for prosecution by making payment. All offences would result in prosecution which is both costly in time and resources and would leave the offender with a criminal record.

Options considered as part of the public consultation included extending the defined areas for the prohibition of dogs or requiring dogs to be on a lead; amending the length restriction for dog's leads and the limit on dogs allowed to be walked. Members could choose to include these variations within the proposed PSPO, however they did receive less support.

What will it cost and how will it be financed?

(A) Revenue Costs

The consultation responses identified that a significant number of respondents identified that signage used during the PSPO – dog Control 2017 was not good enough. A review

of signage provision will be necessary, and this may result in additional costs to ensure that relevant and adequate signage is provided and maintained. These costs are estimated at up to £10,000 and will be met from existing revenue budgets.

It is not anticipated that there will be any material change in the amount of monies received from fixed penalty notices. Indeed, it is hoped that changes to irresponsible dog owner's behaviour will mean fewer FPN's being issued. An additional contribution towards income is not anticipated.

(B) Capital Costs

None

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): There is a potential increased cost associated with improving signage of the requirements of the PSPO, but this can be accommodated within existing budgetary provision</p>
<p>Legal Implications: The consultation process had adhered to statutory requirements and guidance. The decision-making process, if members determine to proceed with the PSPO -Dog Control, will follow the necessary and appropriate decision making route.</p>
<p>Equality Implications: The equality Implications have been identified and mitigated. The proposed PSPO provides exemptions for assistance dogs.</p>

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable: The PSPO would ensure continued protection by ensuring that dogs are prohibited from entering playgrounds and certain sports facilities and effectively controlled on a lead in other locations such as picnic areas and cemeteries thereby ensuring children can play without disturbance in a secure environment and persons using sensitive locations are protected.</p>
<p>Facilitate confident and resilient communities: Not applicable</p>
<p>Commission, broker and provide core services: Not applicable</p>
<p>Place – leadership and influencer: Not applicable</p>
<p>Drivers of change and reform: This PSPO will continue to encourage responsible dog ownership by ensuring dogs are on a lead or prohibited from entering key areas to the</p>

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benefit of the community and will seek to reduce the levels of dog fouling within the Borough
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener. The PSPO will ensure enforcement powers are available to require dog fouling to be picked up forthwith, this will impact upon dog walker's behaviour and the level of dog fouling. Ability for officers to request dogs leashed on direction is helpful in diffusing situations and preventing adverse impacts on the wider natural environment.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD6164/20.) and the Chief Legal and Democratic Officer (LD.4356/20) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Following approval by the Public Engagement & Consultation Panel a public consultation began on 17th March 2020 but was interrupted by the impact of the COVID-19 pandemic. It was suspended on 1st April.

A second consultation was run for a 4-week period, commencing on 7th September 2020 and concluding on 5th October 2020.

The structure of the two consultations are the same. The phrasing of the consultation questions differed only in the tense that they were written in where this was necessary.

Details of the consultation engagement are outlined further in this report.

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Steve Smith / Josh Cross
Telephone Number:	0151 934 4025
Email Address:	steve.smith@sefton.gov.uk / joshua.cross@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

Appendix 1 – Draft Sefton Metropolitan Borough Council Public Space Protection Order (Dog Control) 2020

Appendix 2 – Correspondence received from the Dog’s Trust

Appendix 3 – Correspondence received from the Kennel Club

Appendix 4 – Correspondence received from Freedom for Dogs -Sefton

Background Papers:

Local Government Association -PSPO Guidance for Councils

https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_061.pdf

Home Office Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers- Statutory guidance for frontline professionals

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf

1. Introduction/Background

1.1. A public space protection order (PSPO) can be introduced by a Council under the Anti-social Behaviour, Crime and Policing Act 2014, Part 4 (section 59) where:

- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature
 - is, or is likely to be, unreasonable

1.2. A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

1.3. In establishing which restrictions or requirements should be included the Council should be satisfied that the measures are necessary to prevent or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

1.4. Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification.

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- 1.5. Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.
- 1.6. The Act also requires that there is a consultation process before an Order can be made (and held again when an Order is extended, varied or discharged).

2. Sefton's previous PSPO for Dog Control

- 2.1. The PSPO for Dog Control came into force on the 14th July 2017 and came to an end on 13th July 2020.
- 2.2. The following requirements / restrictions summarised below are included within the Order
 - Failure to remove your dog's fouling forthwith.
 - Restrict the number of dogs that can be walked by one person to a maximum of 6 dogs on or off the lead.
 - Prohibit dogs from entering enclosed playgrounds.
 - Prohibit dogs from entering marked or fenced sports pitches during specified times.
 - Dogs to be kept on a lead within defined picnic sites and family areas in parks.
 - Dogs to be kept on a lead within all designated carriageways (A and B classified Road) and footways.
 - Dogs to be kept on a lead within all cemeteries and crematoria.
 - Dogs to be placed on a lead when directed by an authorised officer to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to members of the public.
 - Dog leads must be no greater than 2 metres in length when used in the locations specified above.
- 2.3. A £75 fixed penalty notice (£50 if paid within 10 days) can be issued if you fail to comply with the requirement / restrictions within the Order.
- 2.4. There are several bye laws that include reference to dog control including: banning dogs from cemeteries (contradicting previous PSPO); limitations on dogs within certain parts of the seashore; Dogs Fouling Footways/ Grass Verges only and restriction on dogs in public walks and pleasure grounds. These are limited to specific locations and crucially fail to allow a Fixed penalty notice (FPN) to be issued and for the offender to discharge their liability for prosecution by making payment. All offences would result in prosecution which is both costly in time and resources and would leave the offender with a criminal record.

3. Activity during previous PSPO

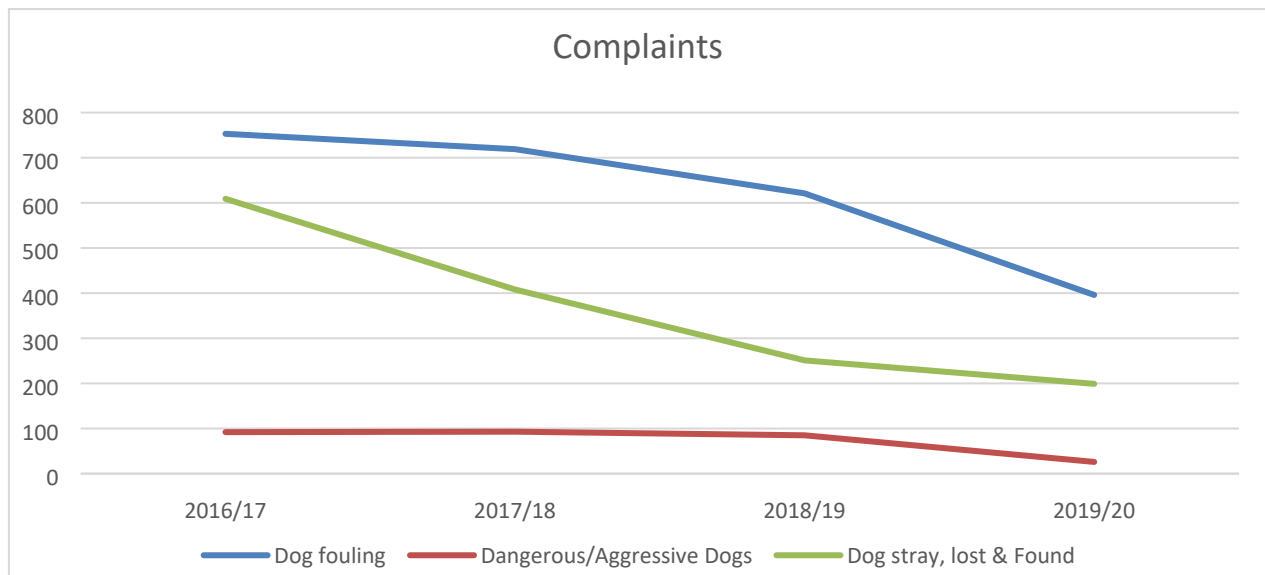
- 3.1. During the period of the previous PSPO- Dog Control 2017 enforcement of the restrictions has primarily been undertaken by Contractor NSL Ltd with FPN's issued for none compliance.
- 3.2. The Officers have undertaken high visibility patrols and engagement in key locations which provide a deterrent, particularly relevant for dog fouling offences. The knowledge of and ability to issue FPN's is key to their effectiveness.
- 3.3. FPN notices served by type:

(FPNs served by offence type)	2017/18 *	2018/19 *	2019/20 *	Grand Total
Allow dog to enter enclosed playground (PSPO)	2	44	40	86
Allow dog to enter sports pitches all year round (PSPO)		34	58	92
Dog Fouling (PSPO)	24	25	16	65
Dog not on lead cemeteries/crematoria (PSPO)		14	4	18
Dog not on lead public roads & footways (PSPO)	9	154	142	305
Dog not placed on lead when directed (PSPO)	1			1
Walking with more than 6 dogs (PSPO)			1	1
Grand Total	36	271	261	568

*Initial bedding in period followed by increased enforcement capacity 2018/19

* data / year is 13th July – 12th July (not calendar year)

- 3.4. The Council continues to receive a volume of complaints for dog fouling, these have reduced by 52.6% compared with the same period prior to the introduction of the PSPO- dog Control 2017 but remain significant. Enforcement officers continue to patrol to identify offenders and provide a deterrent.



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3.5. Dog Fouling Complaints

Each year = 13/07 to 12/07	2016/17	2017/18	2018/19	2019/20	Grand Total
Dog fouling	753	719	621	396	2489

3.6. The level of report of Dangerous dog incidents reported to the Council

Each year = 13/7 to 12/7	2016/17	2017/18	2018/19	2019/20	Grand Total
Dangerous/Aggressive Dogs	92	93	85	26	296

3.7. Reports of stray Dog including lost, found and straying dogs have shown a significant decline since the introduction of the PSPO.

Each year = 13/07 to 12/07	2016/17	2017/18	2018/19	2019/20	Grand Total
Total Dog stray, lost & Found	609	408	251	199	1465

4. Public Consultation

- 4.1. A consultation began on 17th March 2020 but was interrupted by the impact of the COVID-19 pandemic. It was suspended on 1st April 2020 having received 184 responses.
- 4.2. The interruption to the consultation prevented a decision being made on renewal, amendment or rescindment of the order and the PSPO for Dog Control expired on 13th July 2020.
- 4.3. A second consultation was run for a 4-week period, commencing on 7th September 2020 and concluding on 5th October 2020. 1,002 responses were received for the October/September consultation.
- 4.4. The structure of the two consultations are the same. The phrasing of the consultation questions differed only in the tense that they were written in where this was necessary.
- 4.5. The results of the two consultations have been combined in the analysis to ensure that all responses were taken into account. A search across all consultation responses was performed to check for duplicate responses. None were identified.

5. Consultation Engagement

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- 5.1. Consultation questions were shared with key stakeholder Sefton Dogs and were agreed upon before being finalised for the public consultation to begin 17th March 2020.
- 5.2. Nineteen questions were agreed upon covering all elements of the current (as it was) PSPO as well as enforcement, impact, signage and publicity. Full details of the questions can be found in the results section of this report.
- 5.3. An easy read version was developed with the Improving Information Group, the wording of this was used for all versions of the consultation.
- 5.4. The consultation ran online through Your Sefton Your Say. Hard copies and audio versions were made available. Alternative language forms were available on request.
- 5.5. The Consultation was promoted through the Council website, My Sefton, social media, local press, Green Sefton and all notice boards in Sefton Parks, recreational areas and cemeteries.
- 5.6. The following groups and individuals were all contacted via email to inform them of the consultation taking place and to identify any particular requests or requirements that group members may have.
 - Councillors
 - Parish Councils
 - Ainsdale Beach Forum
 - Beagle Group Waterloo Park
 - Football managing pitch agent
 - Sefton Young Advisors
 - Sefton Older People's Forum
 - ABILITY+ Network
 - Sefton Embrace (LGBTQ+) Network
 - Equal Voice (Black & Ethnic Minorities) Network
 - Healthwatch Sefton
 - Sefton Youth Service
 - Sefton Carers Centre
 - Strandbyme Health and Wellbeing Shop
 - Sefton Visually Impaired Consultation Group
 - People First Merseyside
 - Health & Social Care Forum
 - Friends of the Parks groups
- 5.7. Sefton Older People's Forum virtual meeting on 10th September 2020 was attended to discuss the public consultation and to answer any questions from group members.

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- 6.1. Merseyside Chief Constable was consulted, and Superintendent Graeme Robson of Sefton Community Policing provided the following response:

“From a police perspective we recognise the impact that dogs can cause if they are not looked after responsibly and they to cause concern to people so having some restrictions that can be publicised and enforced not only gives us the opportunity to take action against people who breach the order but also give the public some reassurance about what we are doing to protect them.

We continue to support the proposed PSPO.”

7. The police and crime commissioner:

- 7.1. The Police and Crime Commissioner for Merseyside was contacted and informed of the public consultation.

8. Parish Councils:

- 8.1. All parish councils across Sefton were contacted to inform them of the consultation taking place.

- 8.2. Aintree Village Parish Council provided a response:

“Could you please note that Aintree Village Parish Council is in favour of extending the PSPO.”

9. Animal charities/welfare groups:

- 9.1. RSPCA, The Dog’s Trust and The Kennel Club were all contacted regarding the Public Space Protection Order and the public consultation.

- 9.2. No response was received from the RSPCA. Responses from The Dog’s Trust and The Kennel Club are at the end of the consultation.

- 9.3. A letter was received from Freedom for Dogs – Sefton, a group seeking to oppose the re-introduction of the PSPO. The letter signed by six members with a further thirty-six in support of the challenge. The letter listed 11 questions related to the PSPO and expressed their opinion that the order was unnecessary and heavy handed. A copy of the letter is shown in the appendix 4

10. Public Consultation Results

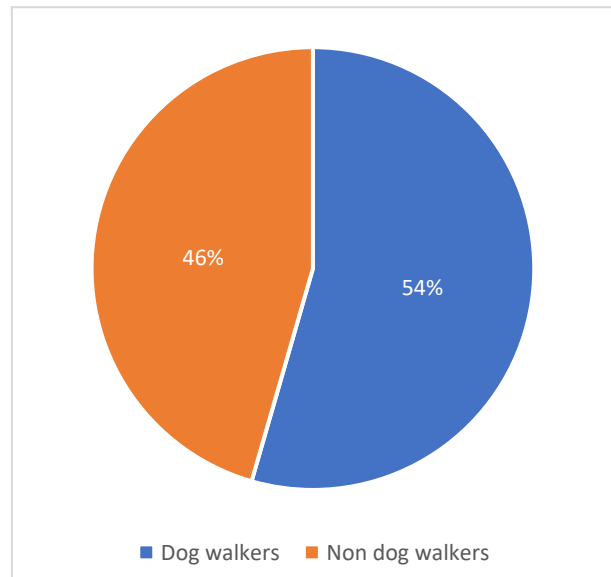
- 10.1. A combined total of 1,186 responses to the two consultations were received online.

10.2. The consultation asked respondents if they were ‘dog walkers’. This was to identify if certain views on the PSPO were held by either dog walkers or non-dog walkers.

10.3. The results of the consultation questions below show the combined responses from consultations one and two, the responses are also presented to show the responses of both dog walkers and non-dog walkers.

10.4. Of the combined 1,186 responses 646 identified themselves as ‘dog walkers’ and 540 as ‘non-dog walkers’.

Option	Total	Percentage
Dog walkers	646	54.47%
Non-dog walkers	540	45.53%



10.5. The results of the consultation can be seen in the following section.

11. Executive Summary

11.1. Irresponsible dog control has remained an issue during the life time of the previous PSPO – Dog Control 2017 and this is reflected in the level of service requests, FPN’s issued and comments made in response to this consultation.

11.2. This behaviour continues to have a detrimental effect and reintroduction of enforcement powers to control dogs will reduce the likelihood of the effect continuing or recurring.

11.3. The PSPO consultation has been broad ranging reaching out to relevant groups and residents alike. It has produced a significant number of responses. These have been broadly supportive of retaining restrictions / requirements that were contained within the previous PSPO – Dog Control 2017. This support is evenly spread between dog walkers and non-dog walkers.

11.4. Local Government Association guidance suggests that local authorities seeking to introduce dog control measures should consult dog law and welfare experts such as the Kennel Club. We have received responses from the Kennel Club and from the Dog’s Trust both of which indicate support for the measures contained within Sefton’s PSPO with some further

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recommendations regarding encouraging responsible dog ownership. Full copies of correspondence can be found in the appendix.

11.5. Dog fouling:

11.5.1. The public consultation results show strong support for PSPO measures to include the mechanism for the council to have the ability to fine dog walkers for not removing dog fouling forthwith.

11.5.2. 95.95% of respondents believed that the council should have this ability, and this was supported by both dog walkers and non-dog walkers.

11.5.3. The Kennel Club and the Dog's Trust also responded in support of this element of the PSPO.

11.5.4. Kennel Club:

"The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively."

11.5.5. Dog's Trust:

"Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place."

11.5.6. With regards to dog fouling a number of respondents recognised an issue with dog fouling across the borough:

"Dog poo is a massive problem in our area with owners not picking up. It is very frustrating when we try to be responsible owners- also dogs off lead can be an issue running over to our dog & child growling. It can be difficult to manage when I'm on my own and their owner doesn't care."

11.5.7. The response above is indicative of other responses on the matter. The public consultation also received a number of responses that raised the issue of the disposal of dog fouling. A particular problem with dog walkers disposing of poo bags in an inappropriate manner was identified.

11.5.8. This may indicate an issue with a lack of awareness and facilities for disposal across the borough and the Kennel Club and the Dog's Trust also reference the importance of having sufficient numbers of bins to allow dog walkers to dispose of dog fouling appropriately. The Kennel

Club also suggest *“running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.”* This may be something for the council to review and consider, subject to resources.

11.6. Dog exclusions:

- 11.6.1. The results of the public consultation show a high degree of support of the need for areas in which dogs are excluded. As previously mentioned, there is a need for the council to balance the needs of all residents that use public spaces.
- 11.6.2. Only 6.58% of respondents felt that there should be no areas in which dogs should not be permitted.
- 11.6.3. Both the Kennel Club and the Dog’s Trust also recognised the need for areas in which residents could use public spaces that were off limits to dogs.
- 11.6.4. The Kennel Club stated that they do *“not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks or tennis courts, as long as alternative provisions are made for dog walkers in the vicinity.”*
- 11.6.5. The Dog’s Trust *“accepts that there are some areas where it is desirable that dogs should be excluded, such as children’s play areas”.*
- 11.6.6. The Dog’s Trust expressed a concern regarding the enforcement of dog exclusion zones where there are no clear boundaries and argue that *“exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas”.*
- 11.6.7. 66.61% of consultation respondents were in favour of dog exclusion zones remaining for fenced playgrounds and marked or fenced sports pitches. The responses of non-dog walkers indicated a higher rate of support for this at 75.37%.
- 11.6.8. The consultation also asked residents if they felt that there were other locations that dogs should be excluded from. There is some support for the extension of exclusion zones to playgrounds without a fence, 47.64% of total respondents supported this extension. For non-dog walkers this increased to 57.41% whereas for dog walkers the level of support for this was 39.47%.
- 11.6.9. A number of respondents expressed a concern regarding dogs around children and areas in which children play.

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- 11.6.10. There was also some support for dog exclusion zones to be extended to beaches and golf courses, however this support is not considered strong enough to warrant inclusion in a reintroduced PSPO.
- 11.6.11. The Dog's Trust make explicit reference to beaches stating that exclusions can lead to animal welfare issues such as dogs being left in cars on hot days. They also argue that restrictions can *“lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy”*.
- 11.6.12. The consultation responses show a clear divide between dog walkers and non-dog walkers when it comes to exclusion from beaches. Just 17.65% of dog walkers would support this restriction and given overall support for beach exclusions is 31.62% it is not recommended that beaches should be included in dog exclusion zones.
- 11.6.13. The Dog's Trust also highlight difficulties with exclusion zones in areas that lack clear boundaries. This could prove problematic for open playground areas and, whilst support for this extension is significant there is greater support for dogs on leads restrictions in open playgrounds that may be a more reasonable limitation. This is discussed further in the 'Dogs on leads' section below.
- 11.6.14. Regarding sports pitches, the Dog's Trust express reservation about orders *“excluding dogs from all sports pitches for long stretches of the year”*. They feel that this is unnecessary and that *“sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.”* Rather than excluding dogs entirely they argue that focus on reducing dog fouling in these areas *“with adequate provision of bins and provision of free disposal bags”*.
- 11.6.15. Whilst there were a number of consultation respondents that felt the exclusion of dogs from sports pitches all year round was too severe, there were also a large number of responses explicitly requested that these measures stay in place and be more regularly enforced.
- 11.6.16. The overall responses to the consultation were supportive of the dog exclusions to remain in place for sports pitches, both amongst dog walkers and non-dog walkers. The comments of the Dog's Trust are recognised regarding the need areas in which dogs can be exercised and these areas should be publicised to dog walkers.
- 11.6.17. There is a need to ensure that there is sufficient space for both dog walkers to exercise their dogs and for places in which dog presence is not appropriate. The consultation results indicate that the exclusion of dogs from fenced playgrounds and marked or fenced sports pitches is supported and should remain.
- 11.7. **Dogs on leads:**

- 11.7.1. The previous PSPO designated three areas in which dogs must be kept on leads:
- Picnic sites and family areas in parks
 - All designated carriageways (A and B classified Road) and footways
 - In cemeteries and crematoria
- 11.7.2. The consultation results show support for all of these to remain in place and this support is consistent amongst both dog walkers and non-dog walkers. All three restrictions received over 70% support from both dog walkers and non-dog walkers.
- 11.7.3. The Kennel Club are supportive of “*proportionate*” dogs on leads restrictions in areas “*such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.*”
- 11.7.4. The Dog’s Trust “*accept that there are some areas where it is desirable that dogs should be kept on a lead.*” They also reference the Animal Welfare Act 2006 and the “*need for sufficient exercise including the need to run off lead in appropriate areas*”.
- 11.7.5. There is support for the extension of the dogs on leads restriction to include playgrounds without a fence. 54.89% of total respondents support this extension, 47.68% of dog walkers and 63.52% of non-dog walkers.
- 11.7.6. As discussed above there was some support for dog exclusion restrictions to be extended to playground areas without a fence. It is felt that this is not a proportionate restriction given the level of support and the practicalities of implementing such a restriction. There is, however significant support for a dogs on leads restriction for open playgrounds.
- 11.7.7. Many respondents expressed concern about the presence of dogs in areas in which children play and it is felt that extending the dogs on leads restriction to include open playgrounds is appropriate and proportionate. Green Sefton are supportive of this measure however it is recognised that time will be required to assess all these areas and for new restrictions to be effectively communicated before formal enforcement could take place.
- 11.7.8. Concerns that have been expressed relating to restrictions on areas where dogs can exercise, without being on a lead, are acknowledged and steps will be taken to further improve communication and knowledge of where dogs can be exercised off a lead across the Borough.
- 11.8. **Dogs on leads by direction:**
- 11.8.1. The support for the power to order a dog walker to put their dog on a lead is clear from the consultation, 93.7% of respondents agree that the council should have this power.

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- 11.8.2. Both the Dog's Trust and the Kennel Club are highly supportive of these measures:

Dog's Trust:

"Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official)."

Kennel Club:

"The Kennel Club strongly welcomes 'dogs on lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control."

- 11.8.3. It is recommended that the dogs on leads by direction element of the PSPO remains the same.

11.9. Dog walking limit of 6 dogs for an individual:

- 11.9.1. The Kennel Club are not supportive of limits to the number of dogs an individual can walk. They argue that the *"maximum number of dogs a person can walk in a controlled manner is dependent on a number of other factors relating to the walker, the dogs being walked, whether leads are used, and the location where the walking is taking place."*
- 11.9.2. This point was echoed by a number of consultation respondents with some arguing that the use of training leads should be permitted and an emphasis on control rather than lead length would be more appropriate.
- 11.9.3. The Dog's Trust do not argue against the use of powers limiting the number of dogs an individual can walk. They agree that the behaviour of the dog and the competency of the handler are important factors and also state research suggests that the number of dogs walked by an individual is unlikely to exceed four.
- 11.9.4. The points raised regarding the importance of dog behaviour and owner control is recognised. Consultation respondents were supportive of this element of the consultation. Only 12.98% felt that there should be no limit to the number of dogs an individual can walk, with 52.87% in favour of the 6 dog limit remaining in place.
- 11.9.5. For those that were in favour of a different limit, 11.97% felt this should be three dogs and 11.89% that the limit should be four.
- 11.9.6. The support for the 6 dog limit is clear and the research that the Dog's Trust refer to shows that 95% of dog owners have up to 3 dogs and so the 6 dog limit is unlikely to impact on the majority of dog owners. It is

also felt that no matter how skilled a dog handler, handling any more than 6 dogs would prove to be too difficult a task for any walker.

11.9.7. It is recommended that the 6 dog restriction remains in place.

11.10. **Dogs leads no longer than 2 metres:**

11.10.1. Respondents to the consultation were supportive of the 2 metre restriction for dog leads, 55.23% of people stated that this should remain as a component of the PSPO.

11.10.2. The level of support for this element of the PSPO was reduced amongst dog walkers, 46.75% of dog walkers were in favour of the 2 metre rule and 43.81% were not in favour of the rule.

11.10.3. Amongst those not supportive of the rule a significant number felt that the 2 metre rule is arbitrary and that control of a dog was more important than the length of the lead.

"I think that 'appropriate length' depends on the dog and the situation."

11.10.4. The use of training leads was referenced by some respondents with these often extending much further than 2 metres. It is felt that the use of training leads is not prohibited by the PSPO in its current form. Dogs may be trained, and training leads can be used in locations in which the lead restrictions are not in place. For example, a dog can be trained in a location where dogs are allowed off lead and it would be inappropriate to train a dog in a cemetery, picnic site or public road.

11.10.5. Extendable leads were another point of contention in the consultation. Some dog walkers would like to see extendable leads permitted whereas others argue that these leads can be dangerous.

"Extendable dog leads, the sort that wind in and out should be banned altogether as they present a danger to the public. When fully extended the dog owner does not have full control of the dog as it can move in any direction at will. This is dangerous to the dog (as it could easily run into the road and traffic) and the fully extended lead can be a hazard to other dogs, leads can easily become entangled causing a dog to panic. They are trip hazards as well."

11.10.6. Given the majority of respondents were supportive of the 2 metre lead limit remaining in place it is recommended that this remain in the PSPO.

11.11. **Signage:**

11.11.1. The consultation identified that a significant number of respondents did not think that signage used during the PSPO – dog Control 2017 was good enough. A review of signage provision will be necessary and should take onboard issues raised through, complaint, elected members, feedback from resident and visitors and enforcement officers. Where

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necessary signage will need to be upgraded to ensure that it is relevant and adequate but bearing in mind the nature of open spaces and limitations on the amount of signage that can reasonably be installed and maintained.

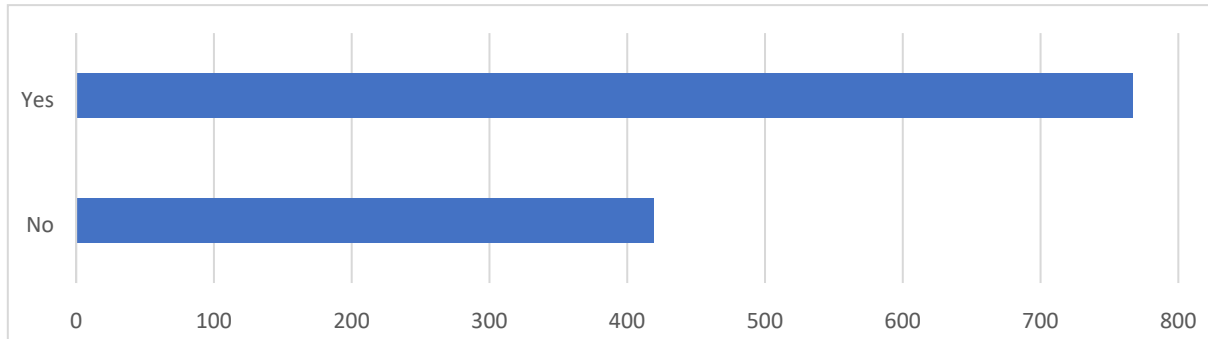
11.12. Conclusion:

- 11.12.1. The proposed PSPO seeks to maintain a balance between necessary controls to address unreasonable anti-social behaviour that is or is likely to have a continuing, recurring detrimental effect on the quality of life of those in the locality and takes into full consideration the outcome of the consultation and views expressed by its respondents.
- 11.12.2. The Council has sought to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, including dog fouling, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.
- 11.12.3. The proposed PSPO builds on the previous PSPO -dog control 2017 and will ensure a continuation of enforcement powers available to the Council to address irresponsible dog control. Not proceeding will see a reliance on very limited bye laws, an inability to tackle dog fouling in all areas or to issue any dog related fixed penalty notices.
- 11.12.4. It is proposed that the following requirements / restrictions summarised below are included within the proposed PSPO- Dog Control
 - i. Offence of not removing dog's fouling forthwith
 - ii. Restrict the number of dogs that can be walked by one person to a maximum of 6.
 - iii. Prohibit dogs from entering enclosed playgrounds
 - iv. Prohibit dogs from entering marked or fenced sports pitches during specified periods.
 - v. Dogs to be kept on a lead within defined picnic sites and family areas
 - vi. Dogs to be kept on a lead within all public roads and footways
 - vii. Dogs to be kept on a lead within all cemeteries and crematoria
 - viii. Dogs to be placed on a lead when directed by an authorised officer to prevent a nuisance or behaviour likely to cause annoyance or disturbance to the public

Addition of: *Dogs to be kept on leads within unfenced (open) playgrounds*

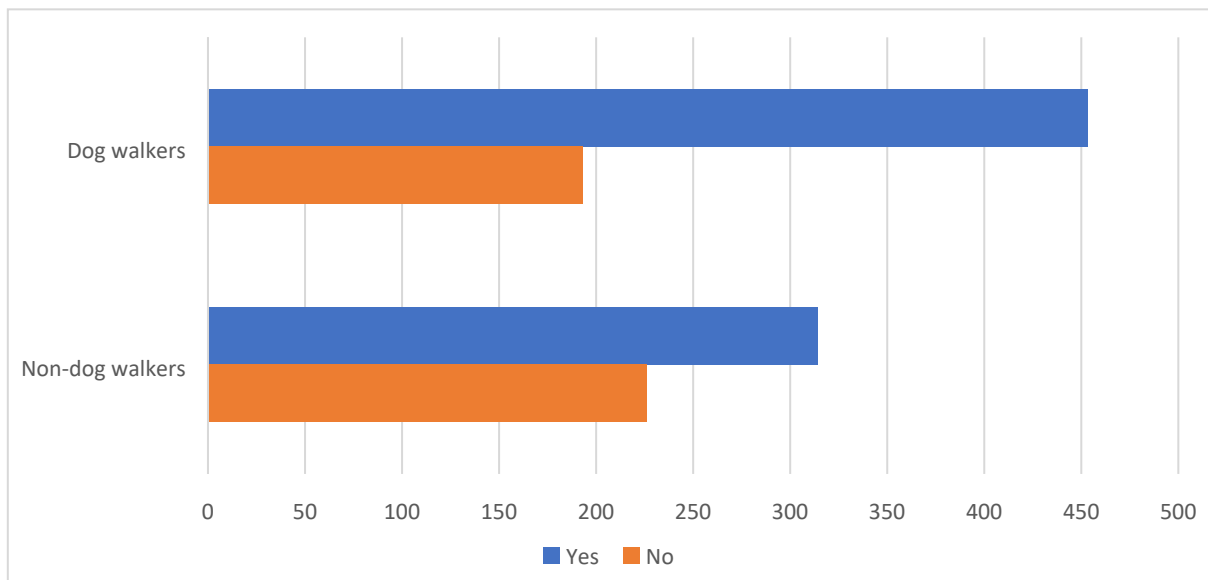
Question 1: Were you aware of the PSPO for Dog Control?

PSPO aware – 1,186 respondents



Option	Total	Percent
Yes	767	64.67%
No	419	35.33%

Dog walkers and Non-dog walkers



Dog walker responses

Option	Total	Percent
Yes	453	70.12%
No	193	29.88%

Non-dog walker responses

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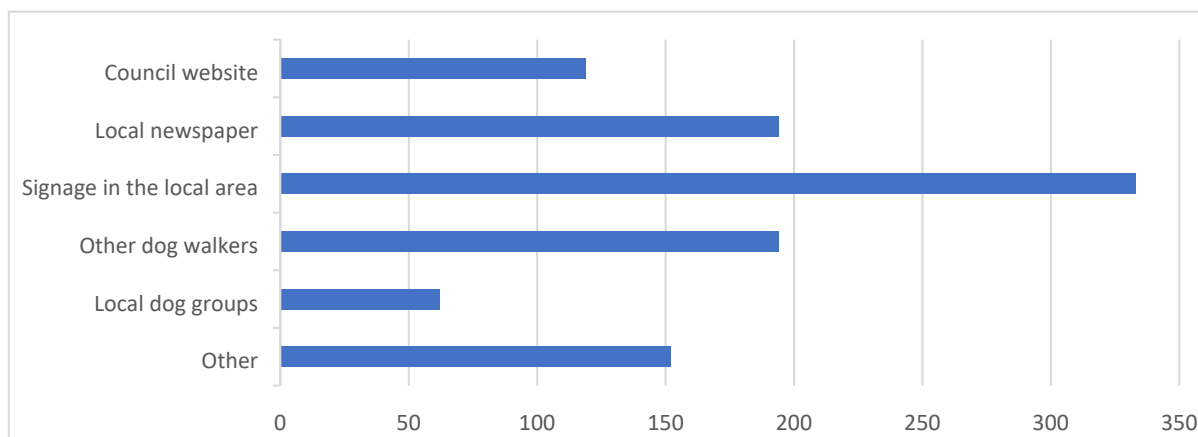
Option	Total	Percent
Yes	314	58.15%
No	226	41.85%

Question 2: How did you find out about the previous Order?

(You can choose more than one)

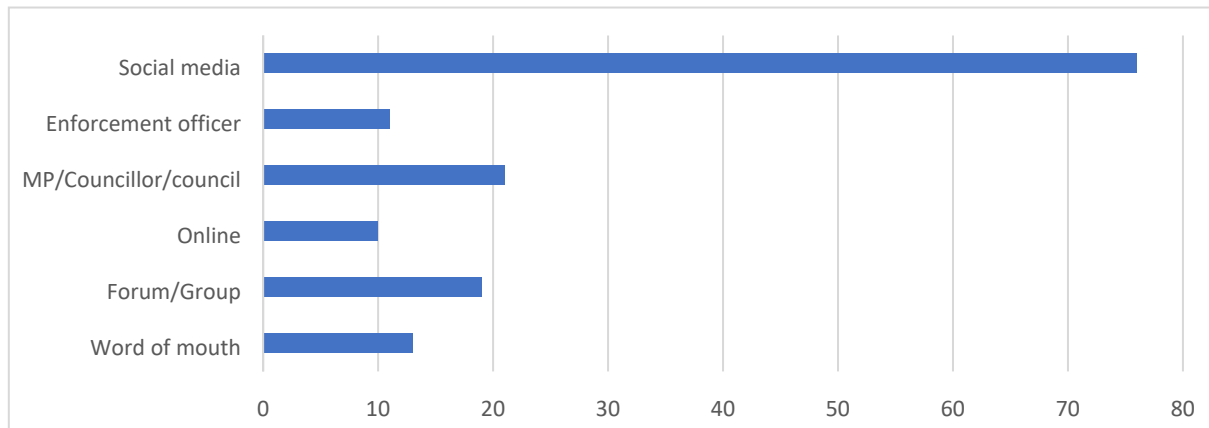
PSPO publicity – 767 respondents

Option	Total	Percent
Council website	119	15.51%
Local newspaper	194	25.29%
Signage in the local area	333	43.42%
Other dog walkers	194	25.29%
Local dog groups	62	8.08%
Other	152	19.82%



Other options

Option	Total	Percent
Social media	76	9.91%
Enforcement officer	11	1.43%
MP/Councillor/council	21	2.74%
Online	10	1.30%
Forums/Groups	19	2.48%
Word of mouth	13	1.69%

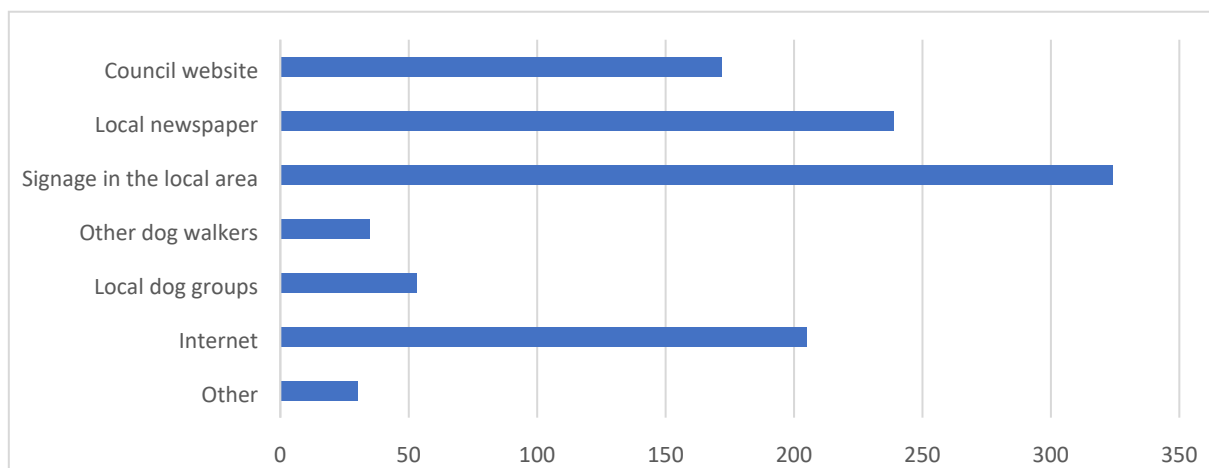


Question 3: How would you like to hear about the PSPO?

(You can choose more than one)

Contact preference – 419 respondents

Option	Total	Percent
Council website	172	41.05%
Local newspaper	239	57.04%
Signage in the local area	324	77.33%
Other dog walkers	35	8.35%
Local dog groups	53	12.65%
Internet	205	48.93%
Other	30	7.16%

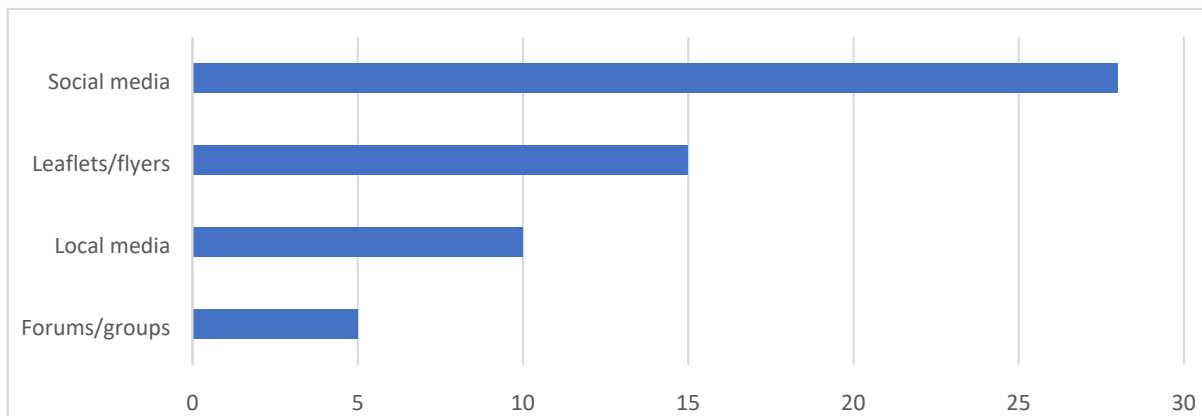


Other options

Option	Total	Percent
Social media	28	6.68%
Leaflets/flyers	15	3.58%

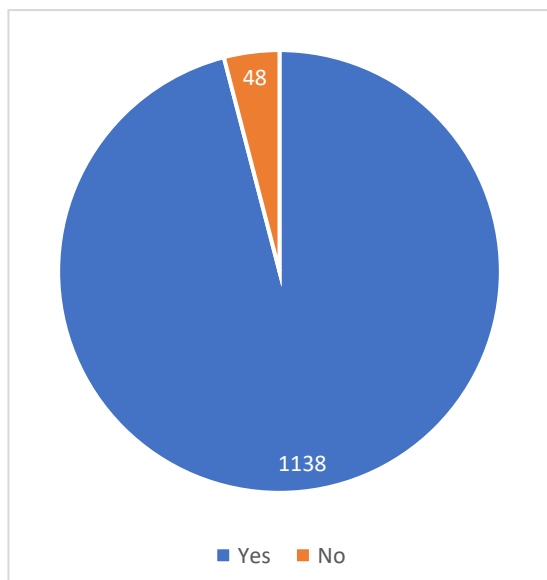
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Local media	10	2.39%
Forums/groups	5	1.19%



Question 4: Should the council be able to fine someone for not picking up dog poo?

Fouling – 1,186 respondents



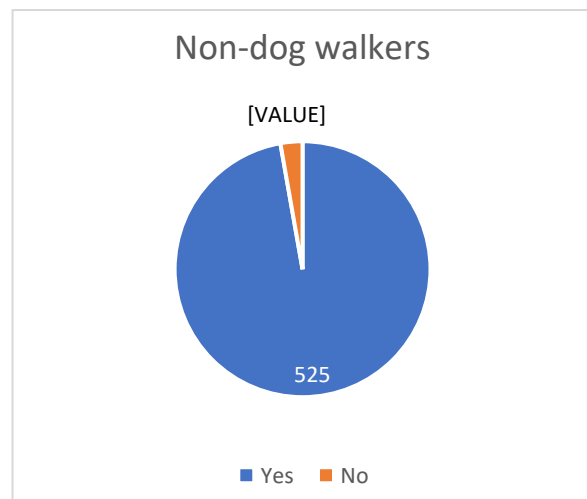
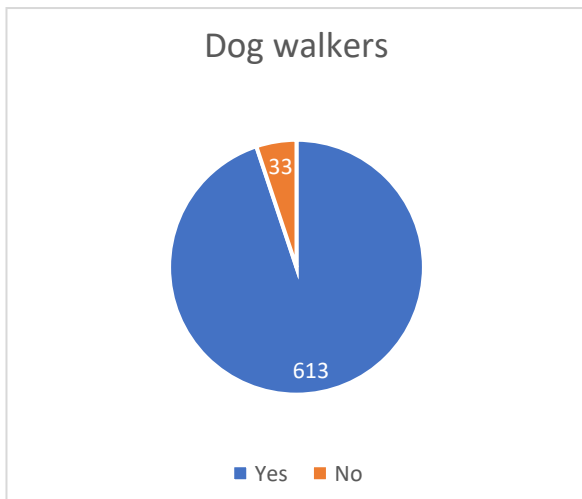
Option	Total	Percent
Yes	1138	95.95%
No	48	4.05%

Dog walker responses

Yes	613	94.89%
No	33	5.11%

Non-dog walker responses

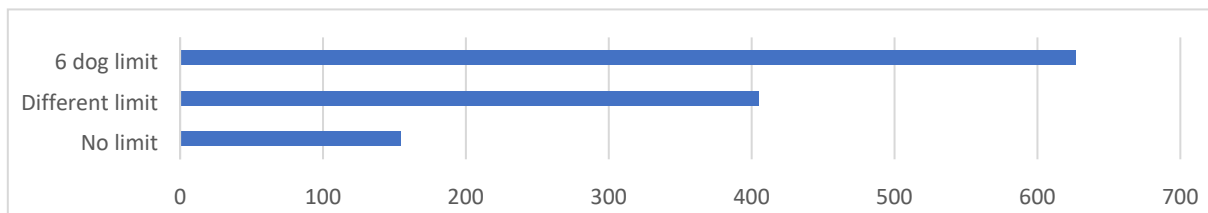
Yes	525	97.22%
No	15	2.78%



Question 5: Dog walkers limited to a maximum of 6 dogs.

Do you think that:

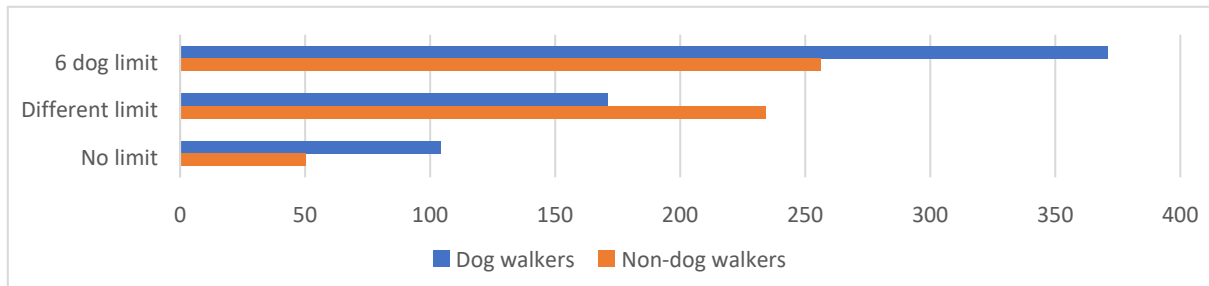
No. of dogs – 1,186 respondents



Option	Total	Percent
Dog walkers should be limited to 6 dogs at one time	627	52.87%
Dog walkers should be limited to a different number of dogs	405	34.15%
There should be no limit for dog walkers	154	12.98%

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Dog walkers and Non-dog walkers



Dog walker responses

Option	Total	Percent
Dog walkers should be limited to 6 dogs at one time	371	57.43%
Dog walkers should be limited to a different number of dogs	171	26.47%
There should be no limit for dog walkers	104	16.10%

Non-dog walker responses

Option	Total	Percent
Dog walkers should be limited to 6 dogs at one time	256	47.41%
Dog walkers should be limited to a different number of dogs	234	43.33%
There should be no limit for dog walkers	50	9.26%

Question 6: (If answered 'Dog walkers should be limited to a different number of dogs')

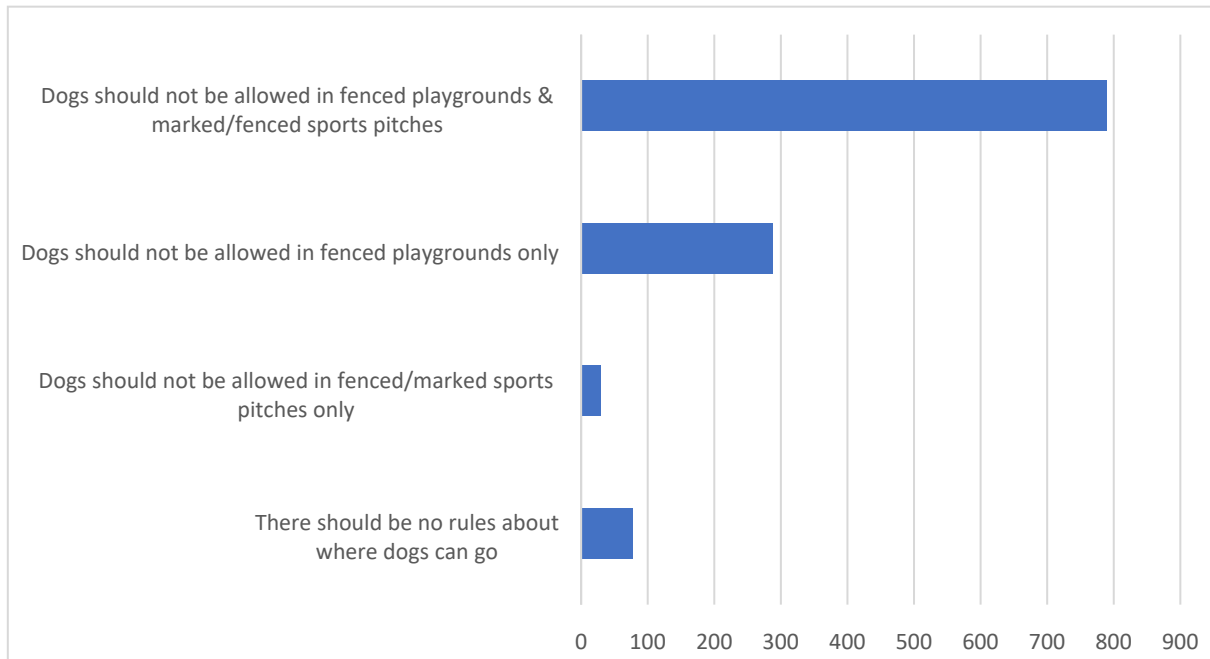
How many dogs should a person be allowed to walk?

Different walking limit – 405 respondents

Option	Total	Percent
1 dog	10	0.84%
2 dogs	99	8.35%
3 dogs	142	11.97%
4 dogs	141	11.89%
5 dogs	1	0.08%
8 dogs	3	0.25%
10 dogs	1	0.08%
Cannot state/dependent on other factors	8	0.67%

Question 7: Which of the rules below do you most agree with?

Dog exclusion zones – 1,186 respondents



Option	Total	Percent
Fenced playgrounds and marked or fenced sports pitches	790	66.61%
Fenced playgrounds only	288	24.28%
Marked or fenced sports pitches only	30	2.53%
There should be no rules about where dogs can go	78	6.58%

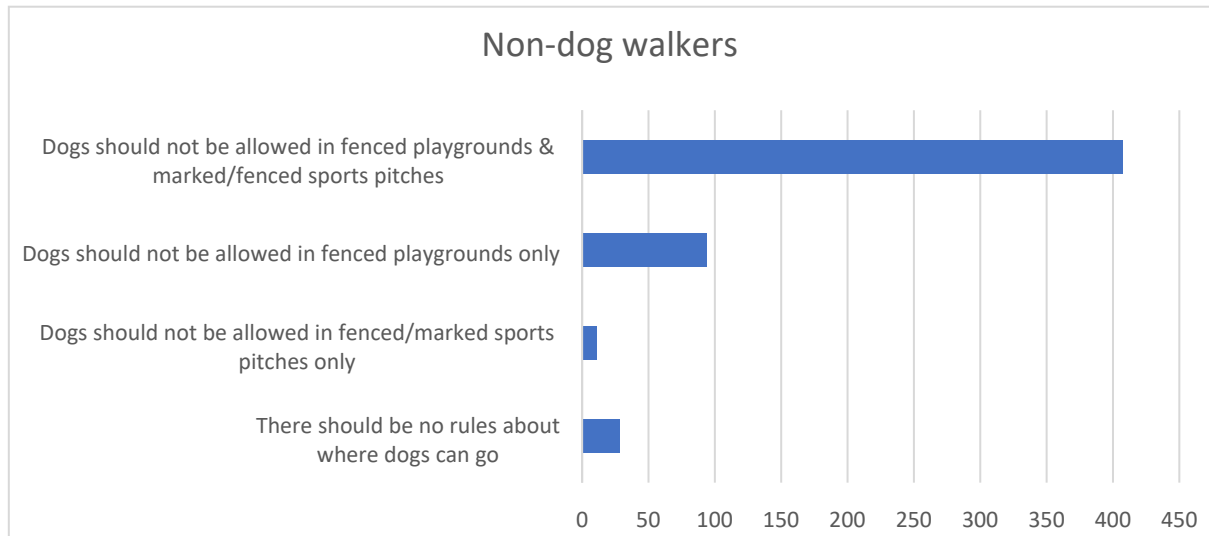
Dog walker responses



Option	Total	Percent
Fenced playgrounds and marked or fenced sports pitches	383	59.29%
Fenced playgrounds only	194	30.03%
Marked or fenced sports pitches only	19	2.94%
There should be no rules about where dogs can go	50	7.74%

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Non-dog walker responses



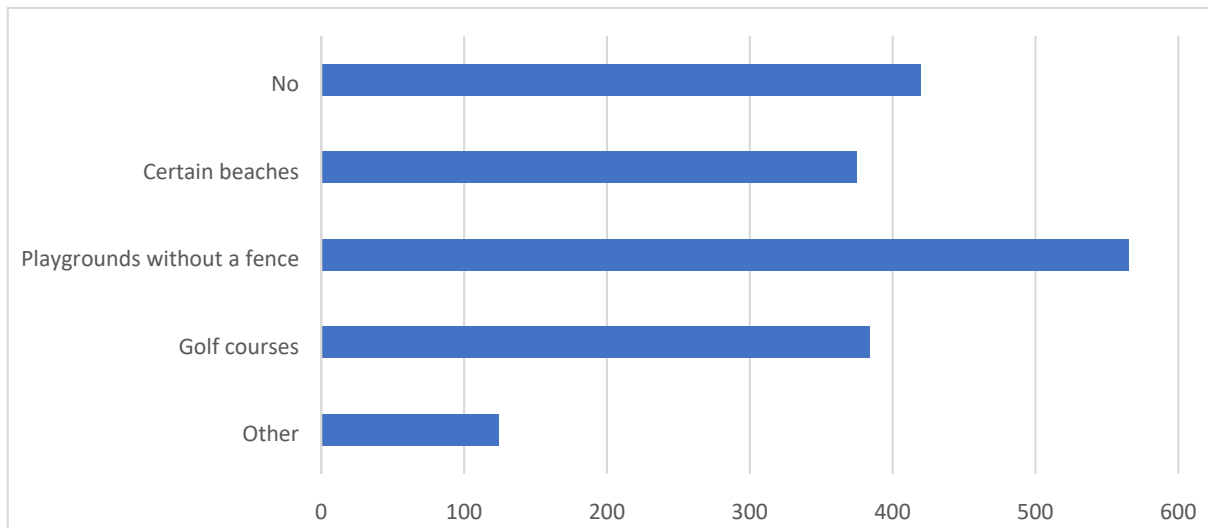
Option	Total	Percent
Fenced playgrounds and marked or fenced sports pitches	407	75.37%
Fenced playgrounds only	94	17.41%
Marked or fenced sports pitches only	11	2.04%
There should be no rules about where dogs can go	28	5.19%

Question 8: Do you think that there are other places where dogs should not be allowed?

(You can choose more than one)

Restrictions extended – 1,186 respondents

Option	Total	Percent
No	420	35.41%
Certain beaches	375	31.62%
Playgrounds without a fence	565	47.64%
Golf courses	384	32.38%
Other	124	10.46%



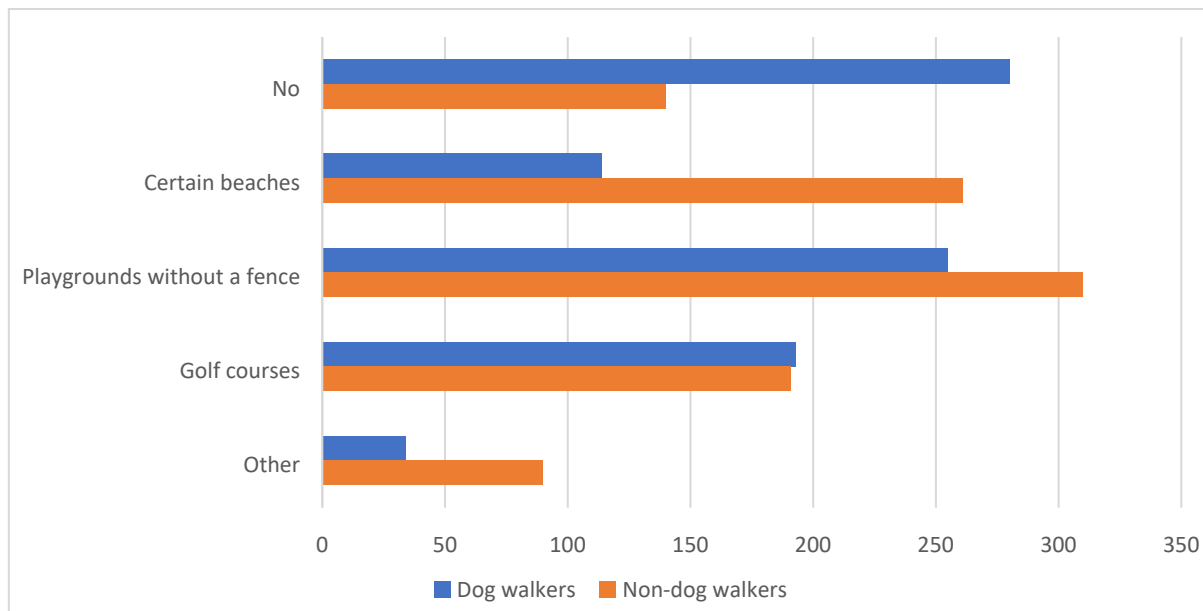
Dog walker responses

Option	Total	Percent
No	280	43.34%
Certain beaches	114	17.65%
Playgrounds without a fence	255	39.47%
Golf courses	193	29.88%
Other	34	5.26%

Non-dog walker responses

Option	Total	Percent
No	140	25.93%
Certain beaches	261	48.33%
Playgrounds without a fence	310	57.41%
Golf courses	191	35.37%
Other	90	16.67%

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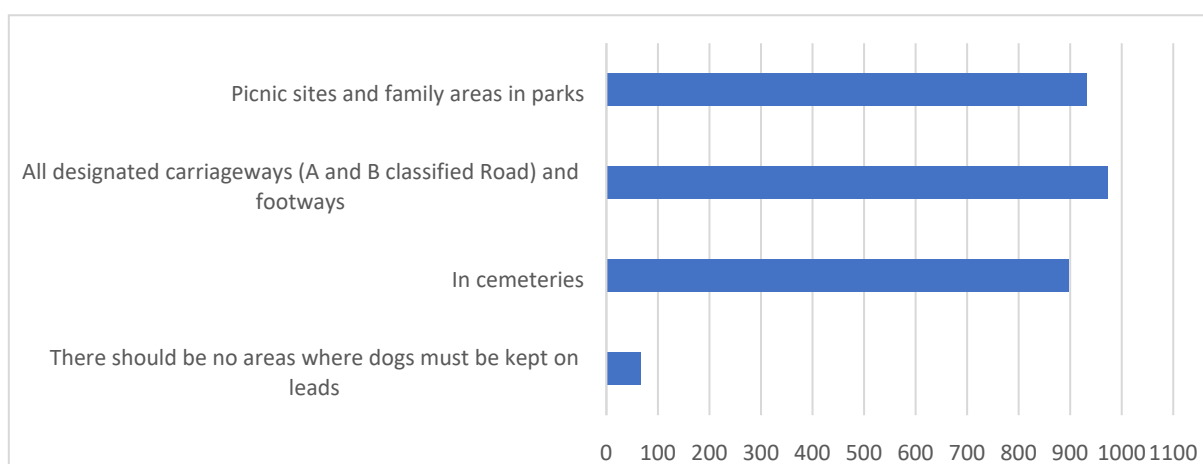
Other responses

Option	Total	Percent
Shopping areas	7	0.59%
Cemeteries	7	0.59%
Near roads	6	0.51%
Nature Reserves	19	1.60%
Beaches	15	1.26%
Certain parks	11	0.93%
Public transport	2	0.17%
Areas used by children	10	0.84%
Sports pitches	7	0.59%

Question 9: Which of the following places do you think that dogs should be kept on leads?

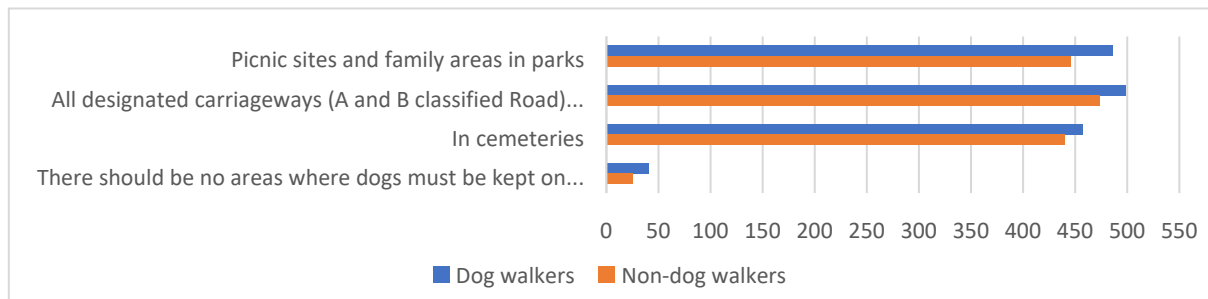
(You can choose more than one)

Dogs on leads – 1,186 respondents



Option	Total	Percent
Picnic sites and family areas in parks	932	78.58%
All designated carriageways (A and B classified Road) and footways	973	82.04%
In cemeteries	897	75.63%
There should be no areas where dogs must be kept on leads	66	5.56%

Dog walkers and Non-dog walkers



Dog walker responses

Option	Total	Percent
Picnic sites and family areas in parks	486	75.23%
All designated carriageways (A and B classified Road) and footways	499	77.24%
In cemeteries	457	70.74%
There should be no areas where dogs must be kept on leads	41	6.35%

Non-dog walker responses

Option	Total	Percent
Picnic sites and family areas in parks	446	82.59%
All designated carriageways (A and B classified Road) and footways	474	87.78%
In cemeteries	440	81.48%
There should be no areas where dogs must be kept on leads	25	4.63%

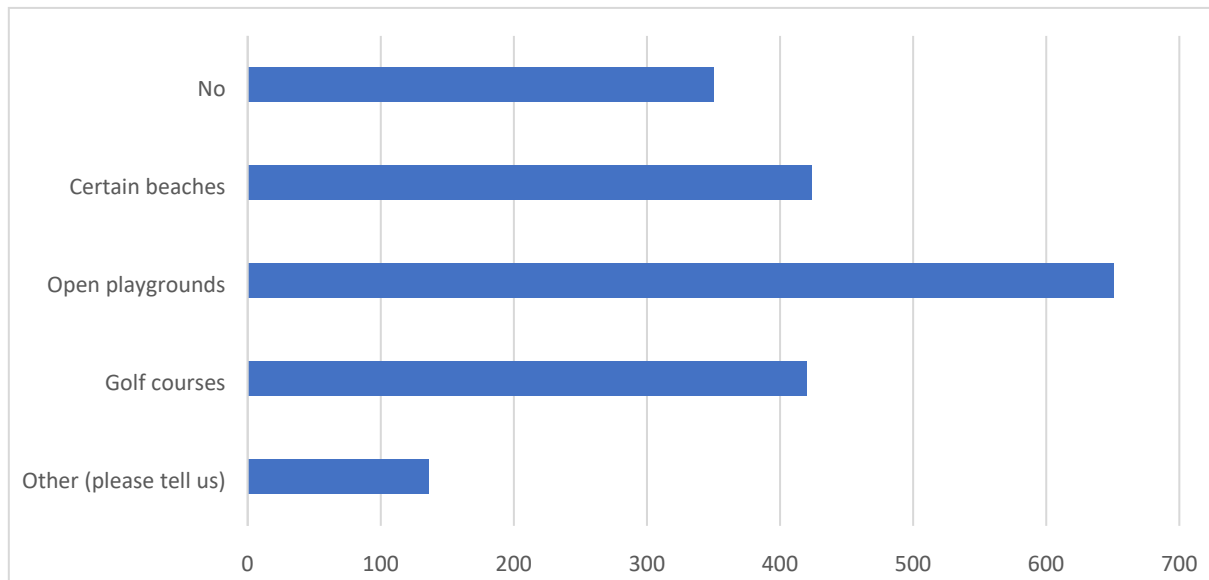
Question 10: Do you think that there are other places that dogs should also be kept on leads?

(You can choose more than one)

Lead restriction extended – 1,143 respondents

Option	Total	Percent
No	350	29.51%
Certain beaches	424	35.75%
Open playgrounds	651	54.89%
Golf courses	420	35.41%
Other (please tell us)	136	11.47%

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Dog walkers

Option	Total	Percent
No	236	36.53%
Certain beaches	152	23.53%
Open playgrounds	308	47.68%
Golf courses	201	31.11%
Other (please tell us)	65	10.06%

Non-dog walkers

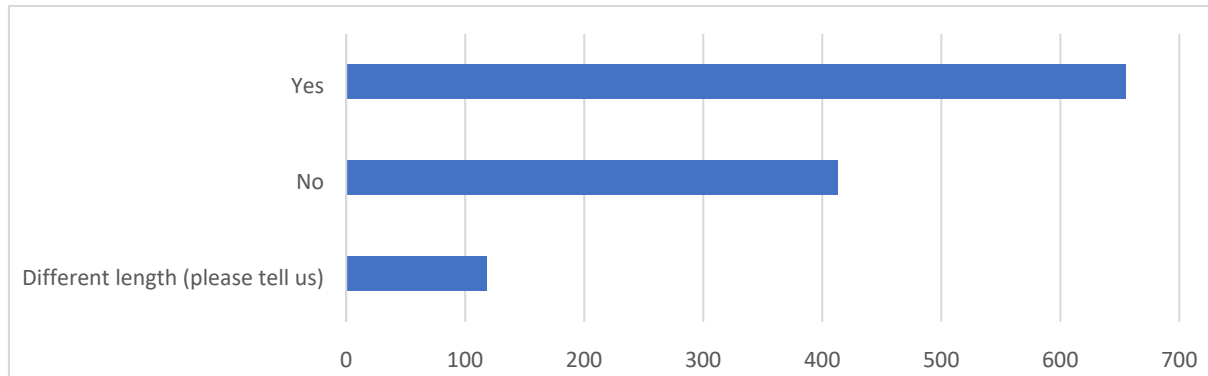
Option	Total	Percent
No	114	21.11%
Certain beaches	272	50.37%
Open playgrounds	343	63.52%
Golf courses	219	40.56%
Other (please tell us)	71	13.15%

Other responses

Option	Total	Percent
Only of lead in designated areas	21	1.77%
Parks/Botanical Gardens	22	1.85%
All public spaces	38	3.20%
All roads	10	0.84%
Nature reserves	14	1.18%
Cycle/foot/canal paths	10	0.84%
Beaches	12	1.01%

Question 11: Do you think that dog leads should be no more than 2 metres in length?

Lead length – 1,186 respondents

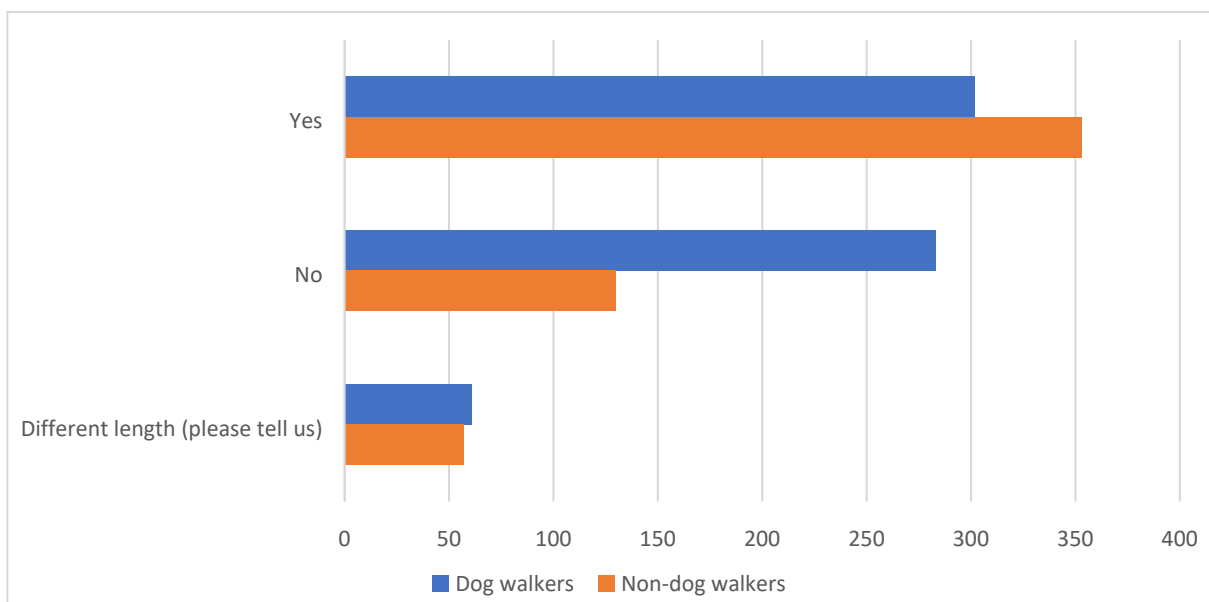


Option	Total	Percent
Yes	655	55.23%
No	413	34.82%
Different length (please tell us)	118	9.95%

Different Length

Option	Total	Percent
1 metre	24	2.02%
3 metres	12	1.01%
5 metres	11	0.93%
Length of lead does not matter	8	0.67%

Dog walker and Non-dog walkers



Dog walker responses

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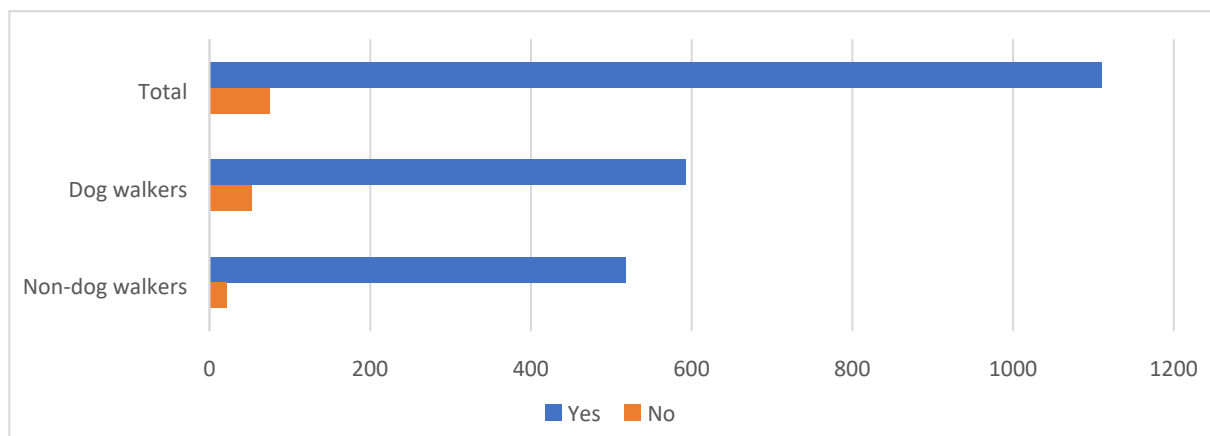
Option	Total	Percent
Yes	302	46.75%
No	283	43.81%
Different length (please tell us)	61	9.44%

Non-dog walker responses

Option	Total	Percent
Yes	353	65.37%
No	130	24.07%
Different length (please tell us)	57	10.56%

Question 12: Should an officer be able to tell a person to put their dog on a lead?

Request to place on lead – 1,186 respondents



Option	Total	Percent
Yes	1111	93.7%
No	75	6.3%

Dog walkers

Option	Total	Percent
Yes	593	91.80%
No	53	8.20%

Non-dog walkers

Option	Total	Percent
Yes	518	95.93%
No	22	4.07%

Question 13: Are you a dog walker?

Dog walkers – 1,186 respondents

Option	Total	Percent
Yes	646	54.47%
No	540	45.53%

Question 14: (If answered ‘Yes’ to ‘Are you a dog walker?’)

Did the PSPO make you a more responsible dog walker?

PSPO impact dog walkers – 646 respondents

Option	Total	Percent
Yes	129	19.97%
No	517	80.03%

Of the 517 respondents that answered “No”, 281 stated that they were already responsible dog owners and that the PSPO did not have an impact on this.

Of those responding “Yes”, 19 felt they were already responsible dog owners but 19 also felt that having the rules laid out was helpful and 10 respondents stated that the PSPO had led to an improvement in the awareness of their responsibilities as a dog owner.

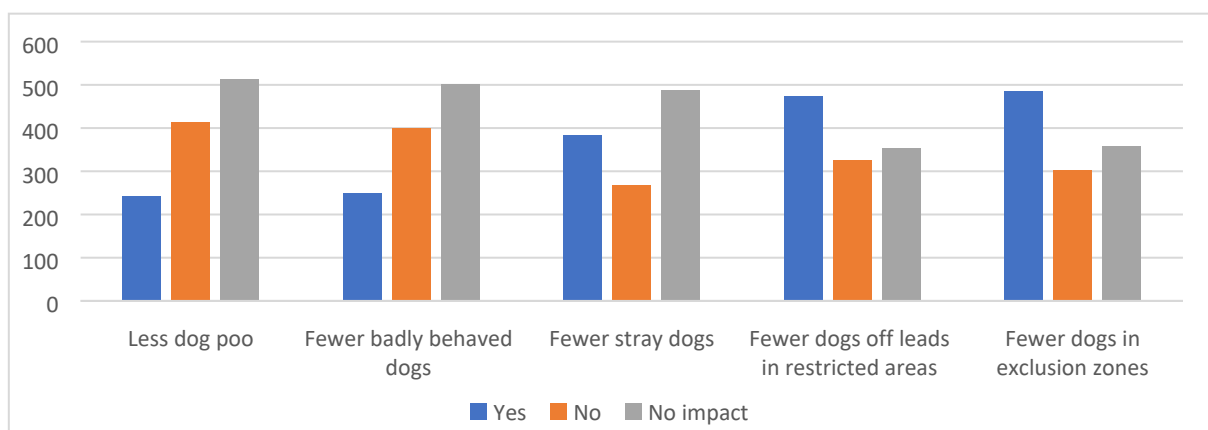
Question 15: Did you notice that the PSPO had an impact on any of the following:

- dog fouling
- badly behaved dogs
- stray dogs
- dogs off leads in restricted areas
- dogs in dog exclusion zones

PSPO impact general public – 1,186 respondents

Less dog poo

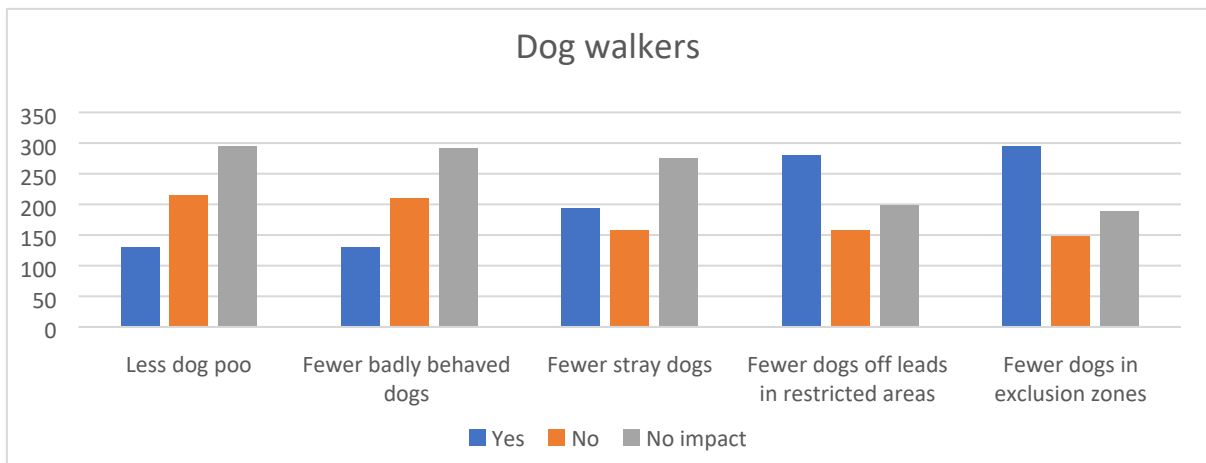
Total



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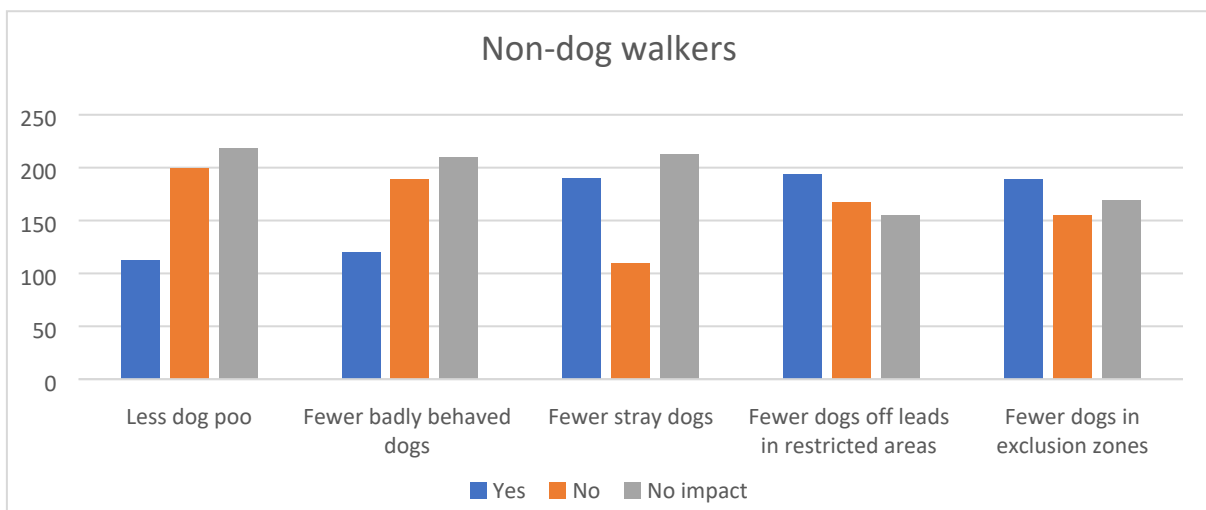
Option	Yes		No		No impact	
Less dog poo	242	20.40%	413	34.82%	513	43.25%
Fewer badly behaved dogs	249	20.99%	399	33.64%	501	42.24%
Fewer stray dogs	384	32.38%	268	22.60%	488	41.15%
Fewer dogs off leads in restricted areas	474	39.97%	324	27.32%	354	29.85%
Fewer dogs in exclusion zones	484	40.81%	303	25.55%	358	30.19%

Dog walkers



Option	Yes		No		No impact	
Less dog poo	130	20.12%	214	33.13%	295	45.67%
Fewer badly behaved dogs	129	19.97%	210	32.51%	291	45.05%
Fewer stray dogs	194	30.03%	158	24.46%	275	42.57%
Fewer dogs off leads in restricted areas	280	43.34%	157	24.30%	199	30.80%
Fewer dogs in exclusion zones	295	45.67%	148	22.91%	189	29.26%

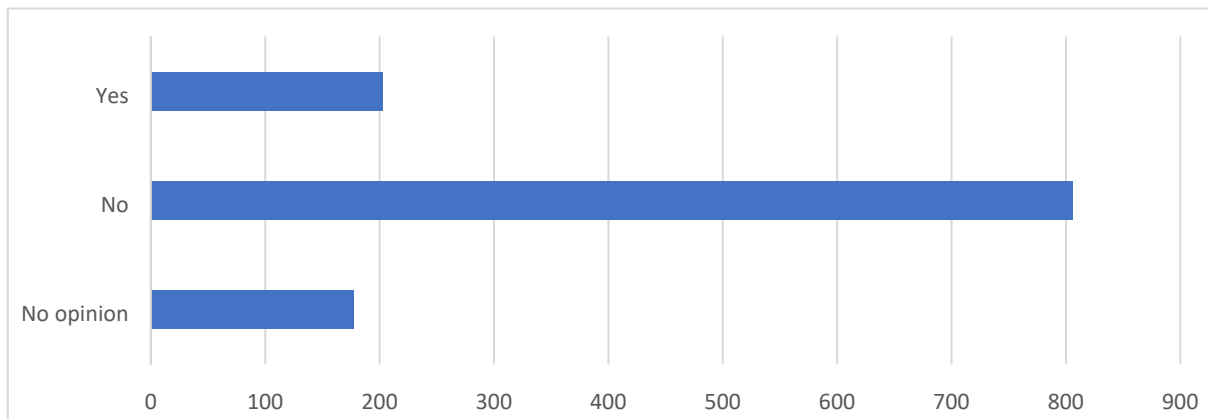
Non-dog walkers



Option	Yes		No		No impact	
	Count	Percent	Count	Percent	Count	Percent
Less dog poo	112	20.74%	199	36.85%	218	40.37%
Fewer badly behaved dogs	120	22.22%	189	35.00%	210	38.89%
Fewer stray dogs	190	35.19%	110	20.37%	213	39.44%
Fewer dogs off leads in restricted areas	194	35.93%	167	30.93%	155	28.70%
Fewer dogs in exclusion zones	189	35.00%	155	28.70%	169	31.30%

Question 16: Did you feel that the signage of the order was good enough?

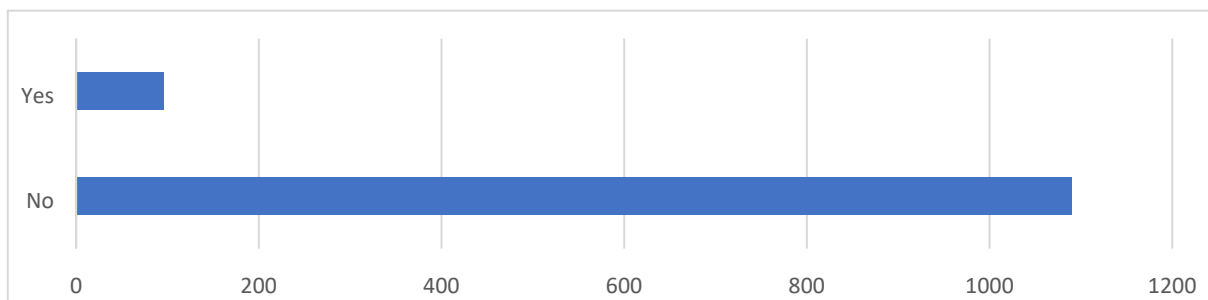
Signage – 1,186 respondents



Option	Total	Percent
Yes	203	17.12%
No	806	67.96%
No opinion	177	14.92%

Question 17: Have you have any contact with a Public Space Protection Order enforcement officer?

Contact with enforcement officer – 1,186 respondents

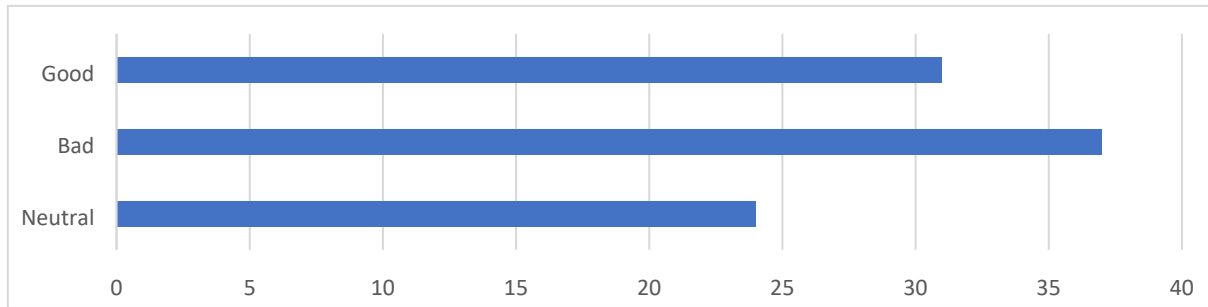


Option	Total	Percent
Yes	96	8.09%
No	1090	91.91%

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Question 18: How was the interaction with the enforcement officer?

Enforcement officer experience – 92 respondents



Option	Total	Percent
Good	31	33.70%
Bad	37	40.22%
Neutral	24	26.09%

Question 19: Do you have any ideas that you would like to share regarding the dog control PSPO?

Please state – 673 respondents

Summary:

Of the total 1,186 respondents 673 left a comment on question 19. There were some key themes that qualitative analysis of this question highlighted, these will be presented here.

Dog Fouling

The majority of comments to question 19 received related to dog fouling. Many respondents felt that dog fouling had a major negative impact in the borough:

“Dog poo is a massive problem in our area with owners not picking up. It is very frustrating when we try to be responsible owners- also dogs off lead can be an issue running over to our dog & child growling. It can be difficult to manage when I’m on my own and their owner doesn’t care.”

Many of these comments relate to an issue with dog walkers disposing of poo bags inappropriately with many suggesting that more bins should be provided across the borough to assist in tackling this issue:

“Just that dog owners should not only bag poo should dispose of correctly. Not leave it on pavement or hanging from bushes and railings.”

Respondent comments that many dog walkers would pick up dog fouling but then would frequently not dispose of this appropriately. It may also be the case that a campaign to highlight the issue and to educate owners may be necessary to try to combat this issue.

Enforcement

Numerous comments received related to the enforcement of the PSPO. Many of these respondents would like to see further enforcement of the PSPO and feel that this has previously been lacking.

"I would like to see the rules enforced more than what they appear to be now. I live facing the park and see people bringing dogs into the fenced area where they are not allowed early in mornings. I also have never witnessed anyone receive fines although there is plenty of dog muck evident in the park."

There was a call for an increase in the number of enforcement officers across the borough and from some for a more targeted approach to enforcement patrols.

"I would like to see more officers enforcing the order especially in no dog zones"

"Would like to see more 'spot' visits to check. Have seen non compliance in local parks."

Others stated that they believed that there should be an increase to the FPN amount.

"I think the FPN should be more than £75, I think it should also be an offence under the PSPO failing to have the means to clean up after your dog ie you must always carry poo bags"

There were some complaints about the approach taken by enforcement officers. Some felt that officers targeted particular vulnerable groups for minor infractions of the PSPO. More discretion and the ability to issue a warning for minor or first time offences was suggested by some respondents.

"I would like the PSPO officers to be more understanding with dog owners. Rather than just run up and give them a ticket, it would be good if they could explain the area dogs must be on a lead, especially to the walkers who use the security gate entrance. A warning would be appreciated, if it happened again they deserve a ticket."

Signage

The responses to question 16 indicate the lack of satisfaction with the signage in the borough and written responses to question 19 echo this. The general feeling was that signs were not always clear and visible, and that permanent signs in a greater number of locations would be welcome.

"Make sure signage is clear and visible in all entrances"

"Ensure signage is clear and people understand the rules"

"Better signage, with large notifications in local papers including free ones with coloured maps showing the areas including the order."

Complaints/ Reporting

Suggestions were made regarding the complaints process for reporting transgressions of the PSPO rules. These included a clear and easy process on how to report PSPO infractions and ways to contact enforcement officers to allow targeting of patrols.

"Information on how to contact officers for support"

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“Please make the PSPO Officer available by publishing the name and contact number”

“Members of the public should be able to quickly and easily report an offence”

Education

Some respondents stated that they would like to see a more understanding approach taken to enforcement with a focus on encouraging good behaviour rather than simply fining dog walkers for infractions.

“Go back to educating people. The enforcement was difficult and most of the provisions are covered in existing law. All you did was alienate good dog owners.”

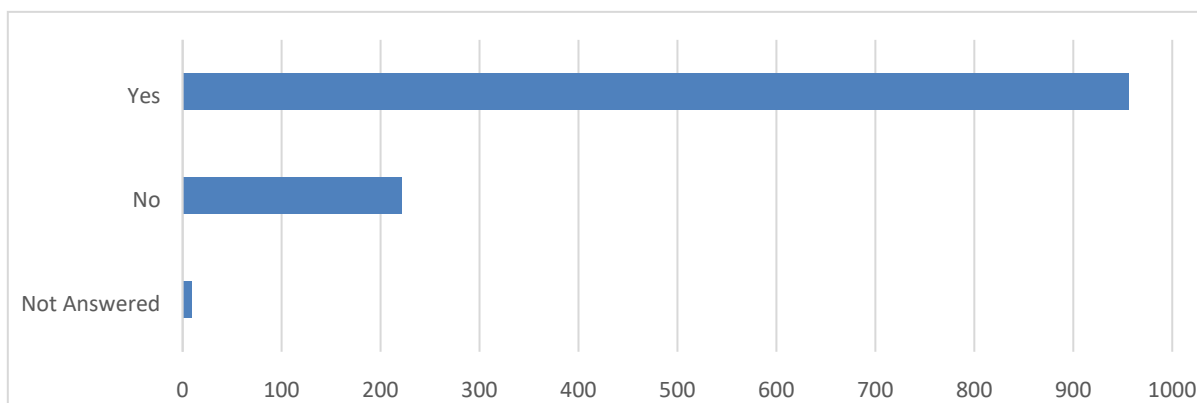
“Perhaps mandatory attendance at dog training should be required as well as fines”

*All written responses received to the consultation can be provided upon request.

Equalities Monitoring

Question 20: Do you agree for us to use your personal data in this way?

personal data agreement



Option	Total	Percent
Yes	956	80.61%
No	221	18.63%
Not Answered	9	0.76%

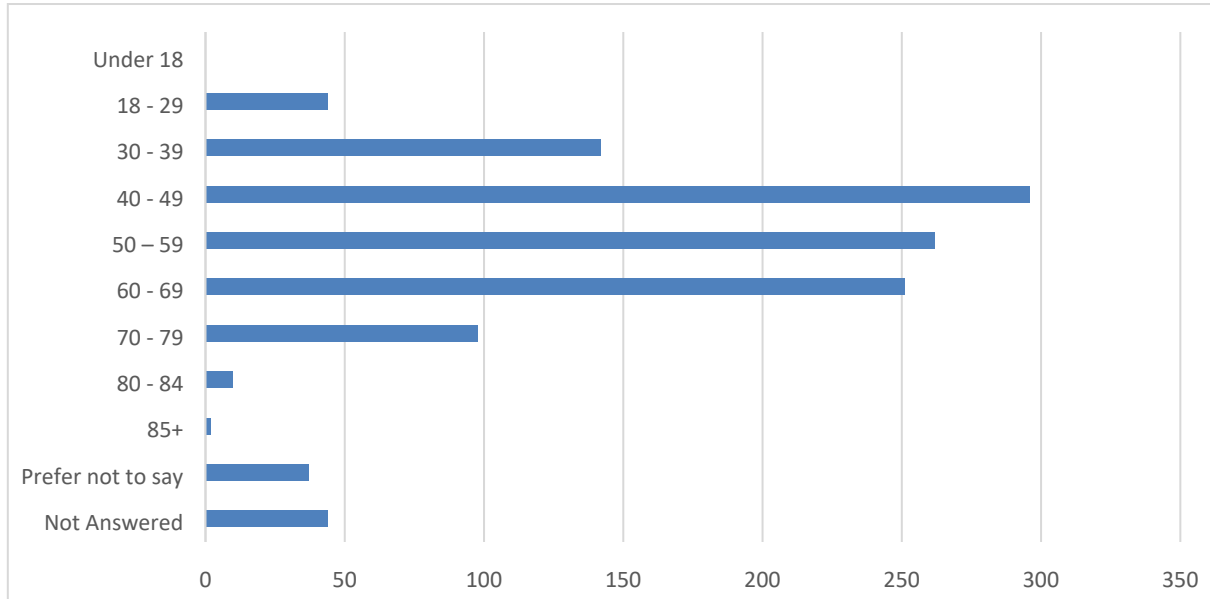
Question 21: Please tell us the first part of your postcode (the first 3 or 4 letters and numbers)

Postcode

There were 1,107 responses to this part of the question.

Question 22: How old are you?

Age

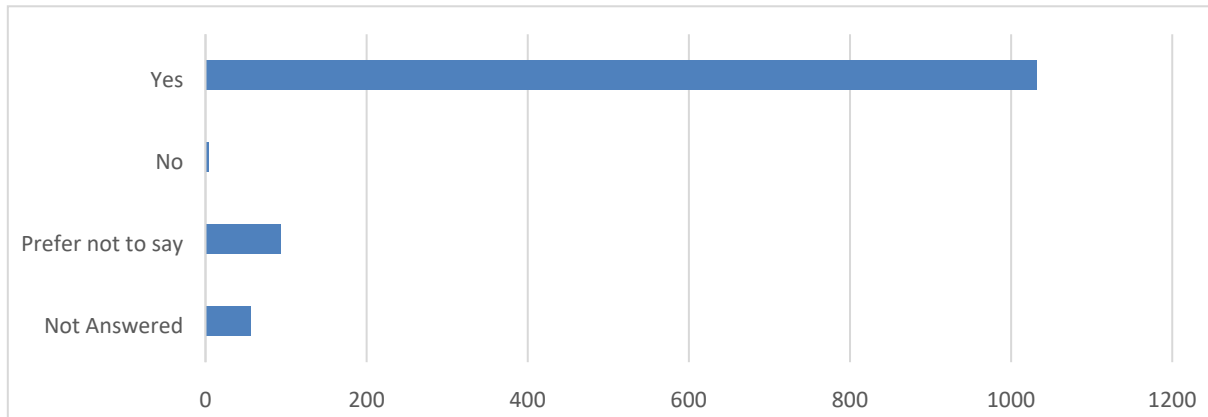


Option	Total	Percent
Under 18	0	0.00%
18 - 29	44	3.71%
30 - 39	142	11.97%
40 - 49	296	24.96%
50 - 59	262	22.09%
60 - 69	251	21.16%
70 - 79	98	8.26%
80 - 84	10	0.84%
85+	2	0.17%
Prefer not to say	37	3.12%
Not Answered	44	3.71%

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Question 23: Do you live in the gender you were given at birth?

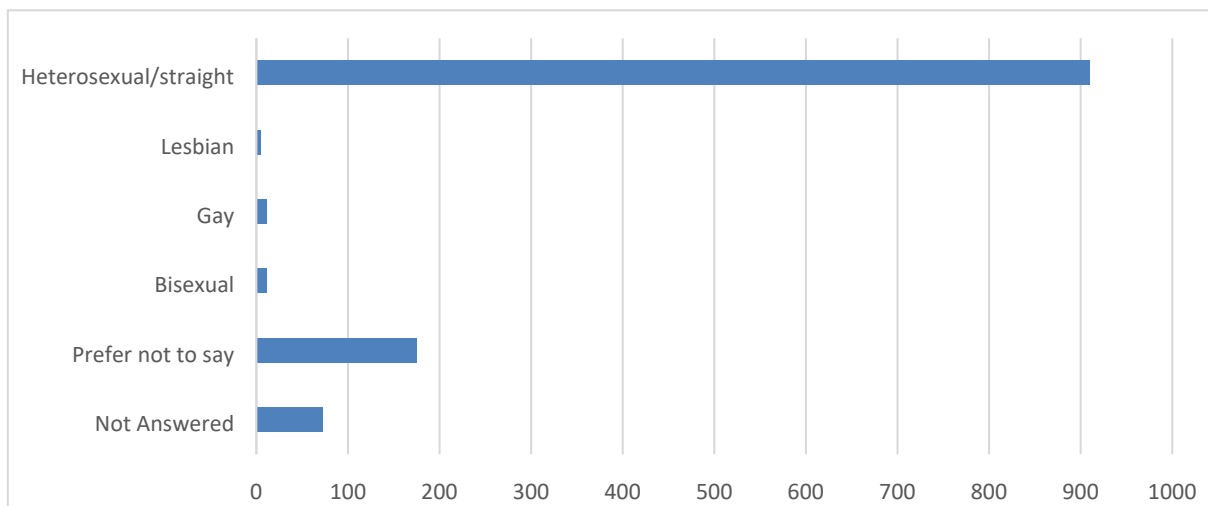
Gender



Option	Total	Percent
Yes	1032	87.02%
No	4	0.34%
Prefer not to say	94	7.93%
Not Answered	56	4.72%

Question 24: How would you describe your sexual orientation?

Sexual orientation

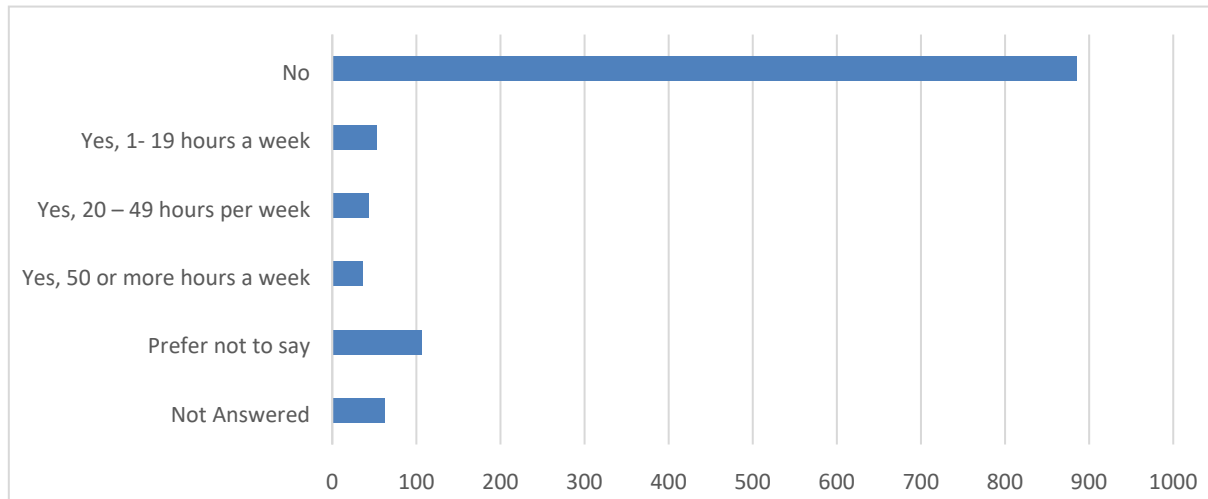


Option	Total	Percent
Heterosexual/straight	910	76.73%
Lesbian	5	0.42%
Gay	11	0.93%
Bisexual	12	1.01%
Prefer not to say	175	14.76%

Not Answered	73	6.16%
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Question 25: A carer is someone who provides unpaid support/care for a family member, friend etc who needs help with their day-to-day life; because they are disabled, have a long-term illness or they are elderly. Are you a carer?

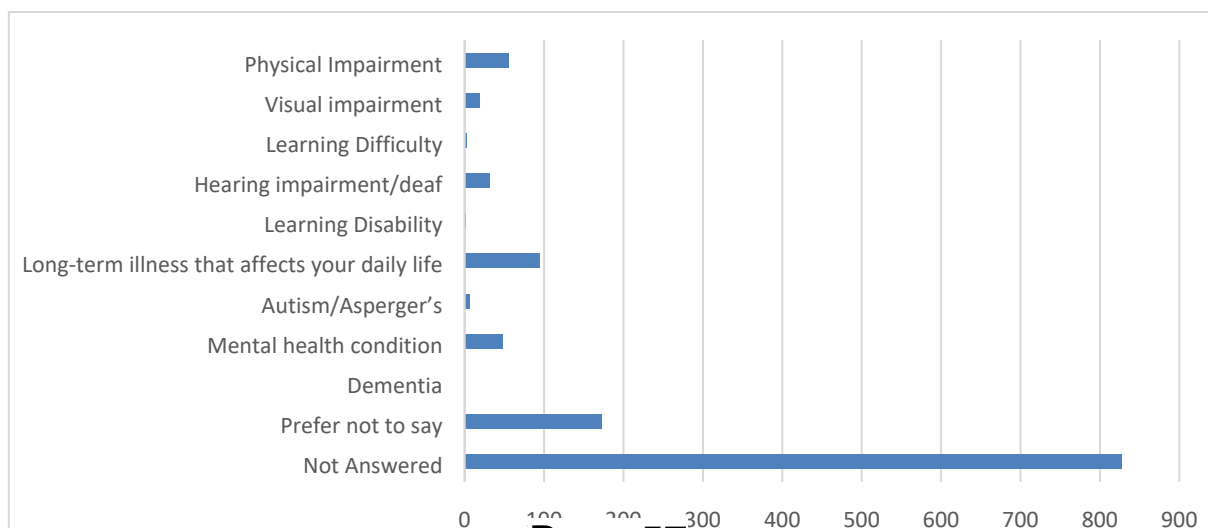
Carer



Option	Total	Percent
No	885	74.62%
Yes, 20 – 49 hours per week	53	4.47%
Yes, 1- 19 hours a week	43	3.63%
Yes, 50 or more hours a week	36	3.04%
Prefer not to say	106	8.94%
Not Answered	63	5.31%

Question 26: Disability: Do you have any of the following (please tick all that apply):

Disability?

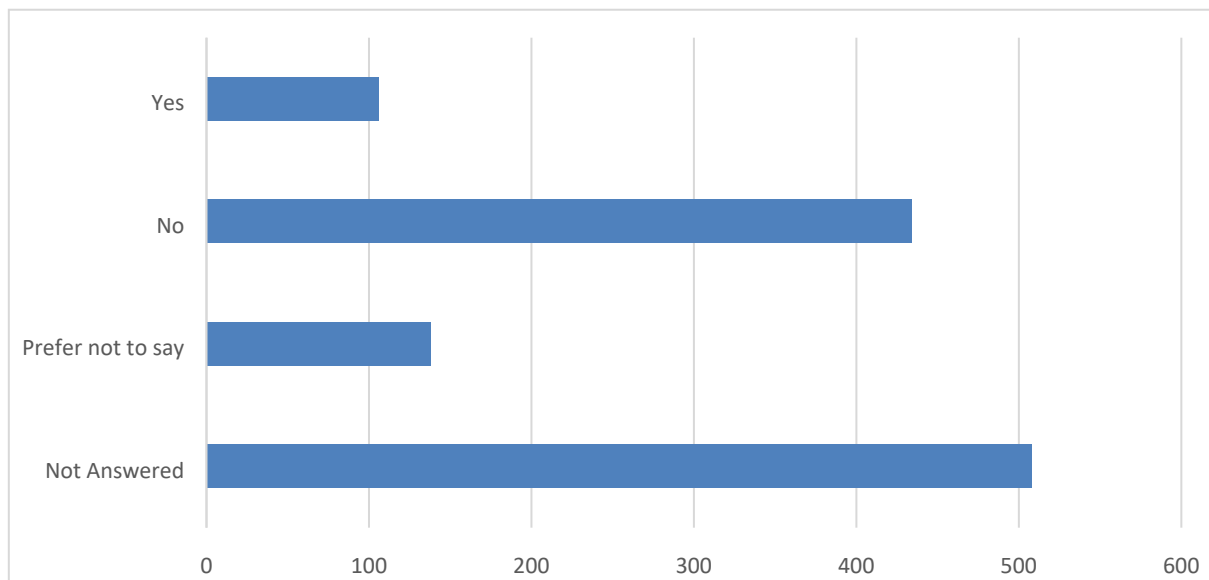


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Option	Total	Percent
Physical Impairment	56	4.72%
Visual impairment	19	1.60%
Learning Difficulty	3	0.25%
Hearing impairment/deaf	32	2.70%
Learning Disability	2	0.17%
Long-term illness that affects your daily life	95	8.01%
Autism/Asperger's	7	0.59%
Mental health condition	48	4.05%
Dementia	0	0.00%
Prefer not to say	173	14.59%
Not Answered	828	69.81%

Question 27: If you have ticked any of the boxes above, or you have cancer, diabetes or HIV this would be classed as 'disability' under the legislation. Do you consider yourself to be 'disabled'?

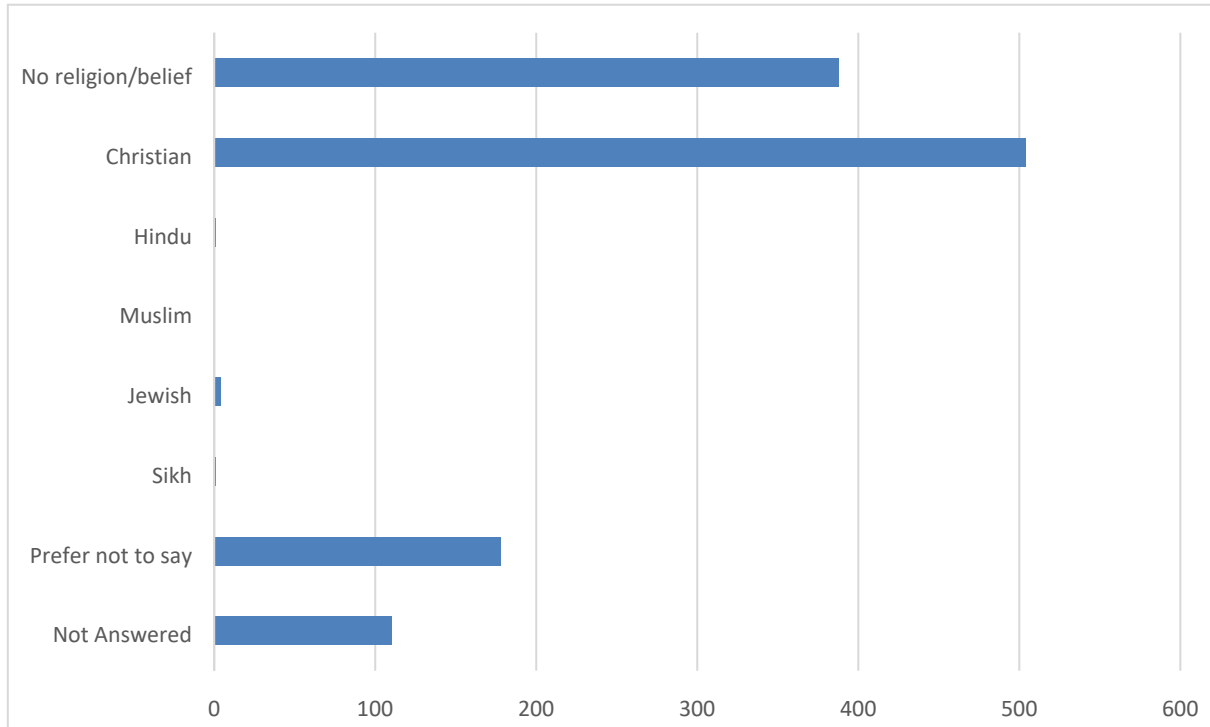
Consider disabled?



Option	Total	Percent
Yes	106	8.94%
No	434	36.59%
Prefer not to say	138	11.64%
Not Answered	508	42.83%

Question 28: What is your religion/belief?

Religion or belief

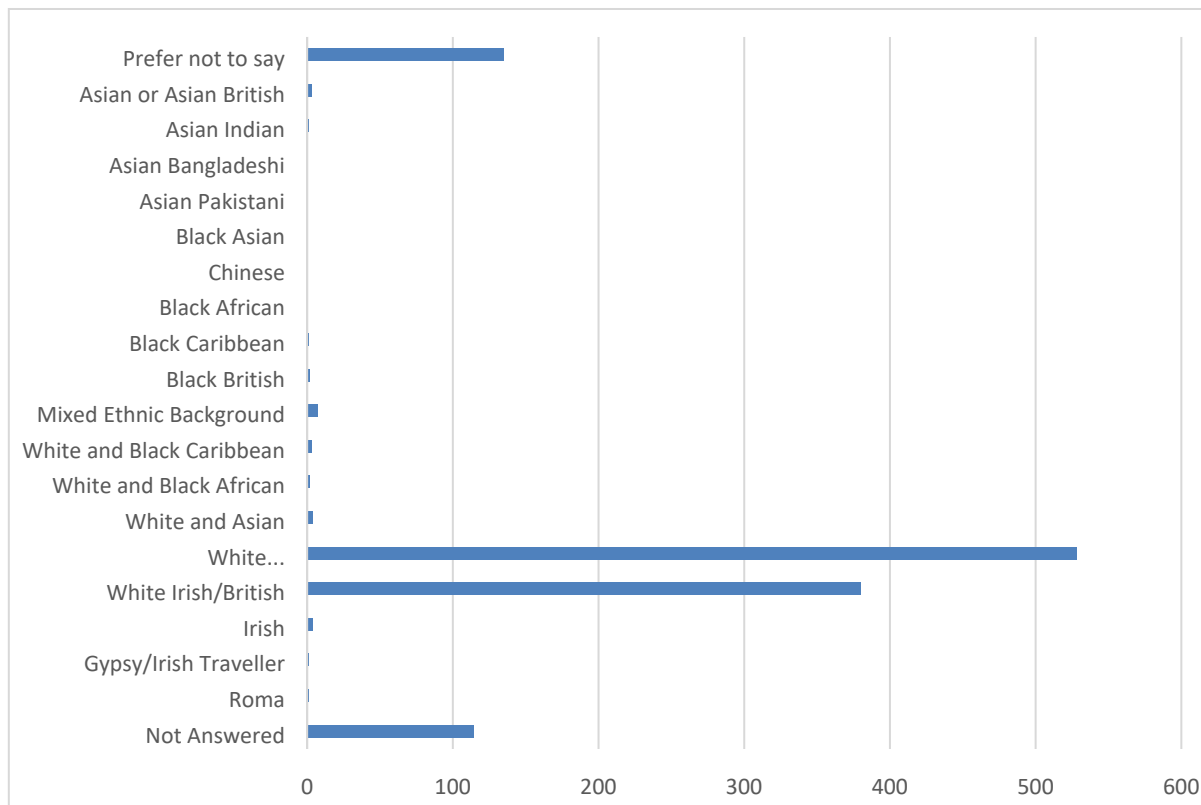


Option	Total	Percent
No religion/belief	388	32.72%
Christian	504	42.50%
Hindu	1	0.08%
Muslim	0	0.00%
Jewish	4	0.34%
Sikh	1	0.08%
Prefer not to say	178	15.01%
Not Answered	110	9.27%

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Question 29: Ethnicity – do you identify as:

Ethnicity



Option	Total	Percent
Prefer not to say	135	11.38%
Asian or Asian British	3	0.25%
Asian Indian	1	0.08%
Asian Bangladeshi	0	0.00%
Asian Pakistani	0	0.00%
Black Asian	0	0.00%
Chinese	0	0.00%
Black African	0	0.00%
Black Caribbean	1	0.08%
Black British	2	0.17%
Mixed Ethnic Background	7	0.59%
White and Black Caribbean	3	0.25%
White and Black African	2	0.17%
White and Asian	4	0.34%
White Welsh/English/Scottish/Northern	528	44.52%
White Irish/British	380	32.04%
Irish	4	0.34%
Gypsy/Irish Traveller	1	0.08%
Roma	1	0.08%
Not Answered	114	9.61%

Appendix 1 Proposed Public Space Protection Order – Dog Control

Sefton Metropolitan Borough Council

Public Spaces Protection Order

Dog Control

Anti-social Behaviour, Crime and Policing Act 2014, Part 4

Sefton Metropolitan Borough Council in exercise of the powers conferred on it by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 makes the following Order —

1. Citation

This Order may be cited as the **Sefton MBC Public Spaces Protection Order [Dog Control]** and for the purposes of any enforcement proceedings, Notices, documents or correspondence the short title **Dog Control Order** may be given.

2. Interpretation

- (1) In this Order the expressions "the Authority" or "the Council" shall mean
Sefton MBC whose principal offices are Magdalen House, 30 Trinity Road,
Bootle, L20 3NJ.
- (2) In this Order any reference to a numbered section is a reference to the section so
numbered in the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").
- (3) For the purposes of this Order a person who habitually has a dog in his/her
possession shall be taken to be in charge of the dog at any time unless at that time
some other person is in charge of the dog.
- (4) Any reference in the Schedules to this Order to "prescribed charity" shall mean any
of the following charities —
 - (a) **Dogs for the Disabled** (registered charity number 1092960);
 - (b) **Support Dogs** (registered charity number 1088281);
 - (c) **Canine Partners for Independence** (registered charity number 803680);
 - (d) **Dog A.I.D.** (registered charity number 1098619);
 - (e) **Dogs for Good** (registered charity number 1092960);
 - (f) **Guide Dogs** (registered charity number 209617); and
 - (g) **Hearing Dogs for Deaf People** (registered charity number 293358).

3. Effect

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- (1) This Order shall come into force on **xxxxxxx**
- (2) This Order is made as the Council is satisfied on reasonable grounds that the two conditions prescribed by section 59(2) and (3) of the Act have been met, namely:
 - (a) **The first condition:**
 - (i) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality ("the Activities"); or
 - [ii] It is likely that activities will be carried on in a public place within the Authority's area ("the Activities") and that they will have a detrimental effect on the quality of life of those in the locality;

and such Activities are set out in the respective Schedules to this Order

- (b) **The second condition:**

The effect, or likely effect, of the Activities —

- (i) is, or is likely to be, of a persistent or continuing nature,
 - (ii) is, or is likely to be, such as to make the activities unreasonable, and
 - (iii) justifies the restrictions imposed by this Order.
- (3) This Order relates to each public place referred to in **Schedules 1, 2, 3 4 and 5** to this Order ("the Restricted Areas") together with such other Schedules as may be included under any variation of the Order from time to time and —
 - (a) prohibits specified things from being done in the Restricted Area ("the Restrictions") as may be set out in the Schedules,
 - (b) requires specified things to be done by persons carrying on the Activities in the Restricted Area ("the Requirements"), or
 - (c) does both of those things.

4. Requirement to provide name and address

- (1) For the purposes of enforcing the provisions of this Order any person who appears to a duly authorised officer of the Authority or to a Police Officer to be in charge of any dog to which the provisions of this Order apply shall confirm their full name, address and date of birth upon any request having been made in that respect whether verbally or in writing by any such officer and within such time as may be stipulated by that officer.

5. Offence of failing to comply with this Order

- (1) It is an offence for a person without reasonable excuse—

- (a) to do anything that a person is prohibited from doing by a public spaces protection order, or
 - (b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (3) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to the Order,
 - (4) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

6. Duration of Order

- (1) This Order will remain in force for the period of **3 years** from the date that it comes into force specified in paragraph 3(1).
- (2) Before the time when this Order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent —
 - (a) an occurrence or recurrence after that time of the Activities, or
 - (b) an increase in the frequency or seriousness of the Activities after that time.
- (3) The Order may be so extended more than once.

6. Variation and discharge of the Order

- (1) The Council may vary this Order —
 - (a) by increasing or reducing the Restricted Areas;
 - (b) by altering or removing a prohibition or requirement included in the Order or adding a new one.
- (2) Where the Council considers it appropriate to do so the Order may be discharged by the Council before the end of the period that the Order may remain in force specified in paragraph 5(1).

7. Challenging the validity of the Order

- (1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely –

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- (a) that the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- (b) that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the Order of variation.

Dated this day of

The Common Seal of the **Sefton Metropolitan Borough Council**

was hereunto affixed in the presence of -

.....

Duly Authorised Officer

SCHEDULE 1

The fouling of land by dogs

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) If a dog defecates at any time on land to which this Schedule applies a person who is in charge of that dog shall remove the faeces from the land forthwith **unless** —
 - (a) that person has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land **has consented (generally or specifically) to his/her failing to do so.**

3 Exemptions

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

For the purposes of this Schedule —

- (a) placing faeces in a receptacle on the land which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

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SCHEDULE 2

The exclusion of dogs from land

1. The Restricted Areas

- (1) All enclosed children's playgrounds and all fenced sports pitches including multi use game sports facilities including bowling greens within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.
- (2) All marked sports pitches within the Metropolitan Borough of Sefton within defined dates which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Restrictions

- (1) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraph 1(1) of this Schedule at any time;
- (2) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraphs 1(2) of this Schedule at any time from

Football or Rugby pitches from **01 September** to **31st May** inclusive

Cricket pitches from **01 April** to **30th September** inclusive

unless in the case of either of the restrictions described under paragraphs 2(1) and (2)[2] respectively of this Schedule —

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.

3. Exemptions

The offence does not apply to a person who

- (a) is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

SCHEDULE 3

Dogs on leads

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is used as a memorial, burial ground, cemetery or garden of remembrance together with any forecourt, terrace, yard or walkway providing access, and together with adjoining verges, landscaped areas and gardens.
- (2) Any land within the Metropolitan Borough of Sefton which is a designated carriageway (A or B classified roads) together with the adjoining footpaths and verges of such carriageways.
- (3) Any Land with the Metropolitan Borough of Sefton which is a designated Picnic Area or family area
- (4) Any Land with the Metropolitan Borough of Sefton which is a designated unfenced (open) Playground

2. The Requirements

- (1) A person in charge of a dog shall at all times keep the dog on a lead of not more than 2.0 metres in length unless:
 - (a) that person has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

4. Definition of a lead

For the purposes of this Schedule the definition of a lead is

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Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 4

Dogs on leads by direction

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) A person in charge of a dog shall comply with a direction given to him by an authorised officer or agent of the Council or by a police officer to put and keep the dog on a lead of not more than 2.0 metres in length unless —
 - (a) that person has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
- (2) For the purposes of this Schedule an authorised person may only give a direction under this Schedule to put and keep a dog on a lead if such restraint is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public on any land to which this Schedule applies and the behaviour would have a detrimental effect on the quality of life of the public.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

5. Definition of a lead

For the purposes of this Schedule the definition of a lead is

Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

SCHEDULE 5

Number of dogs walked by an individual

1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

2. The Requirements

- (1) A person in charge of a dog on land to which this order applies must restrict the number of dogs that can be walked by a single individual to six dogs unless
 - (a) they have reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

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Appendix 2 Correspondence – Dog’s Trust

I respond on behalf of the Dogs Trust Campaigns team and the wider organisation. Please find our comments on the orders below:

Thank you for making us aware that Sefton Council is planning to renew a series of Public Space Protection Orders. As the UK’s largest dog welfare charity, we would like to make some comments for consideration.

Dogs Trust’s Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider ‘scooping the poop’ to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children’s play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

4. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.

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- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

5. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

6. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

7. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

I would also like to bring your attention to the similar recommendations stated in the Government's 'Anti-social behaviour powers -Statutory guidance for frontline professionals' document, pages 52/53.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. If you are interested, I can send you a copy of our Services Guide, a document listing the ways in which we may be able to help with promoting responsible dog ownership in your community. Please do not hesitate to contact should you wish to discuss this matter.

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Appendix 3 Correspondence – Kennel Club

Kennel Club Response to Sefton Borough Council Public Spaces Protection Order Consultation

Submitted on 16th of October 2020 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities, the Kennel Club runs KC Dog, which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle, we would like to highlight the importance for all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

Response to proposed measures

Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

Exclusion from children's play areas, sports pitches, and cemeteries

The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks or tennis courts, as long as alternative provisions are made for dog walkers in the vicinity. Children and dogs should be able to socialise together quite safely under adult supervision, with having a child in the home the biggest predictor for a family owning a dog.

'Dogs on lead'

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

Dogs on lead by direction

The Kennel Club strongly welcomes 'dogs on lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

Maximum number of dogs a person can walk

We feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that can result in displacement and subsequently intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner is dependent on a number of other factors relating to the walker, the dogs being walked, whether leads are used, and the location where the walking is taking place.

An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance they cannot control that number of dogs.

We thus suggest instead that defined outcomes are used to influence people walking one or more dogs – domestically or commercially – such as dogs always being under control or on lead in certain areas. An experienced dog walker, for example, may be able to keep a large number of dogs under control during a walk whilst an inexperienced private dog owner may struggle to keep one dog under control. Equally, the size and training of dogs are key factors, hence why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses the 'dogs on lead by direction' measures and other targeted approaches – including Acceptable Behaviour Contracts and Community Protection Orders – to address those who do not have control of the dogs that they are walking.

A further limitation of this proposed measure is that it does not prevent people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits may also encourage some commercial dog walkers to leave excess dogs in their vehicles, causing severe animal welfare concerns.

If the proposed measure is being considered as a result of issues arising from commercial dog walkers, we suggest councils instead look at accreditation schemes that have worked successfully in places like East Lothian. These can be far more effective than numerical limits as they can promote good practice rather than simply curbing the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.

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Assistance dogs

The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here:

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

However, we would suggest further consideration of the wording contained within the Order, specifically with reference to 'prescribed charity'. While a proportion of assistance dogs relied upon by disabled people are trained by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here:

<http://www.assistedogs.org.uk/>. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found here:

https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf

or that of Northumberland County Council:

"(4) The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

(5) The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation".

Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 make it a legal requirement for local authorities to –

"cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be)."

With relation to dog access restrictions,

Regarding dog access restrictions, such as a 'dogs on lead' Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with

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signs that say on one side, for example, 'You are entering [type of area]' and 'You are leaving [type of area]' on the reverse.

While all dog walkers should be aware of their requirement to pick up after their dog, signage must be erected for the PSPO to be compliant with the legislation.

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Correspondence Address:
Freedom for Dogs - Sefton



15th September 2020

Mr Dwayne Johnson
Chief Executive Officer
Bootle Town Hall
Oriol Road
Bootle
L20 7AE

Dear Mr Johnson

Public Space Protection Order for Dog Control

We are writing with regard to your ongoing PSPO consultation for dogs. Here:
<https://www.sefton.gov.uk/environmental-protection/pests-pollution-and-food-hygiene/dogs/consultation-pspo-for-dog-control.aspx>

Although we acknowledge that the last PSPO did not implement the most draconian measures of the original proposal, we question the need for a PSPO at all as laws already exist to cover the most common issues regarding dogs and dog ownership.

Below are some specific questions with regard to the rationale for the PSPO renewal that we would like answered:

1. Evidence

- a. What is the evidence that issues such as dog fouling and dog attacks exist and what is the scale of these issues within the area under consideration for the PSPO?
- b. What are the trends/impact since the introduction of the last PSPO – is the trend up or down?
- c. What evidence has there been with regard to enforcement of the PSPO and its impacts on relations between residents and the Council?
- d. Is there any other substantial evidence that the previous PSPO made a difference to these issues?
- e. If not, why has this evidence not been compiled in order to support the renewal of the PSPO?

2. Alternate enforcement/education options

- a. What other options has Sefton Council considered rather than implementing the PSPO e.g. the introduction of dog parks or fenced off areas within parks for dogs to exercise off lead, education and publicity of responsible dog ownership through local media?

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- b. If these options have been discounted, could you please explain the rationale for this?
 - c. If no other options have been considered, can you please explain why this process has not been undertaken?
- 3. Other authorities**
- a. What do other authorities do regarding responsible dog ownership?
 - b. Have alternative approaches adopted outside Sefton been explored/considered/learned from?
 - c. If not, why not?
- 4. Active engagement with stakeholders (excluding the survey)**
- a. Have groups such as the RSPCA, Friends of the Earth, environmental groups, The Kennel Club, The Dogs Trust, local veterinarian professionals etc been approached within the area to seek their views?
 - b. Does the Council intend to hold any public meetings for people to express their views?
 - c. If not, why not?
- 5. Costs**
- a. What are the costs associated with development and management the PSPO, including procurement and management of an outside contractor?
 - b. What has it cost Sefton Council to outsource the enforcement of the PSPO to a private company?
 - c. There is much anecdotal evidence amongst the dog owning community that the enforcement officers are heavy handed, bullying and intimidating. Do contractors have perverse incentives to meet targets/ secure income?
 - d. If the costs have not been calculated, why not? If the answer to point 5(c) is "I don't know", why is the Council not aware of the basis on which their sub-contractor is conducting itself within the community?
- 6. Fines/Appeals**
- a. How much money has been collected in fines while the previous PSPO has been in place?
 - b. How has the money raised by fines been spent?
 - c. How many appeals have been logged, and how many of those resulted in fines being withdrawn?
 - d. If none of this information has been collated, why not?
- 7. Public Sector Equality Duty**
- a. Has the Council undertaken research to understand the demographic of dog owners within the community, ie what are the characteristics of the dog owning community most likely to be impacted by the PSPO (primarily age/gender)?
 - b. Has an impact assessment on this community been prepared for elected members and other stakeholders to consider when making any decisions on this issue? Could you please supply us with a copy of any assessment.
 - c. Has the Council considered that the PSPO may set different communities against each other, e.g. dog walkers and sports groups?
 - d. If not, why not to all these questions?

8. Awareness

- a. How does the Council intend to ensure that tourists and people without access to the internet can not only be made aware of any PSPO and its terms, but also contribute to the consultation process?
- b. If there are no arrangements in place, why not?

9. Beach

- a. It is suggested that the beach is available for off lead dog walking. However, palm oil is still present in significant quantities which is toxic to dogs. What are the Council's proposals to clean this up?
- b. Does the Council intend to provide an area on the beach to be sectioned off to enable dogs to exercise in safety and not be endangered by cars?
- c. Finally, does the Council intend to provide year-round access to the beach for cars? At the moment there is no winter access for cars meaning walkers have to walk quite a distance from either road parking or the car park, or alternatively walk over sand dunes to reach the beach. This excludes many people who are disabled from this area.

10. Council's Working Group on PSPOs

- a. We request minutes of any meetings held within the Council relating to the PSPO for Dog Control.
- b. If not immediately available, we shall request this information by way of a Freedom of Information Request.

11. Finally, we ask the Council to consider and advise on the scale of the issue. Has this been quantified? If not, why not?

When laws already exist to promote and manage responsible dog ownership, is the PSPO a sledgehammer to crack a nut?

We argue that the PSPO actually targets and criminalises dog owners who are already responsible, while does not even begin to tackle those who do not observe basic consideration for their wider community. The PSPO's aim is to tackle anti-social behaviour but fails to do so. It is not fit for purpose. The outsourcing of management of the PSPO to a private company also creates perverse incentives for that company to demonstrate a need for its existence and to generate income through potentially overzealous enforcement.

Dogs play a hugely positive role within our communities. They alleviate loneliness among the older generation and are good, loyal companions, supporting mental health in situations where people may otherwise suffer from depression, as well as obviously providing invaluable support to the disabled and as therapy dogs. Under the PSPO we feel that dogs are being marginalised and criminalised because of the behaviour of a minority of the community who should be dealt with through pre-existing laws supported by education and enforcement actions that are entirely fit for purpose.

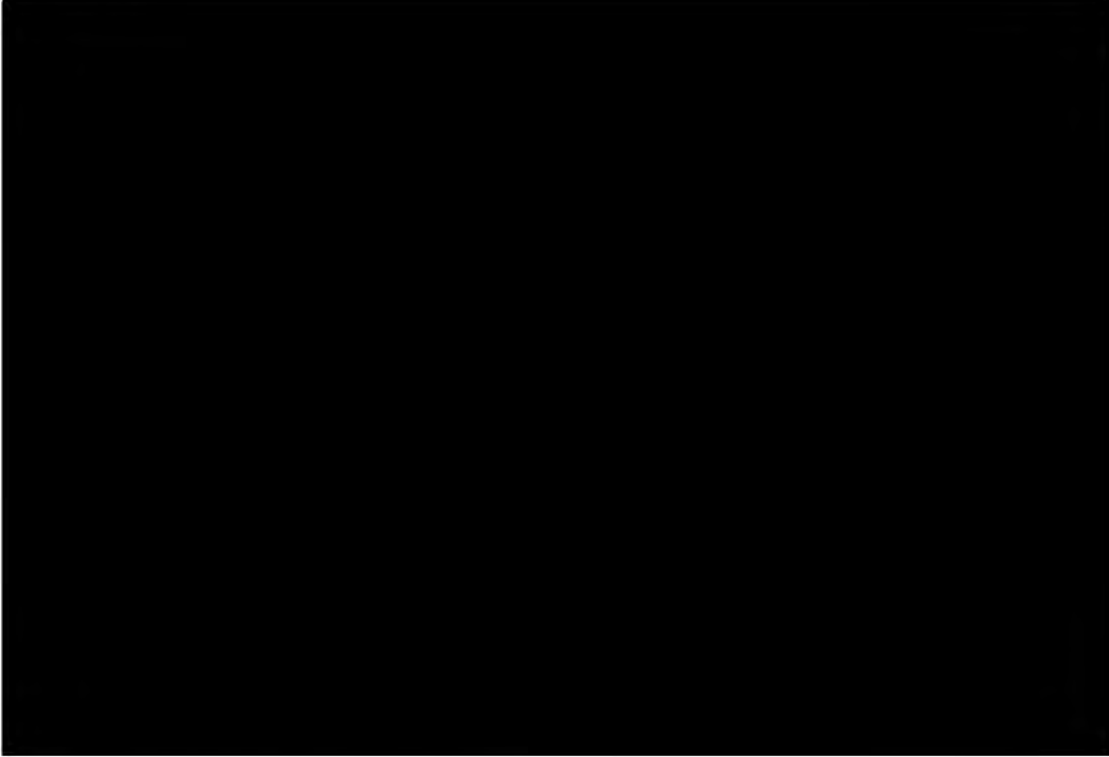
We look forward to receiving your written response with detailed answers to our questions, and copies of all relevant documents pertaining to this matter.

This letter is also being copied to Steve Smith (Environmental Health & Trading Standards Officer) and Robert Monks (Principal Environmental Health Officer).

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Yours faithfully *Sincerely*

Signed:



For correspondence purposes please reply:



Agenda Item 8

Report to:	Cabinet Council	Date of Meeting:	5 November 2020 19 November 2020
Subject:	Treasury Management Mid-Year Report 2020/21		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	All Wards
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This report provides Members with a review of the Treasury Management activities undertaken to 30th September 2020. This document is the second report of the ongoing quarterly monitoring provided to Audit & Governance Committee and the mid-year report to Cabinet and Council, whose role it is to carry out scrutiny of treasury management policies and practices.

Recommendation to Cabinet and Council:

Members are requested to note the Treasury Management update to 30th September 2020, to review the effects of decisions taken in pursuit of the Treasury Management Strategy and to consider the implications of changes resulting from regulatory, economic and market factors affecting the Council's treasury management activities.

Reasons for the Recommendation:

To ensure that Members are fully apprised of the treasury activity undertaken to 30th September 2020 and to meet the reporting requirements set out in Sefton's Treasury Management Practices and those recommended by the CIPFA code.

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

The financial position on the external investment budget to the end of September indicates a deficit to the end of the period. The forecast to the end of the financial year also shows that investment income will fall below the level set in the budget.

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(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): External interest income is forecast to fall below the target set for the year.
Legal Implications: The Council has a statutory duty to review its Treasury Management activities from time to time during the financial year.
Equality Implications: None.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: n/a
Facilitate confident and resilient communities: n/a
Commission, broker and provide core services: n/a
Place – leadership and influencer: Support strategic planning and promote innovative, affordable and sustainable capital investment projects through application of the CIPFA Prudential Code.
Drivers of change and reform: The Treasury Management function ensures that cash flow is adequately planned and cash is available when needed by the Council for improvements to the borough through its service provision and the Capital Programme.
Facilitate sustainable economic prosperity: Pursuit of optimum performance on investments activities and minimising the cost of borrowing and the effective management of the associated risk continues to contribute to a balanced budget for the Council.
Greater income for social investment: n/a
Cleaner Greener: n/a

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD6154/20) is the author of the report.

The Chief Legal and Democratic Officer (LD 4346/20) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

N/A

Implementation Date for the Decision

With immediate effect.

Contact Officer:	Graham Hussey
Telephone Number:	Tel: 0151 934 4100
Email Address:	graham.hussey@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Background to the Report

- 1.1. As recommended under CIPFA's revised 2017 Code of Practice on Treasury Management in Public Services, the Council's Treasury Management Policy and Strategy document for 2020/21 (approved by Council on 27th February 2020) included a requirement for regular updates to be provided on the investment activity of the Authority. This report is the second of such reports for the year and presents relevant Treasury Management information for the period ending 30th September 2020.
- 1.2. The report includes information on the investments held / entered into during the period and the interest rates obtained (with a comparison of performance against a standard benchmark figure). In addition, the report highlights whether there has been any variance from the Treasury Management Policy and Strategy and the Council's approved Prudential Indicators (the operational boundaries within which the Council aims to work).

2. Investments Held

- 2.1. Investments held at the 30/09/2020 comprise the following:

Institution	Deposit £m	Rate %	Maturity	Rating
Money Market Funds:				
Aberdeen	6.99	0.08	01/10/20	AAA

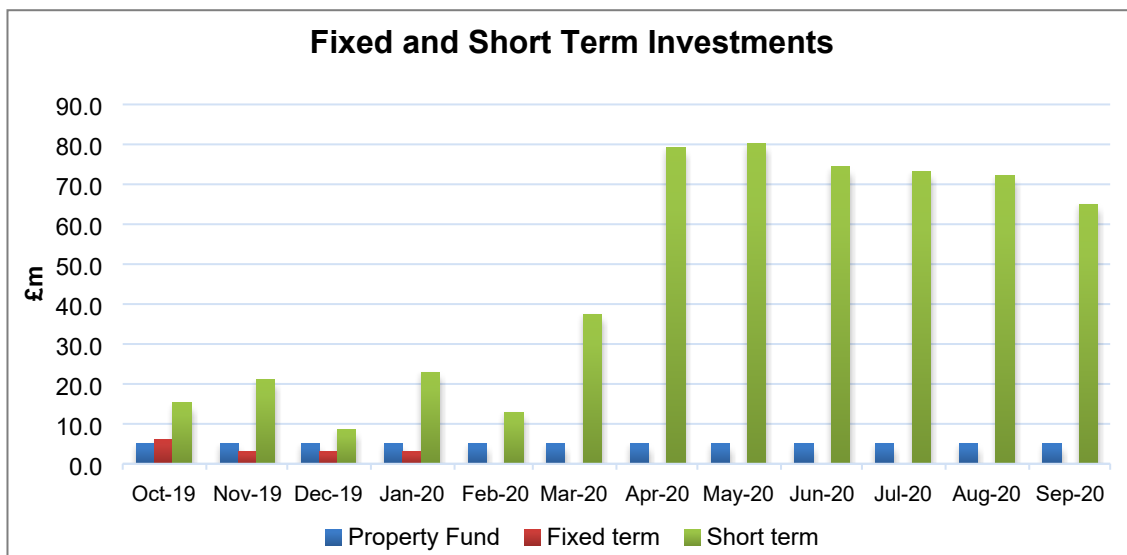
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Institution	Deposit £m	Rate %	Maturity	Rating
Amundi	6.99	0.01	01/10/20	AAA
Aviva	6.99	0.06	01/10/20	AAA
BNP Paribas	6.99	0.04	01/10/20	AAA
Goldman-Sachs	3.27	0.01	01/10/20	AAA
Invesco	6.99	0.04	01/10/20	AAA
Morgan Stanley	6.99	0.01	01/10/20	AAA
Federated	6.61	0.05	01/10/20	AAA
Insight	6.61	0.01	01/10/20	AAA
Total	58.43			
Deposit Accounts:				
Santander	6.49	0.12	01/10/20	A+
Total	6.49			
Property Fund:				
CCLA	5.00	4.26	n/a	n/a
Total	5.00			
TOTAL INVESTMENTS	69.92			

- 2.2. The above cash balances represent the full range of earmarked reserves such as school's balances. The balances also include money received from the government's COVID-19 response fund which is being redistributed to local businesses. The cash is initially held in a number of highly liquid Money Market Funds to ensure security of the funds until they required to be paid out. This approach is consistent with the Council's approved Treasury Management Policy and Strategy for 2020/21. The balance of investments is therefore expected to fall significantly over the coming months as the funds are fully distributed.
- 2.3. All of the investments made since April 2020 have been with organisations on the current counterparty list. The maximum level of investment permitted in the Treasury Management Strategy in any one institution, or banking group, is currently £25m. Whilst the maximum should be retained, in light of current economic conditions, a day to day operational maximum of 10% of the total portfolio is currently being imposed for specified investments. This will spread the risk for the Council but will have a small detrimental impact on the returns the Council will receive in the future. The Council has remained within that boundary during the year. At present, it is not expected that there will be any need to review this limit.
- 2.4. Credit rating agencies changed their outlook on many UK banks from stable to negative outlook during the first quarter of 2020/21, due to upcoming risks to banks' earnings and asset quality during the economic downturn caused by the pandemic. The majority of ratings were however, affirmed due to the continuing strong credit profiles of UK banks. CDS prices (market indicators of credit risk) for UK banks also spiked upwards at the end of March due to the liquidity crisis

throughout financial markets. Those CDS prices have returned to more average levels since then.

- 2.5. The Council will only invest in institutions that hold a minimum Fitch rating of A- for banking institutions, or AAA for money market funds. The ratings applied to investment grade institutions, and the much riskier speculative grade institutions, as defined by Fitch, have been placed into a risk matrix (paragraph 2.10).
- 2.6. An investment has been made with the Church, Charities and Local Authority Investment Fund (CCLA) in June 2014. CCLA invest in commercial property which is rented out to enterprises such as retail units, warehousing, and offices. The majority of properties owned are in the south of the country where the market is often more buoyant than the north. The Council has in effect bought a share of the property portfolio and returns paid are in the region of 4%. This is seen as a long-term investment with the potential for the capital value of the investment to vary as property prices fluctuate.
- 2.7. The Net Asset Value (NAV) of the Property Fund has decreased over a 12-month period to September 2020 from 303.00p per unit to 283.43p per unit, a decrease of 6.5%. Much of this decrease has been during the period March to May 2020 as the COVID-19 crisis has impacted on the property market, weakening values in the retail sector. The value of the Council's investment is still in line with the original deposit and NAV in the fund has now stabilised in recent months.
- 2.8. The yield on the Property fund at the end of September 2020 was 4.26% which is consistent with returns received in the past. Rents collected by the fund since the onset of COVID-19 however, have fallen to around 50% but are anticipated to improve to around 75% later in the year. The forecast income from investments (see 3.1, below) has therefore been adjusted to reflect a prudent estimate of a 50% reduction from the property fund.
- 2.9. The ratio of overnight deposits (short term) to fixed term investments and the property fund is shown below:



3. Interest Earned

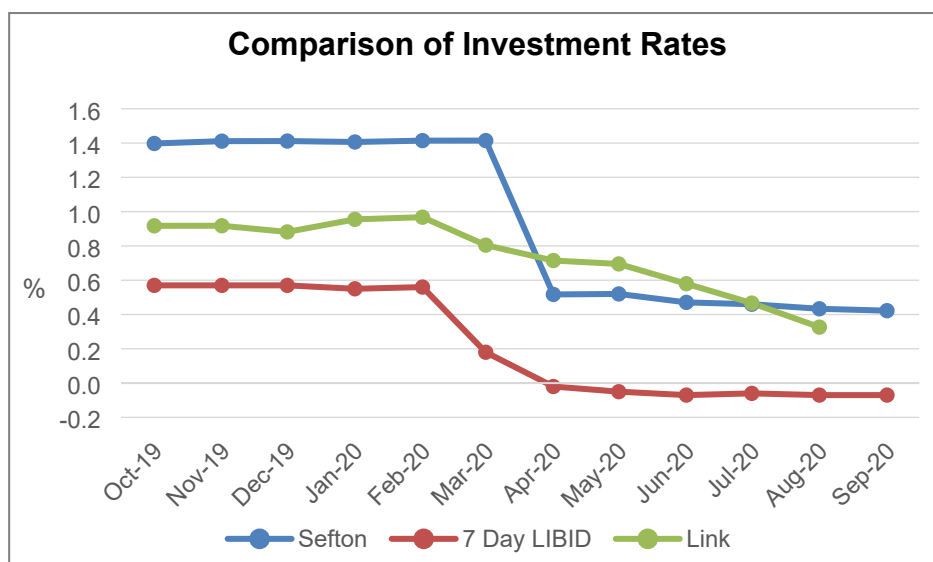
- 3.1. The actual performance of investments against the profiled budget to the end of September 2020 and the forecast performance of investments against total budget at year end is shown below:

Profile	Budget £m	Actual £m	Variance £m
September 2020	0.145	0.127	0.018

Profile	Budget £m	Forecast £m	Variance £m
Outturn 2020/21	0.415	0.208	0.207

- 3.2. The forecast outturn for investment income shows a significant shortfall against the budget for 2020/21. The impact of COVID-19 and declining economic conditions in general mean that investment rates are low, and yields are expected to be well below the estimate originally forecast in the budget.
- 3.3. The Council invests the majority of its funds in AAA rated Money Market Funds in order to ensure security and liquidity of its cash balances. These funds however, have experienced a marked decline in yields since the onset of the pandemic. At the time of setting the budget for 2020/21 yields were around 0.75% on average. These rates have now declined to around 0.04% and hence forecast income is now much lower than the estimate.
- 3.4. In addition to the above funds, the Council also invests in the CCLA property fund, and as mentioned in paragraph 2.8 the fund is only expected to yield 50% of the forecast income for 2020/21. The total income before the COVID-19 crisis was predicted to be £0.250m whereas at present it is anticipated that the amount to be collected will be around £0.125m.
- 3.5. In the current economic climate, it is considered prudent to keep investments in the short term to meet any exceptional demand for cash and to ensure payments to local businesses from the government response fund can be made as and when required. It is therefore not envisaged that improved investment yields will be achieved during 2020/21 as cash balances are diminishing and held in short term deposits.
- 3.6. The Council has achieved an average rate of return across all of its investments of 4.22% that has out-performed the 7-day LIBID to the end of September 2020. As can be seen from the chart below, investment rates are declining since March 2020 and this is consistent with the model portfolio provided by our previous treasury advisors (Link Asset Services – see section 6).

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NB: Link's September data unavailable at the time of writing.

4. Interest Rate Forecast

4.1. Link Asset Services have supplied the interest rate forecast and commentary below:

Link Group Interest Rate View 11.8.20		Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 Month average earnings		0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
6 Month LIBID		0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
12 Month LIBID		0.20	0.20	0.20	0.20	0.20	0.20	0.20	-	-	-	-
5yr PWLB Rate		1.90	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate		2.10	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate		2.50	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate		2.30	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

The coronavirus outbreak has done huge economic damage to the UK and around the world. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left the Bank Rate unchanged at its last meeting on 6th August, although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary. As shown in the forecast table above, no increase in Bank Rate is expected within the forecast horizon ending on 31st March 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.

5. Compliance with Treasury and Prudential Limits

5.1. During the first half of 2020/21 financial year, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices.

- 5.2. The key treasury indicators compared to the actuals as at 30th September 2020 are shown below:

External Debt:	2020/21 £m
Authorised limit for external debt	249.000
Operational boundary for external debt	239.000
Actual external debt 30.09.20	212.492

Maturity structure of fixed rate borrowing:	Upper Limit %	Lower Limit %	Actual %
Under 12 months	35	0	13
12 months to 24 months	40	0	9
24 months to 5 years	40	0	23
5 years to 10 years	40	0	7
10 years to 15 years	40	0	17
15 years +	90	25	32

Upper limit for principal sums invested for longer than 365 days:	Limit %	Actual %
Principal sums invested	40	8

6. Outcome of the Treasury Consultant Tender Exercise

- 6.1. Members will be aware that local authorities are required under the Prudential Code to receive appropriate Treasury Management advice in order to inform effective and informed decision making in what is recognised as a complex area of council business.
- 6.2. The Council has procured this advice for some time and has ensured that decisions made by members and officers are supported by specialist expertise to reduce the risk faced by the council.
- 6.3. The previous treasury management contract with Link Asset Services came to an end on 30th September 2020. Following a successful tender exercise, the Council has now appointed Arlingclose as its treasury management adviser from the 1st

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October 2020 for a period of three years with an option to extend for a further 12 months.

- 6.4. The Council will continue to receive investment advice, economic and interest rate forecasts, and general technical advice from this new provider to ensure the efficient operation of its treasury management functions continues.

Agenda Item 9

Report to:	Audit and Governance Committee Council	Date of Meeting:	16 September 2020 19 November 2020
Subject:	Financial Procedure Rules		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

This report seeks approval for revisions to the Financial Procedure Rules.

Recommendation(s):

1. That the Audit and Governance Committee:
 - (1) Consider and approve the revision to the Financial Procedure Rules set out in Appendix 1 to this report.
 - (2) Refer the duly amended Financial Procedure Rules to Council for approval.
2. That Council approve the amended Financial Procedure Rules as set out in Appendix to the report

Reasons for the Recommendation(s):

To enable the Council to adopt the recommended revisions to Financial Procedure Rules.

Alternative Options Considered and Rejected: (including any Risk Implications)

As part of the annual review of the Councils constitution, the Council's Financial Procedure Rules (FPR) have been the subject of review. This has resulted in a number of proposed revisions, which are now presented for consideration by Audit & Governance Committee and referral to Council for their consideration and approval.

No alternative options have been considered.

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What will it cost and how will it be financed?

(A) Revenue Costs

There are no additional costs arising directly from this report.

(B) Capital Costs

Not Applicable

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no additional resource implications associated with this report. Existing staffing resources will be involved in financial management and will be required to comply with the FPRs.

Legal Implications:

Production of this report has been considered in line with Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989 and the Local Government Act 2003 together with other relevant legislation as detailed within the Financial Procedure Rules.

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

Effective management of the Council's financial affairs supports each theme of the Council's Core Purpose.

Protect the most vulnerable:

See comment above

Facilitate confident and resilient communities:

See comment above

Commission, broker and provide core services:

See comment above

Place – leadership and influencer:

See comment above

Drivers of change and reform:

See comment above

Facilitate sustainable economic prosperity:

See comment above

Greater income for social investment: See comment above
Cleaner Greener See comment above

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The review of the Financial Procedure Rules has been led by a multi-disciplinary team including officers from financial management, internal audit and senior officers within the Council. The final document as included within this report has also been the subject of review and initial approval by the Council's Monitoring Officer, prior to presentation to members.

The Executive Director of Corporate Resources and Customer Services (FD5989/20) and the Chief Legal and Democratic Officer (LD4172/20) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not Applicable

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Andrew Bridson
Telephone Number:	0151 934 4096
Email Address:	andrew.bridson@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

Appendix 1 – Revised Financial Procedure Rules

Background Papers:

There are no background papers available for inspection.

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1. Financial Procedure Rules

- 1.1 As part of the annual review of the Council's Constitution, the Council's Financial Procedure Rules have been the subject of review.
- 1.2 This review has been led by a multi-disciplinary team including officers from financial management, internal audit and senior officers within the Council. The final document as included within this report has also been the subject of review and initial approval by the Council's Monitoring Officer, prior to presentation to members.
- 1.3 As would be expected, large elements of the previous version of the Financial Procedure Rules remain as previously approved, however certain changes are proposed and are discussed below. These changes align with the Council's structure, Framework for Change programme and the aims of the Financial Procedure Rules such that:
 - They provide the framework for managing the financial affairs of the Council;
 - They define the roles and responsibilities of members and officers;
 - They facilitate the effective operation of Council activity; and
 - They provide a framework for the delivery of an effective internal control environment.
- 1.4 Having reviewed the Financial Procedure Rules there are a number areas that are reflected in the updated schedule and the changes have been summarised below:

Changes as a result of Organisational redesign
- 1.5 The Financial Procedure Rules have been updated to take account of changes to roles and responsibilities and job titles within the Council including those approved by Cabinet on the 5th December 2019.

Earmarked Reserves and Contingencies (paragraph 51)
- 1.6 Earmarked Reserves and Contingencies are set up for specific purposes and as such their use will be in accordance with the approved usage. Reserves and contingencies are already reviewed as part of each budget cycle and the annual closure of accounts process. The previous version of the Financial Procedure Rules did not specify the frequency of the review and so the update is required to bring this into line with good practice.

Capital Block Allocations (paragraph 53)
- 1.7 Council approves the inclusion of capital block grant allocations within the Capital Programme. The update within the document will define the approval route for schemes within such blocks.
- 1.8 Any allocations over and above £1m will still require approval from full Council.

- 1.9 Regular budget monitoring will remain in place and will continue to be presented to Cabinet and Council on a monthly basis.

Section 106 (paragraph 57-60)

- 1.10 In order to support the delivery of schemes that are supported via s106 funding and which is administered from within the Communities service the Finance Procedure Rules have been updated with regard to this delegation.
- 1.11 Approval limits will be agreed with the Section 151 Officer and have been included in both the revised FPR's and within the services own scheme of financial delegation. This will further increase the efficiency of the process with it being akin to normal service expenditure that has been fully delegated.
- 1.12 The reporting process will be in accordance with the Council's normal and established monthly monitoring process.

Capital Expenditure (paragraph 94)

- 1.13 The current de minimis level for capitalisation is set at £10,000. The proposed amendment will enable this limit to be varied at the discretion of the Section 151 Officer. This will provide additional flexibility, for example, where funding is derived from a capital grant.

Assets (paragraph 153)

- 1.14 Cabinet, on the 9th January 2020, were provided with details of assets that have been identified as being available for disposal and the proposed approach to this exercise. The disposal programme aims to support the Council's objectives e.g. delivery of the Local Plan and to maximise the capital sums available in order to contribute to the Framework for Change, 'Cost of Change Budget' and the projects within the Growth and Investment programme
- 1.15 An amendment to the FPRs has been made to require that the Service Manager – Property Services ensures that there is a current (annually reviewed) Asset Management Strategy and Asset Disposal Policy in place in order to support this exercise.

Charging for Income (paragraphs 205)

- 1.16 The revised FPRs delegate approval of fees and charges to the respective Cabinet Member. This will provide greater flexibility for service areas to ensure that fees are set at the most appropriate level and are reviewed and adjusted in a timely manner in advance of each financial year. These decisions will be published.

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Credit Cards, Debit Cards and Purchase Cards (paragraph 238)

- 1.17 A minor amendment has been made to this section to state that Purchase Cards/Credit Cards/Debit Cards should only be used for legitimate Council business by the person who has been allocated the card and whose name the card is in. This will support the control and associated risk management in this area.

Sponsorship Arrangements (paragraphs 278 to 281)

- 1.18 Sponsorship is defined as - “An agreement between the Council and the sponsor, where the Council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits”.
- 1.19 The FPRs have been updated to reference the Sponsorship Policy, the Code of Conduct and the associated approval route and financial approval levels. This amendment will support the objectives as detailed within the policy including protection of the Council's position and reputation and ensuring that best value is obtained from any agreements.



Sefton Metropolitan Borough Council

Constitution

SEPTEMBER 2020

CHAPTER 10 – FINANCIAL PROCEDURE RULES

A. INTRODUCTION

- 1 Finance and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf, including School Governors operating under local delegation arrangements. All decision makers need to ensure that they are not only empowered under the Constitution to make every decision that they propose to make, but that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
- 2 The Rules identify the financial responsibilities of the full Council, Cabinet, Overview and Scrutiny Members, statutory officers and the Executive Directors and Heads of Service. A written record shall be kept of all decisions taken under these Rules which are taken using delegated powers
- 3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is warranted, properly authorised, provides value for money and achieves best value and is in the interest of the Council's citizens.
- 4 The Section 151 Officer is responsible for maintaining a regular review of the Finance Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Head of Strategic Support is responsible for maintaining a regular review of the Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Finance and Contract Procedure Rules to Audit and Governance Committee.
- 5 Executive Directors and Heads of Service are responsible for ensuring that all staff in their Services are aware of the existence and content of the Council's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Employees and this Constitution. Failure to comply with the Code of Conduct will be dealt with in accordance with the Council's Disciplinary Policy and Procedure. These documents will be located on the Sefton intranet for reference. Where staff do not have access to the intranet, Executive Directors and Heads of Service must

ensure that an adequate number of copies of the relevant policies are available for reference within their Services.

- 6 The Section 151 Officer, is responsible for issuing advice and guidance to underpin the Finance and Contract Procedure Rules that Members, officers and others acting on behalf of the Council are required to follow.
- 7 The Rules are not intended to cover every eventuality, but the spirit of the Rules must always be followed. Where there is any uncertainty in matters of interpretation, advice should be sought from the Section 151 Officer before decisions or actions are taken.

B. FINANCIAL MANAGEMENT

WHY IS THIS IMPORTANT?

- 8 Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

WHAT'S COVERED IN THIS SECTION?

- 9 The roles and responsibilities of:
 - The full Council
 - The Cabinet
 - The committees delegated by Cabinet
 - Statutory officers; and
 - Executive Directors and Heads of Service
- 10 Other financial accountabilities:
 - Virement
 - Supplementary estimates
 - Treatment of year end balances
 - Accounting policies
 - Accounting records and returns
 - The Annual Statement of Accounts

THE FULL COUNCIL

- 11 The responsibilities of the full Council are set out in Chapter 4 of the Constitution. In respect of financial matters, this includes approving the Budget within which the Cabinet operates.

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- 12 The Budget comprises the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base and Council Tax rate, and decisions relating to the control of the Council's borrowing requirement, and the allocation and control of capital expenditure.

THE CABINET

- 13 The Cabinet's responsibilities, in respect of financial matters include:
 - a. developing and reviewing the Council's plans and policies
 - b. advising on budget setting
 - c. ensuring proper arrangements exist for the effective and efficient management of the Council's executive affairs
 - d. monitoring and auditing the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being met and any appropriate remedial action; and
 - e. ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively.

CABINET MEMBERS

- 14 Individual Cabinet Members have specific decision making powers which are set out in Chapter 5 of the Council's Constitution. Cabinet Members responsibilities in respect of financial matters include:
 - a. the proper administration of the Council's services
 - b. ensuring adequate staffing, premises and other resources are in place to secure agreed standard and target outcomes within the scope of their portfolio
 - c. ensuring budget control and financial monitoring within the scope of their portfolio
 - d. making recommendations to the Cabinet in respect of strategic policy concerning matters within their portfolio.
- 15 Cabinet Members must consult with relevant officers before exercising their delegated decision making powers. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision and that they have authority to incur the financial consequences of that decision.

COMMITTEES

OVERVIEW AND SCRUTINY COMMITTEES

- 16 Overview and Scrutiny Committees are responsible for discharging the Council's functions under Section 9F to 9FU of the Local Government Act 2000, including:
 - a. scrutinising Cabinet decisions before or after they have been implemented; and
 - b. establishing task and finish reviews as they see fit.

AUDIT AND GOVERNANCE COMMITTEE

- 17 The Audit and Governance Committee has right of access to all of the information necessary to effectively discharge its responsibilities and can consult directly with internal and external auditors.
- 18 The committee responsibilities are detailed in Chapter 7 of the Constitution.

STATUTORY OFFICERS

CHIEF OFFICERS

- 19 Chief Officers are the Chief Executive, Executive Directors or any Head of Service to whom there has been specific delegation in writing by the Council or the Chief Executive.
- 20 In accordance with the management structure of the Council, Chief Officers will be referred to as follows:
 - a. Chief Executive (Head of Paid Service)
 - b. Executive Directors
 - c. Heads of Service

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- 21 The Chief Executive is the Head of the Council's Paid Service. The responsibilities of the Chief Executive are set out in full in Chapter 10 of the Council's Constitution and will include:
 - a. leading and directing the strategic management of the Council
 - b. ensuring the effective pursuit and achievement of the Council's objectives
 - c. ensuring the Council's activities are carried out with maximum effectiveness and efficiency.

- 22 The Chief Executive must report to and provide information for full Council, the Cabinet, the Overview and Scrutiny Committees and other committees.

MONITORING OFFICER

- 23 The Council's Monitoring Officer pursuant to Section 5 and 5A of the Local Government and Housing Act 1989 (as amended) is responsible for exercising the functions of that role. This includes reporting, in consultation with the Chief Executive and Section 151 Officer to the full Council (or to the Executive in relation to an Executive function), if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by Cabinet.

- 24 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that Council Members are aware of decisions made by the Cabinet and of those made by officers who have delegated responsibility.

- 25 The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.

- 26 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Policy Framework.

- 27 The Monitoring Officer (together with the Section 151 Officer) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- a. initiating a new policy which may have financial implications that cannot be contained within existing budgets
 - b. committing expenditure in future years that exceeds Medium Term Financial Plan assumptions
 - c. agreeing budget transfers that exceed approved virement limits
 - d. causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to increase by more than a significant amount ("Significant" to be defined by the Section 151 Officer or their representative).
- 28 The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

RESPONSIBLE FINANCIAL OFFICER (SECTION 151 OFFICER)

- 29 The Section 151 Officer is the financial adviser to the Council, the Cabinet and officers and is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. He or she is responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by, Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003 and all other relevant legislation.
- 30 The Section 151 Officer is responsible generally, for discharging, on behalf of the Council, the responsibilities set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Chief Financial Officer in Local Government, including:
- a. in conjunction with the Executive Directors and Heads of Service, the proper administration of the Council's financial affairs
 - b. setting and monitoring compliance with financial management standards
 - c. advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - d. providing financial information
 - e. preparing the revenue budget and capital programme

- f. treasury management.
- 31 Section 114 of the Local Government Finance Act 1988 includes a requirement for the Section 151 Officer to report to the full Council, Cabinet and external auditor if the Council or one of its officers:
- a. has made, or is about to make, a decision which involves incurring unlawful expenditure
 - b. has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
 - c. is about to make an unlawful entry in the Council's accounts
- 32 Section 114 of the 1988 Act also requires:
- a. the Section 151 Officer to nominate a properly qualified Member of staff to deputise should he or she be unable to perform the duties under section 114 personally. The designated deputy for this purpose is the Service Manager (Finance).
 - b. the Authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114 of the Local Government Finance Act 1988.

MONEY LAUNDERING REPORTING OFFICER

- 33 The Section 151 Officer is appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.
- 34 They will be responsible for notifying the National Crime Agency (NCA) of any suspected cases of money laundering committed within the accounts of the Council as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Cabinet Member for Regulatory Compliance and Corporate Services will be kept informed of any notifications to NCA and of any issues arising from them.

EXECUTIVE LEADERSHIP TEAM AND STRATEGIC LEADERSHIP BOARD

- 35 The officer management arrangements for the Council are overseen by an Executive Leadership Team comprising the Chief Executive and Executive Directors including the Section 151 Officer. Each member of the Executive Leadership Team is accountable to the Chief Executive for ensuring that Council Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Council.

- 36 The Strategic Leadership Board includes the Executive Leadership Team and all of the Executive Directors and Heads of Service. The Strategic Leadership Board is responsible for ensuring that the Council's Services are managed in accordance with the Council's strategic objectives and within the agreed policy and budget framework.

EXECUTIVE DIRECTORS AND HEADS OF SERVICE

- 37 Powers are delegated to Executive Directors and Heads of Service, who will establish, operate and keep under review Local Schemes of Delegation, to cascade powers and responsibilities to Service Managers and other subordinate officers. Every such sub-delegation will be recorded in writing within a Local Scheme of Delegation. The sub-delegation of functions shall not in any way diminish the overall responsibility and accountability of the delegator. Executive Directors, Heads of Service and their managers should provide leadership, act with integrity, be open and transparent as possible, regarding financial performance and risks.

- 38 Executive Directors and Heads of Service are responsible for and accountable for the financial management arrangements within their service area. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Council.

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- 39 Executive Directors and Heads of Service will establish, operate and annually review Local Schemes of Delegation, in consultation with the Section 151 Officer, to ensure that:
- a. the day to day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Finance Procedure Rules and associated relevant guidance.
 - b. expenditure is contained within the service's overall approved budget and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variances are forecast and if necessary, seeking specific in year approval for the transfer of resources between budgets.
 - c. regular reports in an approved format are made to Cabinet on projected expenditure against budget and performance against service outcome targets.
 - d. prior approval is sought at the appropriate level for new proposals that create financial commitments in future years, change existing policies, initiate new policies or materially extend or reduce the Council's services.
 - e. resources are only used for the purposes for which they were intended.
 - f. compliance with the scheme of virement set out at paragraphs 41 - 48 below.
 - g. risks are appropriately assessed, reviewed and managed.
 - h. all members of staff are fully trained, aware of and comply with the requirements of Financial Procedure Rules, including the Contract Procedure Rules.
 - i. all allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Section 151 Officer and Chief Internal Auditor and that any local investigations are undertaken thoroughly, consistently and impartially.
- 40 Schemes of Financial Delegation will set out all financial responsibilities and approval limits as delegated by the Executive Directors and Heads of Service to Service Managers, and any sub-delegations within services. Authorised Officers are those officers given specific delegated authority by their Executive Directors and Head of Service as documented in that service's Scheme of Financial Delegation. The financial limits specified in the Scheme of Financial Delegation will be used to control access to financial systems and on-line transaction approvals. The Section 151 Officer will provide advice and prescribed format to Executive Directors and Heads of Services to facilitate the completion of the Schemes of Financial Delegation. The Section 151 Officer to review and approve all Schemes of Financial Delegation on an annual basis.

MANAGING EXPENDITURE

SCHEME OF VIREMENT

- 41 A virement constitutes the movement of existing approved budgets from one area to another and is not an increase in overall budgets through the addition of new monies.
- 42 The Scheme of Virement is intended to enable the Cabinet, Executive Leadership Team and Strategic Leadership Board and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full Council, and therefore to optimise the use of resources.
- 43 The full Council is responsible for agreeing limits for virement of expenditure between budget headings.
- 44 Executive Directors and Heads of Service are responsible for agreeing in-year virements within delegated limits; in consultation with the Section 151 Officer where required and ensuring that written records of any changes are maintained
- 45 Key controls for the scheme of virement are:
 - a. it is administered by the Section 151 Officer within guidelines set by the full Council. Any departure from this scheme requires the approval of the full Council.
 - b. the overall budget is agreed by the Cabinet and approved by the full Council. Executive Directors, Heads of Service and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. Income received cannot be used to defray expenditure.
 - c. for the purposes of this scheme, a budget head is considered to be a division of service as identified in the approved Budget Report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis
 - d. virement does not create additional overall budget liability
 - e. no virements are permitted from ring fenced budgets

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- 46 Some revenue virements are essentially of an administrative nature, for example, implementation of restructuring and reorganisation proposals that have already received the appropriate level of officer and Member approval; routine changes to the structure of the chart of accounts or changes to notional accounting budgets which are required for reporting purposes but which do not impact on the Councils cash expenditure. Where the virement is of an administrative nature, Member approval is not required and approval limits will be based on the Scheme of Delegation. Administrative virements that exceed these limits will be approved by the Section 151 Officer.
- 47 Executive Directors and Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Executive Directors and Heads of Service must plan to fund such commitments from within their own budgets.
- 48 Where transfers are a single transaction they must be affected as such and must not be undertaken as two or more smaller transactions. Approval limits for virements are as follows:

REVENUE AND CAPITAL VIREMENTS

Virement Amount (within portfolio)	Approval Level
Up to and including £100,000	The relevant Executive Director or Head of Service
In excess of £100,000 up to and £250,000	The relevant Executive Director or Head of Service in consultation with the Cabinet Member and the Section 151 Officer

In excess of £250,000 up to and including £1,000,000	The relevant Cabinet Member in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet Member Regulatory, Compliance and Corporate Services)
Over £1,000,000 (where virement is within budget framework)	Cabinet
Over £1,000,000 (where virement is outside budget framework)	Council

Virement Amount (between portfolios)	Approval Level
Up to and including £250,000	The relevant Executive Director or Head of Service in consultation with the Cabinet Members and the Section 151 Officer
In excess of £250,000 up to and including £1,000,000	The relevant Cabinet Members in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet

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	Member Regulatory, Compliance and Corporate Services Portfolio).
Over £1,000,000 (where virement is within budget framework)	Cabinet

SUPPLEMENTARY REVENUE ESTIMATES

49 Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity where this is fully funded (for example through additional specific grant allocations), approval must be sought for a supplementary revenue estimate in accordance with the table (paragraph 50) below. The Section 151 Officer must be consulted to establish that any additional grant funding identified can be legitimately linked to the expenditure in question and the net impact of the proposal must be neutral on the Councils overall budget.

50 Approval limits for fully funded supplementary revenue estimates are as follows:

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	The relevant Executive Director or Head of Service
In excess of £100,000 up to and including £250,000	The relevant Executive Director or Head of Service in consultation with the Cabinet Member and the Section 151 Officer

In excess of £250,000 up to and including £500,000	The relevant Cabinet Member in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet Member Regulatory, Compliance and Corporate Services) and the Section 151 Officer
In excess of £500,000 up to and including £1,000,000	Cabinet
Over £1,000,000	Council

51 During the financial year, all earmarked reserves and contingencies will be reviewed at least once. In the event that funding can be released the approval limits for the utilisation of this funding for either a supplementary revenue or capital estimate are as follows:

	Approval Level	
	Supplementary Estimate Amount	From Earmarked Reserves

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Up to and including £250,000	Section 151 Officer	Section 151 Officer
In excess of £250,000 up to and including £500,000	Section 151 Officer in consultation with the Chief Executive	Section 151 Officer in consultation with the Chief Executive
In excess of £500,000 up to and including £1,000,000	Cabinet	Section 151 Officer in consultation with the Cabinet Member for Regulatory Compliance and Corporate Services
Over £1,000,000	Council with recommendation from Cabinet	Cabinet

- 52 Supplementary revenue estimates which are to be funded wholly or in part from general reserves or general purpose funding (i.e. Council Tax or non-ring fenced grant) must be approved by Council regardless of value.

SUPPLEMENTARY CAPITAL ESTIMATES

- 53 Council approves the inclusion of capital block grant allocations within the capital programme. The respective Cabinet Members in conjunction with the Council's Section 151 Officer have delegated authority to allocate capital grants to capital projects to be included within the capital programme up to a level of £1m per individual scheme. Schemes above this threshold will require approval by Council.
- 54 Supplementary capital estimates which are fully funded from external resources (e.g. specific grant; developer's contributions) must be approved in accordance with paragraph 56 below.

- 55 Capital budget increases funded wholly or in part from additional Council resources such as capital reserves, borrowing and capital receipts, regardless of value, must be approved by Council. Council approval is also required where there are significant revenue implications for future year's budgets.
- 56 Approval limits for supplementary capital estimates are as follows:

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	Section 151 Officer in consultation with the Chief Executive
In excess of £100,000 up to and including £250,000	Section 151 Officer in consultation with Cabinet Member for Regulatory Compliance and Corporate Services
In excess of £250,000 up to and £1,000,000	Cabinet
Over £1,000,000	Council with recommendation from Cabinet

SECTION 106

- 57 Full delegation with respect of the allocation of Section 106 balances is given to the Head of Communities.
- 58 The Head of Communities will ensure that any expenditure commitments are in accordance with each individual agreement and the associated

legislative requirements. The Head of Communities will make arrangements for adequate records to be kept to meet the reporting requirements of the Annual Infrastructure Funding Statement.

- 59 Approval limits will be set by the Head of Communities and agreed with the Section 151 Officer and will be recorded within the Schemes of Financial Delegation for the service area.
- 60 Reporting will be in accordance with the Council's normal and established monthly monitoring process.

TREATMENT OF YEAR END BALANCES

- 61 The full Council is responsible for agreeing procedures for carrying forward under-and overspendings on budget headings.
- 62 A budget heading is considered to be a division of service as identified in the approved Budget Report, or, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.
- 63 Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Cabinet. The Section 151 Officer will identify and make recommendations about the carry forward of underspends to Cabinet as part of the budget monitoring reporting process. All carry forward proposals must be supported by an appropriate business case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. Executive Directors and Heads of Service should include provisional indications of likely carry forward requests as part of their in year budget and performance monitoring. Before approval is sought for a carry forward, Executive Directors and Heads of Service should ensure that there are no unfunded overspends within their service. It is extremely unlikely that proposed carry forwards will be approved if there are unfunded overspends elsewhere within the service.
- 64 Capital block provisions are allocations within which the full cost value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward subject to consideration by Cabinet. Any uncommitted sum which is not justified on this basis will be

returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

ACCOUNTING POLICIES

- 65 The Section 151 Officer is responsible for selecting appropriate accounting policies; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council including the annual statement of accounts.
- 66 The key controls for accounting policies are:
- a. systems of internal control are in place to ensure that financial transactions are lawful
 - b. suitable accounting policies are selected and applied consistently
 - c. accurate and complete accounting records are maintained
 - d. financial statements are prepared which present fairly the financial position of the Council and its expenditure and income
- 67 The Section 151 Officer is responsible for:
- a. selecting suitable accounting policies and ensuring that they are applied consistently
 - b. exercising supervision over financial and accounting records and systems
 - c. preparing and publishing reports containing the statements on the overall finances of the Council including the Council's Annual Report and Accounts
- 68 Executive Directors and Heads of Service are responsible for ensuring that all staff within their directorates receive any relevant financial training which has been approved by the Section 151 Officer, and that they are aware of and adhere to the accounting policies, procedures and guidelines set by down by the Section 151 Officer.

ACCOUNTING RECORDS AND RETURNS

- 69 The Section 151 Officer is responsible for determining and approving the accounting procedures and records for the Council.
- 70 All accounts and accounting records will be compiled by the Section 151 Officer or under his/her direction. The form and content of records maintained in other directorates will be approved by the Section 151 Officer.
- 71 The key controls for accounting policies are:
- a. calculation, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment
 - b. officers responsible for examining and checking cash transaction accounts will not process any of these transactions themselves
 - c. reconciliation procedures are carried out to ensure transactions are correctly recorded
 - d. procedures are in place to enable accounting records to be reconstituted in the event of systems failure
 - e. prime documents are retained in accordance with legislative and other requirements.

THE ANNUAL STATEMENT OF ACCOUNTS

- 72 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Council Accounting in the United Kingdom (CIPFA/LASAAC) and signing them in accordance with the Accounts and Audit Regulation 2015. Approval of the statutory accounts has been delegated by Council to the Audit and Governance Committee.

FINANCIAL PLANNING

WHY IS THIS IMPORTANT?

- 73 The full Council is responsible for agreeing the Council's Budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:
- a. the Medium Term Financial Plan – sets out:
 - what the Council wants to achieve in the short and medium term
 - how services will change in the light of priorities, performance, resources, workforce planning needs and consideration of risks
 - investment required to deliver change
 - how much services will cost in overall terms and to service users
 - b. the Budget – this is the financial expression of the Council's Business Plan. It sets out the allocation of resources to services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.
 - c. the Capital Programme – Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
 - d. the Capital Strategy and Treasury Management Strategy – which sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments
 - e. specific Strategies which have a financial implication

POLICY FRAMEWORK

- 74 The full Council is required by law, to agree a Policy Framework.
- 75 The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework.

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- 76 The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the Policy Framework within the financial limits set by the Council.

BUDGET PLAN

- 77 Each year the Section 151 Officer is responsible for preparing a budget plan for the Council including an approved revenue budget, capital programme, treasury management strategy (new capital strategy) and reserves strategy detailing the financial and service scenario and the policy and expenditure changes required to respond to this scenario.
- 78 Executive Directors and Heads of Service will support this process by assessing and advising on the service scenario and policy and expenditure options for revenue and capital, in their area of responsibility, in a form determined by the Section 151 Officer.
- 79 The Cabinet, advised by the Section 151 Officer, Executive Directors and Heads of Service, will develop a budget package including financing options, policy and expenditure options and capital programme. This will be subject to scrutiny by the Overview and Scrutiny Committee before the Cabinet finalises its recommendations to Council. The final Budget policy and Council Tax will be determined by Council.

REVENUE BUDGET MONITORING AND CONTROL REVENUE EXPENDITURE

- 80 Revenue expenditure is broadly defined as any expenditure incurred on the day to day running of the Council. Examples of revenue expenditure include salaries, energy costs, and consumable supplies and materials.

MONITORING AND CONTROL

- 81 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Cabinet on the overall position on a regular basis.
- 82 It is the responsibility of Executive Directors and Heads of Service to control income and expenditure within their area and to monitor performance, taking account of financial information and guidance provided by the Section 151 Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Section 151 Officer to any potential overspending or under-achievement of income budgets in a timely manner.
- 83 The Section 151 Officer is responsible for the following:
- a. Establishing an appropriate framework of budgetary management and control which ensures that:
 - budget management is exercised within annual budget allocations unless the full Council agrees otherwise
 - timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
 - expenditure is committed only against an approved budget head
 - all officers responsible for committing expenditure comply with relevant guidance, and Finance and Contract Procedure Rules
 - each cost centre has a single named manager, determined by the relevant Executive Director and Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
 - significant variances from approved budgets are investigated and reported by budget managers regularly
 - b. Administering the Council's scheme of virement
 - c. Submitting reports to the Cabinet and to the full Council, in consultation with the relevant Executive Director or Head of Service, where they are unable to balance expenditure and resources within existing approved budgets under their control
 - d. Preparing and submitting reports on the Council's projected income and expenditure compared with the budget on a regular basis.

- 84 Executive Directors and Heads of Service are responsible for the following:
- a. Maintaining budgetary control within their Services, in adherence to the principles of paragraph 93, and ensuring that all income and expenditure is properly recorded and accounted for
 - b. Ensuring that an accountable budget manager is identified for each item of income and expenditure under their control. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
 - c. Ensuring that spending remains within the service's overall approved budget, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variations from the approved budget are forecast.
 - d. Ensuring that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively
 - e. Preparing and submitting to the Cabinet regular reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer
 - f. Ensuring prior approval by the full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
 - create financial commitments in future years
 - change existing policies, initiate new policies or cease existing policies or materially extend or reduce the Council's services.
 - g. Ensuring compliance with the scheme of virement
 - h. Agreeing with the appropriate Executive Director or Head of Service any budget proposal, (including a virement proposal) which impacts their respective service areas, after having consulted with the Section 151 Officer and the Cabinet Member Regulatory and Compliance and Corporate Resources
 - i. Ensuring Schemes of Financial Delegation are maintained for all within their area of responsibility
 - j. Ensuring best value is obtained.

CONTINGENT LIABILITIES

- 85 The S151 Officer is responsible for:
- a. reviewing at least annually in consultation with Executive Directors and Heads of Service the existing contingent liabilities and ensuring that a balance sheet provision is made where necessary, in accordance with CIPFA guidance.
 - b. taking steps wherever possible, in consultation with the Chief Executive, Executive Directors and Heads of Service, to minimise the risk of contingent liabilities.

- 86 The Chief Executive, Executive Directors and Heads of Service are responsible for:
- a. setting up procedures and processes to minimise the risk of creating contingent liabilities
 - b. reviewing at least annually their service areas for contingent liabilities
 - c. informing the Section 151 Officer of any new contingent liabilities and of any changes in the circumstances of existing contingent liabilities.
- 87 These regulations may be modified by any Delegation Scheme which the Council may approve from time to time.

DETERMINATION, MONITORING AND CONTROL OF AFFORDABLE BORROWING

- 88 Under the Local Government Act 2003 the Council is required by regulation to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities. The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management supports prudence, affordability and sustainability.
- 89 The Council is responsible for approving prior to the commencement of the financial year the prudential indicators for the forthcoming financial year and subsequent financial years as required by the Code. The indicators required as a minimum are:
- a. Estimates of the ratio of financing costs to net revenue stream
 - b. Estimates of capital expenditure
 - c. Estimate of capital financing requirement (underlying need to borrow for a capital purpose)
 - d. Authorised limit for external debt
 - e. Operational boundary for external debt
- After the year end actual values are to be calculated for:
- f. Ratio of financing costs to net revenue stream
 - g. Capital expenditure
 - h. Capital financing requirement
 - i. External debt

- 90 The Section 151 Officer is responsible for:
- a. establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement.
 - b. reporting to Council any significant deviations from expectations.
 - c. ensuring that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement.
 - d. reporting to Council, setting out management action, where there is significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts.

RESOURCE ALLOCATION

- 91 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

- 92 The Section 151 Officer is responsible for:

- a. advising on methods available for the funding of resources, such as grants from central government and borrowing requirements
- b. assisting in the allocation of resources to budget managers

- 93 Executive Directors and Heads of Service are responsible for:

- a. working within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way
- b. identifying opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery

CAPITAL EXPENDITURE

- 94 Capital expenditure is broadly defined as expenditure on the acquisition of a tangible asset, or expenditure which enhances (rather than merely maintains), the value of an existing asset and/or extends the useful life of an asset and increasing usability, provided that the asset yields benefits to the Council and the services it provides is for a period of more than one year. Sefton's de minimus level for new assets is currently £10,000. This limit can be varied at the discretion of the Section 151 Officer.

CAPITAL MONITORING, APPROVALS AND AMENDMENTS TO THE CAPITAL PROGRAMME

- 95 The Section 151 Officer is responsible for preparing and submitting reports to Cabinet on the Council's projected capital expenditure and resources compared with the budget on a regular basis, as well as an annual outturn report after the close of the financial year.
- 96 The Section 151 Officer is responsible for establishing procedures to monitor and report on performance compared to the prudential indicators set by the Council.
- 97 The Section 151 Officer in conjunction with the Chief Executive is responsible for:
- a. Setting up procedures under which capital expenditure proposals are evaluated and appraised to ensure that value for money is being achieved, are consistent with service and are achievable
 - b. Compiling a capital programme for approval by Council
 - c. Setting up procedures for corporate monitoring of external sources of capital funding
 - d. Ensuring that expenditure treated as capital expenditure by the Council is in accordance with the best accounting practice
- 98 Executive Directors and Heads of Service are responsible for:
- a. liaising with the Section 151 Officer ensuring that estimated final costs of schemes in the approved capital programme are included within the reports to Cabinet of the overall capital programme position

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- b. reporting to the Section 151 Officer circumstances when it is considered that additional Council capital resources will be required to implement a project that has previously been given approval to spend, where such additional resources cannot be identified from within the portfolio programme concerned
 - c. reporting to the Section 151 Officer on any proposed variations to the capital programme during a financial year
 - d. seeking authority for a capital scheme which is not in the capital programme agreed by Council or changes to capital programme
- 99 Any 'in year' approval sought for capital schemes, must be supported by a completed, detailed Business Case template, in the format prescribed by the Section 151 Officer, prior to submission through the appropriate decision-making route.

CAPITAL RECEIPTS

- 100 The Section 151 Officer must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.
- 101 On the advice of the Section 151 Officer, the Council will determine how capital receipts will be applied when setting the annual revenue and capital budget.

LEASING AND RENTAL AGREEMENTS

- 102 Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. The Section 151 Officer is responsible for issuing any financial procedures /guidance in relation to Leases and Lease agreements including, but not limited to, those leases and lease arrangements relating to schools, commercial and general leasing activity. Leases, including land or property, of less than 20 years can be agreed by the Section 151 Officer via a Chief Officers Report. Leases, including land and property, of 20 years or more will require Cabinet Member approval in addition to the Section 151 Officer.

- 103 Leases relating to land or property following the approval process can only be signed by the Monitoring Officer or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Financial Delegation, may sign such agreements. The Chief Executive, Executive Directors and Heads of Service are responsible for ensuring all procedures / guidance issued by the Executive Director of Corporate Resources and Customer Services in regard to Leases and Lease arrangements are complied with.

COMMERCIAL INVESTMENT ACTIVITY

- 104 The Council holds a selection of assets that support the council's core purpose and generate a financial return. For such defined assets, detailed business plans outlining forecast income and expenditure over a determined period are produced for approval by Cabinet. Business plans should be reviewed and refreshed annually and presented to Cabinet for approval.
- 105 In order to support the management of these assets, Cabinet have approved the establishment of an Investment Board (led by the Chief Executive and including the Section 151 Officer) that will provide the strategic management function to these assets. The approval of these business cases will include provision that all financial (capital, revenue and income) and operational decisions will be delegated to the Investment Board where the implications can be contained within the approved business plans.
- 106 The Investment Board also has the delegated authority to develop, approve and implement projects that comply with the approved business case providing they improve the financial performance of commercial assets. Where such capital investment is required (up to a maximum of £1.5m) a clear positive financial return will need to be demonstrated over the life of the asset and any investment must be made in accordance with the Council's approved Treasury Management Strategy and Prudential Indicators.
- 107 Cabinet will continue to have executive leadership of commercial assets and will monitor performance through the approval and monitoring of business plans, ensuring that capital expenditure is in accordance with the Councils Treasury Management Strategy and Prudential Indicators. Performance will be reported on a quarterly basis.

MAINTENANCE OF RESERVES

- 108 It is the responsibility of the Section 151 Officer to advise the Cabinet and/or the full Council on prudent levels of reserves for the Council.
- 109 The key controls are:
- a. Professional standards as set out in the Code of Practice on Local Authority Accounting in the United Kingdom: and agreed accounting policies
 - b. Clear agreement of the purpose for which reserves are held and the type of expenditure which they may be used to fund
 - c. Clear processes for the authorisation of Appropriations to and from reserves
- 110 The Section 151 Officer is responsible for advising the Cabinet and/or the full Council on prudent levels of reserves for the Council, having due regard to any advice that may be offered by the Council's external auditor and other professional bodies (e.g. CIPFA) in this matter.
- 111 Executive Directors and Heads of Service are responsible for ensuring that resources are used only for the purposes for which they were intended.

REPORTING

- 112 Executive Directors and Heads of Service are responsible for preparing reports on overall financial and non-financial performance for their Services and for submitting these to the Cabinet, and the Overview and Scrutiny Committee after consulting the Section 151 Officer in accordance with procedures agreed from time to time. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Executive Directors and Heads of Service will also be required to support the Section 151 Officer in reporting on the progress and forecast of all capital expenditure and income against the approved programme.

- 113 Any reports are to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets. Executive Directors and Heads of Service are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how key policy and expenditure proposals have been implemented.
- 114 The key reporting stages are:
- a. Approval of the Business Case, which will be in a form prescribed by the Section 151 Officer before it can be included in the Capital Programme
 - b. Monthly reviews of revenue and capital expenditure produced by the Section 151 Officer in consultation with Executive Directors and Heads of Service
 - c. Final outturn reports for both revenue and capital expenditure, including full post-implementation review, on all major capital schemes completed during the year.
- 115 In addition, the reports will be specifically required to give details in respect of the following:
- a. Potential overspends and proposed remedial action, including any impact on balances and future year's budgets which may need to be factored in to future financial scenario planning
 - b. Amendments to approved budgets (virements, supplementary capital estimates etc.) where Member approval is required.

RISK MANAGEMENT AND CONTROL OF RESOURCES

Why is this important?

- 116 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT AND INSURANCE

- 117 The Cabinet is responsible for advising Council on an appropriate risk management policy statement and strategy, and for reviewing the effectiveness of risk management. The Audit and Governance Committee is responsible for monitoring the effectiveness of the risk management policy. The Cabinet is also responsible for ensuring that proper insurance exists where appropriate.
- 118 The Section 151 Officer is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.

INSURANCE

- 119 The Section 151 Officer will maintain and administer the Council's insurances. The Section 151 Officer is responsible for authorising the settlement or repudiation of insurance claims and associated costs acting on advice from the Council's Legal Services, insurers, and claim handlers.
- 120 Executive Directors and Heads of Service are responsible for informing the Section 151 Officer immediately of:
- a. any events which may result in an insurance claim against the Council
 - b. the terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
 - c. any new risks which might require to be insured, together with any changed circumstances affecting existing risks.
Consideration should be given to new projects, new ways of working, and changes in legislation requiring new ways of delivery etc., where the insurance impact is often overlooked
- 121 No new insurances may be taken out without prior consultation with the Section 151 Officer.
- 122 Executive Directors and Heads of Service must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.

RISK MANAGEMENT

- 123 The Council's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 124 The Section 151 Officer develops the strategy and supporting framework on behalf of Executive Directors and Heads of Service. The Audit and Governance Committee scrutinise the risk management process ensuring the Council's risks are managed effectively.
- 125 Executive Directors and Heads of Service are responsible for ensuring the Risk Management Strategy is implemented and that the full risk management cycle operates within their Service.
- 126 The principles within the Corporate Risk Management Handbook consist of:
- a. identification of risks, both negative and positive, in relation to the objectives of the Council.
 - b. evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
 - c. treatment of the risk either by: treat, tolerate, transfer or terminate the activity.
 - d. actions and risks monitored and reviewed on a regular basis.
 - e. the Council's Corporate Risk Register will be developed and maintained by the Chief Internal Auditor in consultation with Executive Directors and Heads of Service.
- 127 There are three levels to the Risk Register. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.
- a. Corporate – those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.
 - b. Service – those risks that impact on the service objectives.
 - c. Operational - minor risks that are managed within the service area that impact on the operational performance of the team. Where the

risks increase they should move upwards into the service and potentially corporate risk register.

OPERATIONAL

- 128 Executive Directors and Heads of Service are responsible for ensuring risk management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.
- 129 Executive Directors and Heads of Service will take account of, and address, corporate risks and inform the Chief Internal Auditor of any service risks that should be considered significant enough to rise to the corporate risk register level.
- 130 Service and operational risk registers, and associated actions, should be reviewed on a regular basis (at least quarterly) as part of the performance management process.
- 131 The Corporate Risk Register will be reported to Executive Directors and Heads of Service / Strategic Leadership Board and to the Audit and Governance Committee on a quarterly basis.

BUSINESS CONTINUITY

- 132 The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, so far as is reasonably practicable. Services are expected to have arrangements in place to ensure the effective identification, evaluation and management of business critical services.

INTERNAL CONTROLS

- 133 Internal Control refers to the systems devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets are safeguarded.

- 134 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
- 135 It is the responsibility of Executive Directors and Heads of Service to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness.

AUDIT REQUIREMENTS

INTERNAL AUDIT

- 136 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 more specifically require that a “relevant authority must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for the management of risk.”
- 137 The Public Sector Internal Audit Standards define internal auditing as “an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.”
- 138 The Council’s Internal Audit Team delivers this function within the Council and provides assurance to the Section 151 Officer and the Audit and Governance Committee, with regard to the effectiveness of the Council’s internal control environment.

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- 139 The Council must, on an annual basis, produce an Annual Governance statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant governance issues.

- 140 To contribute to the production of the Annual Governance Statement, the Chief Internal Auditor is responsible for planning and delivering a programme of independent review of the Council's activities, the scope of the programme being based on the Council's objectives and an assessment of the risk which may affect the achievement of these objectives.

- 141 The Chief Internal Auditor is also responsible for reporting to those charged with governance and currently satisfies this requirement by presenting an annual report to the Audit and Governance Committee, in which the activity of the internal audit service during the preceding financial year is summarised as to arrive at an opinion on the effectiveness of the Council's internal control. The annual internal audit plan is presented to Audit and Governance Committee for approval and a report summarising performance and key findings is presented to every Audit and Governance meeting.

- 142 The Internal Audit Charter sets out that Audit staff will have, in accordance with the Accounts and Audit Regulations, and with strict accountability for confidentiality, and safeguarding records and information, full, free and unrestricted access to any and all of the Council's premises, personnel, assets and records. Rights of access to relevant external bodies will be set out in the contracts/ agreements.

EXTERNAL AUDIT

- 143 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

- 144 The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these new arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the LGA for this purpose.

- 145 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

- 146 The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy which should be presented to Cabinet for approval.
- 147 The Council has an approved Anti-Fraud and Corruption Policy which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Section 151 Officer and Chief Internal Auditor.
- 148 The Monitoring Officer will, in consultation with Section 151 Officer and Chief Internal Auditor, decide whether any matter under investigation should be recommended for referral to the Police or the appropriate enforcement agency. The Council's External Auditor also has powers to independently investigate fraud and corruption.

ASSETS

- 149 In the context of these Rules, assets are defined as the resources, other than people, that the Council uses to deliver its service functions. Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and "intellectual property" such as computer software, data and information of all kinds.
- 150 Executive Directors and Heads of Service are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security. Information Assets should be recognised in line with the Council's guidance and recorded in the Information Asset Register.

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- 151 Executive Directors and Heads of Service are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and insurances are obtained.
- 152 Executive Directors and Heads of Service are responsible for ensuring that all computer software used is properly licensed.
- 153 Executive Directors and Heads of Service are expected to have policies in place for:
 - a. the effective disposal of surplus assets
 - b. asset replacement programme
 - c. compilation of and regular review of Asset inventories
- 154 The Service Manager – Property Services is responsible for ensuring there is a current Asset Management Strategy and Asset Disposal Policy in place.

PROPERTY

- 155 The Service Manager – Property Services is responsible for maintaining a “property terrier” recording all land and buildings owned by the Council. The delegated Monitoring Officer is responsible for the safe keeping and recording of all property deeds.
- 156 The Council's Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans.
- 157 All property acquisitions, lettings and disposals must be in accordance with the Council's rules and procedures. Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Section 151 Officer where this arises.

INVENTORIES

- 158 Executive Directors and Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.

- 159 The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts. The Section 151 Officer will provide guidance on the procedures to be followed.

STOCKS

- 160 Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Executive Directors and Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

CASH

- 161 Cash held on any Council premises should be held securely, and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Head of Service is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.

ASSET DISPOSAL/WRITE-OFF

- 162 Executive Directors and Heads of Service may authorise the disposals, of obsolete or surplus equipment / groups of items, materials, vehicles or stores up to a disposal value of £10,000 in consultation with the Section 151 Officer. Where the sum exceeds £10,000 per item or group of items then this should be reported jointly by the Section 151 Officer and the relevant Head of Service to the Audit and Governance Committee for write-off action. Any write off which arises as a result of theft or fraud must be notified to the Chief Internal Auditor immediately.

INTELLECTUAL PROPERTY

- 163 The Chief Executive is responsible in conjunction with the Monitoring Officer for developing and disseminating best practice regarding the treatment of intellectual property.
- 164 The Chief Executive, Executive Directors and Heads of Service are responsible for:
- a. Ensuring that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware that anything they create during the course of their employment, whether written or otherwise, belongs to the Council.
 - b. Complying with copyright, design and patent legislation and, in particular, to ensure that:
 - Only software legally acquired and installed by the authority is used on its computers,
 - Staff are aware of legislative provisions, and
 - In developing systems, due regard is given to the issue of intellectual property rights.

TREASURY MANAGEMENT

- 165 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 166 The full Council is responsible for approving the treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council by the Cabinet. The Section 151 Officer has delegated responsibility for implementing and monitoring the statement.
- 167 All money in the hands of the Council is controlled by the Section 151 Officer as designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director.
- 168 The Section 151 Officer is responsible for proposing to the Cabinet a treasury management strategy for the coming financial year at or before the start of each financial year.

- 169 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 170 The Section 151 Officer is responsible for reporting to the Council no less than two times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise a mid-year review and an annual report on treasury management for presentation prior to the 30th June following each financial year end.

BANKING

- 171 It is the responsibility of the Section 151 Officer to operate such bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Section 151 Officer.
- 172 Executive Directors and Heads of Service are responsible for operating bank accounts opened with the approval of the Section 151 Officer in accordance with issued guidelines.

INVESTMENTS AND BORROWINGS

- 173 It is the responsibility of the Section 151 Officer to:
- a. ensure that all investments of money are made in the name of the Council or in the name of approved nominees
 - b. ensure that all securities that are the property are held in the name of the Council or its nominees (the Chief Legal and Democratic Officer is responsible for ensuring the title deeds of all property in the Council's ownership is held in safe custody)
 - c. effect all borrowings in the name of the Council
 - d. act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council

LOANS TO THIRD PARTIES AND ACQUISITION OF THIRD PARTY INTERESTS

- 174 Interests should not be acquired in companies, joint ventures or other enterprises without obtaining prior approval of the full Council, the Leader, Cabinet or the appropriate Cabinet Member as outlined below.
- a. The Section 151 Officer, Cabinet Member for Regulation and Compliance and relevant Cabinet Member(s) are jointly responsible for approving financial and asset loans made to third parties up to £50,000
 - b. The Cabinet is responsible for approving financial and asset loans between £50,000 and £1m
 - c. The Council is responsible for approving financial or asset loans above £1m
 - d. Loans transacted as part of Treasury Management activities are covered by the Treasury Management Policy and Strategy.

TRUST FUNDS AND FUNDS HELD FOR THIRD PARTIES

- 175 It is the responsibility of the Section 151 Officer to:
- a. arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Sefton Metropolitan Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
 - b. arrange where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer, and to maintain written records of all transactions
 - c. ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust
 - d. Approval of procedures for the management of Clients financial affairs, where the Council has been granted advocacy, Appointeeship and/or Deputyship
 - e. The Executive Directors of Children's Social Care and Adult Social Care are responsible for ensuring procedures in relation to the management of Clients financial affairs are complied with.

STAFFING

SALARIES AND WAGES

- 176 Executive Directors and Heads of Service are responsible, in consultation with the Chief Personnel Officer, for providing accurate and appropriate information and instructions to the Transactional HR, Payroll & Pensions Services to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, regrading, resignations, dismissals, retirements and absences from duty. Human Resources will advise the Transactional HR, Payroll & Pensions Services of relevant changes in respect of employee's pensions. The Head of Transactional Services will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and other payroll deductions.
- 177 Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Executive Directors and Heads of Service are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Transactional HR, Payroll & Pensions Services in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by Executive Directors and Heads of Service and included in the service Scheme of Financial Delegation notified to the Section 151 Officer.
- 178 The Chief Personnel Officer will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

EARLY RETIREMENT/SEVERANCE

- 179 Where Executive Directors and Heads of Service wish to bring forward proposals under the Council's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Section 151 Officer and the Chief Personnel Officer. The Cabinet Member for Regulatory Compliance and Corporate Resources shall be consulted for proposals relating to Hay Grade 6 and above.

- 180 The Chief Executive or Section 151 Officer must approve all requests up to £100,000 including pension strain. All requests in excess of £100,000 including pension strain must be approved by the Pay and Grading Committee.
- 181 Executive Directors and Heads of Service will generally be required to meet the costs of severance and early retirement from within their approved budget. Service efficiency applications may be subject to phasing over an agreed period. A corporate budget may also be established for staffing reductions linked to the Council's MTFP saving options and access to this budget will be subject to the agreement of the Chief Executive and the Section 151 Officer.

TRAVELLING AND SUBSISTENCE

- 182 The Section 151 Officer and the Chief Personnel Officer are responsible for issuing guidance on travelling and subsistence. Executive Directors and Heads of Service are accountable for ensuring their teams follow the approved guidance on travelling and subsistence claims.
- 183 Executive Directors and Heads of Service are responsible for instructing the Chief Personnel Officer and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.
- 184 Executive Directors and Heads of Service are responsible for ensuring that Council employees who use their cars for official business are properly insured to indemnify the Council against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken. Executive Directors and Heads of Service should ensure that the most economical available means of transport is used, including pool cars, hire cars and car sharing.
- 185 All claims for reimbursement must be made using appropriate official claim forms, always using electronic processing where available.
- 186 Further guidance is available via the Intranet - Pay and Expenses.

CODE OF CONDUCT

- 187 The Code of Conduct for Employees applies to, and will be followed by all officers. It covers financial, personal and other interests, gifts hospitality and other favours, sponsorship – giving and receiving, use of financial resources, disclosure of information, relationship with others, and separation of duties during tendering, appointments, political neutrality, additional employment, intellectual property, equality and declarations.
- 188 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.
- 189 Further guidance is available via the Intranet <http://intranet.smbc.loc/personnel/policies-and-procedures.aspx>.

THIRD PARTY FUNDS

- 190 A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care. A register of third party funds will be maintained by the Corporate Finance team.
- 191 Money or goods belonging to the Third Party Fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- 192 An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the Third Party Fund on an annual basis. Annual Statements of Account and Audit

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Certificates must be formally presented to a Management Committee or other appropriate governing body of the Third Party fund.

- 193 Executive Directors and Heads of Service are responsible for ensuring that any Third Party Funds controlled by Council staff are:
- a. formally declared to Corporate Finance team as part of a register kept by the Service
 - b. maintained separately and correctly in accordance with these Finance Procedure Rules, and
 - c. subject to the same standards of stewardship and probity as Council funds
- 194 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

RETENTION OF RECORDS

- 195 The Council, in common with other public and private organisations, has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.
- 196 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act and General Data Protection Regulation; Freedom of Information requirements; and the business needs of the Service.
- 197 The majority of financial records must be kept for six years from the end of the tax year to which they relate. Some records however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. Guidance on the appropriate retention period is given in the Council's Retention Policy and its Information Asset Register.

FINANCIAL SYSTEMS AND PROCEDURES

WHY IS THIS IMPORTANT?

- 198 Sound systems and procedures are essential to an effective framework of accountability and control.

INCOME AND EXPENDITURE

- 199 The Council will approve the terms under which banking services, including overdraft facilities, are provided.

BANKING ARRANGEMENTS

- 200 All bank accounts must be titled impersonally in the name of Sefton Metropolitan Borough Council.
- 201 Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Section 151 Officer. No bank accounts may be opened or arrangements made with any other bank except by agreement with the Section 151 Officer.
- 202 Bank transfers from the General Fund and subsidiary accounts must be authorised by the Section 151 Officer, or those officers authorised to sign through the agreed Scheme of Financial Delegation or in accordance with the Treasury Management Policy and Strategy.
- 203 Cheques drawn must bear the mechanically impressed signature of the Section 151 Officer or be signed by the Section 151 Officer or other officer authorised to sign through the agreed Scheme of Financial Delegation.

INCOME

GENERATING INCOME

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- 204 The Section 151 Officer is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council in accordance with current relevant UK legislation.

- 205 Executive Directors and Heads of Service are responsible for ensuring that the appropriate legal authority for all income generating activities has been identified.

CHARGING FOR INCOME

- 206 Executive Directors and Heads of Service, in consultation with the relevant Cabinet Member, shall determine on an annual basis the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery. These will be approved by Cabinet Member in advance of the start of the financial year.

COLLECTION OF INCOME

- 207 The Council operates a Sundry Debt Collection policy to secure invoiced sundry debt income for the provision of services. All debt owing to the Council must be collected promptly, effectively, efficiently and economically, while ensuring fair treatment of those that owe money, including consideration of any financial difficulties.

- 208 Council officers must comply with guidelines issued by the Section 151 Officer, and those contained in the Corporate Debt Policy and Corporate Debt Procedures for the safe and efficient collection and recording of all money due to the Council.

- 209 Executive Directors and Heads of Service are responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Section 151 Officer. These must include VAT where appropriate.

- 210 The cost of collection should be taken into account when raising accounts. Executive Directors and Heads of Service must ensure that the method of collection is the most cost effective relative to the value of the transaction.

- 211 Executive Directors and Heads of Service are responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow guidelines provided by the Section 151 Officer Services should avoid incurring disproportionate banking charges on relatively low value transactions, taking into account local security arrangements.

- 212 Executive Directors and Heads of Service are responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in quarterly financial updates and the final outturn report.

- 213 The Section 151 Officer will monitor compliance with paragraphs 211 and 212 above and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against Service budgets.

- 214 Credit notes must be authorised by appropriate officers nominated in the local Scheme of Financial Delegation.

- 215 Any receipts, tickets or other documents used as receipts should be in a format agreed by the Section 151 Officer. All controlled stationery issued to a Head of Service must be recorded in a register, which is held by a single officer within each Service.

BAD DEBTS

- 216 The Section 151 Officer is responsible for producing and issuing guidance on bad debt. Executive Directors and Heads of Service are responsible for ensuring their teams comply with this guidance and the Corporate Debt Policy and Procedures. Bad debts may be written off by

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Authorised Officers as contained in the Scheme of Financial delegation in consultation with the Section 151 Officer and the Monitoring Officer.

- 217 Executive Directors and Heads of Service are responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.

ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

GENERAL PRINCIPLES

- 218 Executive Directors and Heads of Service are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- 219 Except for purchases by purchase /credit /debit card, all purchases must be supported by an official requisition. All purchases must have regard to Contract and Finance Procedure Rules.
- 220 All requisition and purchase orders must be authorised in accordance with the relevant service Scheme of Financial Delegation to ensure that funds are available to pay for the purchase.
- 221 All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and a link to the standard terms and conditions for the goods and services to be provided.
- 222 Executive Directors and Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to transactional services.

- 223 Executive Directors and Heads of Service must ensure robust processes to continually maintain computer records and accesses, and Schemes of Financial Delegation so that electronic workflows associated with core financial systems are not compromised.
- 224 All procurement, commissioning, contract administration or contract management must be carried out in accordance with the Council's Contract Procedure Rules
- 225 Executive Directors and Heads of Service must consult the Section 151 Officer on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.

PAYMENT OF INVOICES

- 226 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- 227 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- 228 Invoices received without a valid purchase order number may be returned to the creditor as unauthorised for payment.
- 229 The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Section 151 Officer. Executive Directors and Heads of Service are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.
- 230 Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Section 151 Officer.

- 231 All procurement, commissioning, contract administration or contract management activity must be carried out in accordance with the Council's Contract Procedure Rules and any advice or guidance that may be issued from time to time by the Section 151 Officer regarding the efficient and effective use of the Council's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Council's best practice processes.

NON-INVOICE PAYMENTS

- 232 Where Executive Directors and Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted in a form approved by the Section 151 Officer.
- 233 Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.
- 234 Appropriately authorised requests for payment will be processed and paid by BACS. Cheques will only be used in exceptional cases and by prior agreement.
- 235 Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Executive Directors and Heads of Service must consider, in conjunction with the Section 151 Officer, other alternative options which may be more appropriate.
- 236 Payments or reimbursements in respect of salaries and wages travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

CREDIT CARDS, DEBIT CARDS AND PURCHASE CARDS

- 237 The Section 151 Officer is responsible for:
- a. providing credit cards, debit cards and purchase cards to be used for agreed purposes and to be allocated to nominated members of staff
 - b. prescribing procedures for the use of credit cards, debit cards and purchase cards and the accounting arrangements required to record and monitor expenditure incurred with such cards
- 238 Purchase Cards/Credit Cards/Debit Cards are an effective method of payment for goods and services of low value and for one off purchases. Executive Directors and Heads of Service are responsible for the appropriate deployment, management and the security of purchase/credit/debit cards within their service in accordance with the financial scheme of delegation.
- 239 Purchase Cards/Credit Cards/Debit Cards should only be used for legitimate Council business by the person who has been allocated the card and whose name the card is in.
- 240 Adequate records must be maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT.

IMPREST ACCOUNTS

- 241 The Section 151 Officer is responsible for providing, in agreed circumstances and where such need is proven to be essential, cash or bank imprest accounts to meet minor or other agreed expenditure. The Section 151 Officer is also responsible for defining procedures for operating these accounts.
- 242 The Chief Executive, Executive Directors and Heads of Service are responsible for the operation of approved cash and bank imprest accounts in accordance with procedures issued by the Section 151 Officer.

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- 243 Executive Directors and Heads of Service are responsible for ensuring that where local arrangements are in place:
- a. Local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly
 - b. they are operated in accordance with guidance issued and that appropriate management supervision and compliance monitoring is undertaken
 - c. adequate records must be maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT
 - d. arrangements are being operated for legitimate Council business only
- 244 Local arrangements may not be used in any circumstances to circumvent either the Council's Contract Procedure Rules or agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

PAYMENT TO MEMBERS

- 245 The Section 151 Officer is responsible for paying all allowances to Members.
- 246 The Section 151 Officer will make payments to any Members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances.

FINANCIAL ARRANGEMENTS IN AN EMERGENCY

- 247 The Chief Executive, or his / her representative acting as Emergency Duty Co-ordinator must be able to incur expenditure immediately in order to carry out the role effectively and may rely on the provisions of

Section 138 of the Local Government as amended by Section 156 of the Local Government and Housing Act 1989 (LGHA 1989). Section 155 of the LGHA 1989 provides for a scheme whereby local authorities may recoup from central government a proportion of agreed expenditure under 'Bellwin Rules'.

- 248 The Section 151 Officer is responsible for:
- a. approving a form of record for all emergency expenditure.
 - b. reporting all expenditure to the Cabinet as soon as reasonably practicable.
 - c. issuing a single expenditure code for the emergency.
- 249 Those who incur expenditure on the occasion of any Emergency or scaled up incident are responsible for:
- a. taking such steps as are reasonable, bearing in mind the local circumstances, to enable proper accounting for any disbursement to be achieved after the event.
 - b. taking such judgments as to what constitutes reasonable controls in light of the scale and the nature of the payments, their urgency and the physical conditions at the time.
 - c. ensuring caution is exercised where large scale cash disbursements to third parties are involved
 - d. attempting to obtain some documented acknowledgement of receipt.
 - e. attempting to utilize cashless methods wherever possible.
- 250 Wherever possible/practicable, the Council's existing procurement framework contracts should be used.

TAXATION

- 251 It is the responsibility of the Section 151 Officer, in conjunction with Transactional HR, Payroll & Pensions Services to:
- a. complete all Inland Revenue returns regarding PAYE
 - b. complete a monthly return of VAT inputs and outputs to HM Revenue and Customs
 - c. provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme
 - d. maintain up-to-date guidance for Council employees on taxation issues
- 252 It is the responsibility of Executive Directors and Heads of Service to:

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- a. ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations
- b. ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements
- c. ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency
- d. follow the guidance on taxation issued by the Section 151 Officer.

TRADING ACCOUNTS AND BUSINESS UNITS

253 As a general rule, separate trading accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward recharge of full cost. It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units.

254 It is the responsibility of Executive Directors and Heads of Service to:

- a. consult with the Section 151 Officer and the Monitoring Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- b. observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts
- c. ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units
- d. ensure that each business unit prepares an annual business plan.

EXTERNAL ARRANGEMENTS

WHY IS THIS IMPORTANT?

- 255 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

PARTNERSHIPS AND JOINTLY FUNDED PROJECTS

- 256 The Council is involved in a wide range of different 'Partnership' arrangements involving joint/external funding. The main reasons for this are:

- a. the ability to provide new and better ways of delivering services.
- b. the ability to access new resources
- c. the desire to find new ways to share risk
- d. the ability to forge new relationships.

- 257 Any partnership arrangement which involves the creation of or participation in, separate legal entities such as joint ventures, trusts or limited companies requires the prior agreement of the Section 151 Officer and the Monitoring Officer with ultimate approval being provided by Cabinet.

DEFINITIONS

- 258 Legally a partnership is an arrangement entered into under the Partnership Act, and is heavily regulated as to the liabilities of partners. However, the majority of the partnerships entered into by the Council are more correctly called partnership arrangements and are, at their simplest, where the Council agrees to work with one or more external agencies to deliver common aims and objectives. These partner agencies could potentially be from a government department, any public, private, community or voluntary sector body or related party.

- 259 The nature and scope of Partnership arrangements can be very different. To define their roles in terms of these Rules the definitions listed below have been used. These definitions apply to all partnerships, whether the Council is contributing financially or not, including the use of fully funded grants or grants that have been earmarked for a specific purpose or are time limited.

CONTRIBUTING PARTNER

- 260 Where the Council is contributing funding or other resources, to a wider partnership involving a partner or group of partners and where the 'Accountable Body' role is undertaken by another partner.

LEAD AUTHORITY OR LEAD PARTNER

- 261 Where the Council leads on behalf of the Partnership or consortium and is responsible for the wider management of the Partnership.

ACCOUNTABLE BODY

- 262 The Council may, in certain circumstances, need to act as the 'Accountable Body'; even when the Council will not directly incur expenditure on behalf of the Partnership. The role assumes the responsibility for 'looking after another parties monies' and will require the putting in place of appropriate and robust financial accounting and monitoring systems with the aim of safeguarding resources and minimising any risks and potential liabilities falling to the Council.

PUBLIC/PRIVATE PARTNERSHIPS

- 263 Defined as involvement with a private sector organisation or commercial enterprise, excluding those where a formal contract has been agreed when the Contract Procedure Rules will apply. Those contracts known as 'Partnering Contracts' and those funded by Private Finance Initiatives (PFIs) are not covered by this rule and fall under the Contract Procedure Rules.

KEY CONTROLS

- 264 The key controls to be considered before the funding of partnerships or other joint projects is agreed consist of:

- a. ensuring that the key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- b. ensuring that funds are acquired only to meet the priorities, aims and objectives approved by the Council, and to add value to the services provided to the local community.
- c. ensuring any finance (including any match funding), staffing, legal and audit requirements are given due consideration prior to entering into long term arrangements and that revenue budgets reflect these requirements.
- d. identification of key risks and mitigating controls that should be in place should be documented in a format prescribed by the Section 151 Officer

RESPONSIBILITIES OF OFFICERS

Section 151 Officer

- 265 The Section 151 Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts and that appropriate standards of probity, stewardship and best value are secured. This will include ensuring that all appropriate claims and returns are promptly and accurately submitted.

Executive Directors and Heads of Service

- 266 Before entering into any Partnership agreement involving joint funding (including "support in kind"), Executive Directors and Heads of Service must consult the Monitoring Officer and the Section 151 Officer, who will advise on the appropriate form of agreement or contract taking into account the nature and scale of the proposed arrangement and the extent of the legal and financial commitment involved. As a measure of good practice and as a minimum requirement, Executive Directors and Heads of Service need to consider and apply all the following points, which are not exhaustive, to the agreement:
- a. the overall purpose and objectives of the arrangement, including appropriate performance standards and output measures

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- b. the constitutional and representational arrangements including procedures for decision making and the extent to which Cabinet powers and financial authority are to be delegated to individual officers
- c. the period of the agreement, exit strategies, notice and termination arrangements including redundancy costs and other potential liabilities on termination
- d. roles and responsibilities of the various parties including arrangements for banking, taxation and VAT matters, employment contracts, insurances and ownership of assets
- e. auditing and reporting requirements and the applicability of these Finance Procedure Rules, other Council Regulations and Codes of Conduct
- f. financial and non-financial contributions to be made by the respective parties and, where the arrangement is to extend beyond one year, the method for calculating and collecting payments in future years
- g. the named contact officer or project manager who will be responsible (within specified limits) for the Council's rights and obligations under the terms of the agreement and accountable for overall outcomes
- h. a clear exit strategy, for example, in terms of any residual ongoing costs
- i. default procedures to be applied where the terms of the agreement are broken
- j. arrangements for Internal Audit staff to have sufficient access to partner's premises, assets and records as is necessary for the purposes of the partnership:
- k. as a measure of best practice, all partnership agreements should be subject to a complete review at least every three years.
- l. add to partnership section of contracts register which is being developed and held by the Commissioning Team.

APPROVAL ROUTES

- 267 The Council's gross contributions to Partnerships may include capital and revenue expenditure, cash flow costs, support in kind (including staff time) and the cost of preparing and submitting bids. It is particularly important to identify support in kind, both to ensure that all such costs are recovered, where grant conditions allow, and to enable service and corporate managers to plan effectively. Capital funding must also meet the specific capital appraisal requirements as set out in these Rules.
- 268 Following the officer consultation process and prior to entering into any agreement, approval, based on the Council's gross contribution over

the life of the partnership, should be sought by the relevant Executive Director or Head of Service

- 269 The approval of partnership proposals will be subject to the same financial limits as other contractual arrangements.

ADDITIONAL FUNDING ALLOCATIONS OR POLICY VARIATIONS

- 270 Partnerships often attract additional funding over and above their original levels of funding. If additional funding is made available which will result in the aggregate value remaining within the original approval limit then no further approval is required. Conversely if the additional funding increases the aggregate value to more than the original approval limit, then further approval is required in line with the routes identified in paragraph 268 above. Where the additional funding constitutes a variation from the policy originally agreed by the Cabinet, then further approval from the Cabinet is required.
- 271 If the contribution is to come from Council sources it will constitute a virement and paragraph 48 applies. Where the additional funding comes from an external source then approval for a fully funded supplementary estimate is required and paragraph 50 applies.

BIDDING FOR GRANT FUNDING

- 272 In some circumstances there may be specific grant funds available, where these are aligned with the Council's priorities, accessed through some form of bidding process. Officers must seek the appropriate approval prior to any bid being submitted. Approval for 'in principle' Supplementary Revenue or Capital Estimates should be sought at the same time through Strategic Leadership Board Any new capital schemes must be approved by Council to be incorporated into the Council's Capital Programme. Officers must ensure that they understand and are aware of the grant conditions attaching to any funding and consider whether the Council's processes and procedures are sufficient to comply with these conditions or whether more detailed processes need to be followed.

REPORTING REQUIREMENTS

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- 273 Where the Council participates in any partnership or external funding arrangement either as a contributor or as an Accountable Body, an annual report must be presented to the appropriate Cabinet Member, outlining how sums have been used and the key outcomes and achievements. The report should also review the affordability and continued relevance of the arrangement to Service policies and objectives and seek appropriate Business Plan approval.
- 274 Notwithstanding any statutory reporting requirement, the Head of Service will be required to provide, regular reports (minimum being quarterly) on progress and outcomes, financial and non-financial, for each significant partnership to the relevant Cabinet Member. Partnership projects should comply with the same regular reporting processes as other Council projects.

SUPPORT TO OTHER ORGANISATIONS

- 275 The Cabinet Member for Regulatory Compliance and Corporate Resources will on a periodical basis, agree a policy setting down the approach to be taken to the allocation of grants, donations and other contributions to outside bodies, in consultation with the Section 151 Officer and The Chief Legal and Democratic Services Officer. The Policy would be presented for approval through Cabinet and Council.
- 276 Grants, donations and contributions will be paid by the Council in accordance with the policies determined under paragraph 275 above, subject to there being adequate provision in service budgets and the appropriate approvals being sought.

Approval level	Amount
Officers	Up to and including £50,000 (where grant is within approved grant policy)

<p>Cabinet Member</p>	<p>Between £50,000 and £100,000 (where grant is within approved grant policy)</p>
<p>Cabinet</p>	<p>All Grants of £100,000 or more.</p> <p>All grants which do not fall within existing approved grant policy require Cabinet approval.</p>

- 277 The Grant Funding Protocol sets out further guidance on grant funding, the process for allocation and any conditions that should apply to any grant funding.

- 278 Executive Directors and Heads of Service will report on the outcomes achieved through the provision of support to outside bodies on an annual basis to the appropriate Member Group and Cabinet Member, with interim reporting (quarterly reports being the minimum) where the sums involved are in excess of £100,000.

SPONSORSHIP ARRANGEMENTS

- 279 Sponsorship arrangements must comply with the Council's Sponsorship Policy and Code of Conduct.

- 280 All sponsorship arrangements will require a business case to be submitted to the Chief Executive and the Section 151 Officer for approval.

- 281 The Head of Strategic Support is responsible for maintaining a register which will include a list of approved sponsors.

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282 The following financial thresholds must be adhered to:

Value	Level of Approval
£0-10k	Executive Director Cc Head of Service
£10k-£50k	Chief Executive Cc Executive Director and Head of Service
£50k+	Cabinet Cc Executive Director and Head of Service

ANNEXE

Glossary of Terms/Definitions

Appropriation – Amounts transferred between the Revenue account and revenue or capital reserves.

Bad Debt – A debt becomes bad if it has not been collected within six months. Full provision for all bad debts has to be made within the revenue account, but the debt is still pursued until it is either recovered or written off as unrecoverable.

Balances (Revenue Account) – The accumulated surplus of income over expenditure. Members may agree that Balances be used to reduce future Council Tax precepts although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate interest income to the Council.

Block Provisions – Annual capital allocations made to cover minor schemes with starting values of less than £250,000.

Business Case Template – This is a pro forma to be completed for all Capital schemes and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives.

Capital Approval – The capital programme provision as amended by any supplementary estimates or virements.

Capital Expenditure – Expenditure on the purchase, construction or replacement of capital (fixed) assets or expenditure which adds to the life or value of an existing fixed asset.

Capital Programme – The Council's plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement

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schemes and design fees, and the acquisition of vehicles and major items of equipment.

Capital Project / Scheme – These terms mean the same thing and are used interchangeably within these Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

Capital Receipts – Income received from the sale of capital assets and available, subject to rules laid down by the Government, to finance new capital expenditure or to repay debt.

Carry-forward – An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year.

All carry-forwards (except for Schools) need the approval of the Cabinet upon the presentation of a business case. The Sefton Scheme for Financing Schools identifies the level of balances each maintained school can carry forward without prior permission from the Schools Forum.

Chief Officers – Chief Officers are the Chief Executive or any Head of Service of the Council to whom there has been specific delegation in writing by the Council or the Chief Executive. Chief Officers must operate efficient systems of financial control.

Contingencies – Sums set aside to meet either:

the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or

items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

Contract – An agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may, inadvertently be entered into orally.

Contractor – Any person or organisation awarded a Contract. This includes any consultant appointed by the Council to provide advice on any project.

Commissioning Team /Procurement – The central procurement unit is the department responsible for procurement activity within the Council.

Council Fund – The Council's main revenue fund to which all revenue receipts are credited, and from which revenue liabilities are discharged. The movement on the fund in the year represents the excess of income over expenditure within the Consolidated Revenue Account. The level of balances held is based on the Council's assessment of the level of risk and uncertainty and the potential call on such reserves.

Debt Write-Off – Realising the cost of debt which is considered to be "bad" (unrecoverable) by writing it off against the revenue account or bad debt provision.

Earmarked Reserves – These reserves represent monies set aside that can only be used for a specific use or purpose.

Financial Schemes of Delegation – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and approval limits as delegated by the Executive Directors and Heads of Service to Authorised Officers within their Service. Executive Directors and Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

Financial Year – The Council's accounting period covers the 12 months from April 1 to March 31.

Forward Plan – As defined in the Constitution.

Internal Control – A procedural system designed to manage risk to an acceptable level whereby different staff members perform different parts of a task, so that no one person is entirely responsible for processing a transaction from start to finish.

Key Decision – As defined in the Constitution.

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Leases – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate.

Option Appraisal/Business Case – This is required for all Capital schemes and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals, it will also take into account the risk and impact on users.

Policy and Expenditure Planning – The Council’s annual cycle of planning for the medium and short-term future, aimed at achieving optimal allocation of available resources.

Policy and Expenditure Proposals – Proposals, including new policies, which have resource implications and will be subject to appraisal by Members, Executive Leadership Team and consultees before inclusion in annual budget preparation.

Project Board – A group of senior officers, led by the Senior Responsible Owner (SRO) who are accountable for the success of a Project and represent specific business, user and supplier interests. More information on the make-up and operation of a Project Board can be found in the Project Management Handbook which is published and maintained by the Authority’s Programme Management Office.

Provision – An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred.

The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock). See also Capital Provision and Provision for Doubtful Debt.

Provision for Doubtful Debt – An allocation of funds set aside from Service revenue budgets to cover amounts which may not be recoverable from debtors.

Prudential Borrowing Limits – The maximum amount of borrowing that the Council can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

Revenue Account – The Account which sets out the Council's income and expenditure for the year for non-capital spending.

Revenue Expenditure – Spending on the day-to-day running expenses of the Council. It includes expenditure on employees, premises, transport and supplies and services.

Ring Fencing – Certain budgets agreed by the Section 151 Officer are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees and election expenses.

Schemes of Delegation – Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Executive Directors and Heads of Service to Authorised Officers within their Service. Executive Directors and Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation. (See also: Financial Schemes of Delegation)

Section 106 Agreement - Planning obligations, also known as Section 106 agreements (based on that section of The 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. This will set out a number of on-site and/or financial obligations that are necessary to make the proposal acceptable in planning terms.

Service Plan – A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.

"Starts value" – Represents the full value of the Council's contribution to a Capital Scheme irrespective of the timing of the payments.

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Sponsorship is defined as - “An agreement between the Council and the sponsor, where the Council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits”.

Supplementary Capital Estimate (SCE) – Additional resources approved by Members with funds either provided by a third-party (e.g. developer contributions, receipts, government grant), by the use of Council reserves or from the Revenue budget.

Supplementary Revenue Estimate (SRE) – An approved increase to a Service revenue budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions.

Third Party Fund(s) – Funds provided by outside bodies or individuals in support of Council activities, establishments or clients. Can sometimes be known as trust funds.

Underspend – An underspend results when the net costs of a budget holder are lower than the net budget for the year.

Virement – A Revenue virement is a transfer of amounts from one budget heading to another within, or between, Executive Directors / Heads of Service. Capital virements cover any changes to Capital budgets funded from within the existing Capital programme.

SEFTON LABOUR GROUP

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 19 NOVEMBER 2020

Moved by: Councillor Ian Moncur

Seconded by:

This Council notes:

1. On Tuesday 6 October, the TUC received a letter from the Department for Education saying that ministers have decided to end the Union Learning Fund from March 2021.
2. The Union Learning Fund (ULF) was set up in 1998 to support trade unions to widen access to learning and training in workplaces for both union members and non-members. The fund supports workplace projects across England and is coordinated by the TUC.
3. Each year around 200,000 workers are supported into learning or training with union support through the ULF and the TUC. These learners undertake all sorts of job-relevant learning and training, including basic literacy and numeracy, ICT skills, apprenticeships and traineeships, vocational training, continuing professional development and many other informal and formal courses.
4. In 2019–20, the ULF was worth £12m. If upheld this decision will effectively end union-brokered skills training, and will undermine key government skills and retraining priorities at a crucial moment for our economy.

This Council understands that: -

1. Union learning reaches people that other DfE programmes do not reach.
2. There is an independent evaluation of the Union Learning Fund every two years. It was most recently evaluated by the University of Exeter in 2018. They spoke to 2,459 learners, and found:
 - Over two-thirds (68 per cent) of learners with no previous qualifications got a qualification.
 - 47 per cent of those with entry level or level 1 qualifications got a qualification at a higher level.
 - Four in five (80 per cent) said they had developed skills that they could transfer to a new job.
 - Two in three (62 per cent) said their new skills made them more effective in their current job.

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- One in five (19 per cent) said they had been promoted or given increased responsibility and one in 10 (11 per cent) got a pay rise.
3. The 2018 independent evaluation found that union learning provided excellent value for money:
 - For every £1 spent on the Union Learning Fund, there is a return of £12.30: £7.60 to the worker, £4.70 to the employer.
 - The Union Learning Fund delivers an estimated net contribution to the economy of more than £1.4bn as a result of a boost to jobs, wages and productivity.
 - The return to the exchequer (through reduced spending on welfare benefits and other factors resulting from the boost to jobs and wages) is £3.57 for each £1 spent on the Union Learning Fund.
 - The £12m government funding levered in an additional £54m from employers, unions and training providers in 2019–20.
 4. The government has said it will put reskilling workers at the heart of its economic recovery plans after the pandemic. In September 2020, the government announced a new fully funded entitlement to achieve a first level 3 qualification, delivered through the National Skills Fund. Union learning is ideally placed to support this aspiration, in two ways: -
 - directly, through delivering relevant level 3 courses to workplace learners, which is already a core function of the Union Learning Fund and was assessed as highly effective by the 2018 independent evaluation
 - directly, through enabling those with basic skills to learn and develop, putting them in a position to progress to level 3 skills
 5. Successive governments of all parties have valued this role – and have supported the Union Learning Fund. As government funding, it is paid as a contract and is subject to stringent monitoring requirements. Union Learning Fund money can only be spent on the direct costs of getting working people into learning and skills training, and the associated costs of delivering this programme.
 6. ULF projects adapted quickly to delivering online learning and training for workers during the pandemic and have actually surpassed the number of outcomes expected by government since the beginning of April.

This council resolves to:

1. Express its public support for the continuation of the Union Learning Fund
2. Raise this issue with our local MPs and encourage them to call on the government to reverse its decision.

SEFTON LABOUR GROUP

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 19 NOVEMBER 2020

Moved by: Councillor Diane Roscoe

Seconded by: Councillor John Joseph Kelly

Mosquito Devices

This Council recognises that the Equality Act 2010 recognises age as a protected characteristic and that under the Equality Act 2010 people are protected from discrimination in many situations such as using public services.

Mosquito devices emit a high pitch noise designed to be heard only by those under the age of 25. They are designed to prevent anti-social behaviour from young people, but they are indiscriminate and have negative effects on all those who can hear the noise they emit, particularly babies and people with autism. They can cause distress and harm to certain segments in society, including causing nausea, dizziness and pain, as well as affecting children's sense of balance. ⁽¹⁾

Albert Aynsley Green, who was appointed by the government to champion children's rights, has stated that they demonise all children, including babies regardless if they are misbehaving or not. ⁽²⁾

According to Liberty who have called for a ban on these devices ⁽³⁾

- The Mosquito targets any young person in the area, including very young children and babies;
- It affects law abiding children in the same way as those who are committing offences, which is degrading and discriminatory;
- It assumes young people will behave badly, and doesn't affect adult law breakers at all;
- It is a disproportionate and unfair reaction to the bad behaviour of some children, often creating no-go areas for young people in their own towns;
- It alienates young people from the community, which could prove counter-productive;
- It exposes young people to extreme discomfort, and little is known about the long-term effects on people's hearing.

Sefton Council commits to prohibit the use of these devices on any council-owned public space, amenity or park to ensure the protection of young people's human rights, health and engagement within the community.

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- (1) https://web.archive.org/web/20110927131822/http://www.baua.de/nn_5858/de/Presse/Pressemitteilungen/2007/12/pm079-07.html (accessed Feb 2020)
- (2) <https://www.theguardian.com/society/2008/feb/12/mosquito.young.people> (accessed Feb 2020)
- (3) <https://www.libertyhumanrights.org.uk/human-rights/fighting-discrimination/young-people/mosquito> (accessed Feb 2020)

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 19 NOVEMBER 2020

Moved by: Councillor Carla Thomas

Seconded by:

Scramblers are terrorising too many communities. It is a growing and disturbing trend. It affects areas, predominantly urban, right across the country and our region, unfortunately, with no sign of cessation.

We are all familiar with the media case of a young woman from Netherton. She was on her way to pick up her 5 year old daughter on 1st October, when a scrambler bike hit her.

Whilst we acknowledge that Merseyside Police do their best to police the use of these vehicles, there currently exists a shortfall in funding to combat this type of dangerous criminal conduct that is blighting our Communities.

Sefton Council respectfully call upon the Government to increase the resources for tackling crimes where the bike is being driven in an unsafe or antisocial manner and to actively support any positive action that can be pursued in order to counteract the serious public safety issues associated with the misuse of scramblers and quad bikes.

We encourage the Government to work with our Partnerships on legislation that significantly improves the policing of this area of criminality .

Sefton Council recognises: -

1.
 - a) the ongoing problems of motorbike crime and other antisocial behaviour which blights our communities,
 - b) that such disorder is caused by a small number of individuals who are not reflective of the wider community,
 - c) the commitment, professionalism and bravery of police officers who work hard to provide a visible police presence.
 - d) that the success in tackling these issues will depend, not just on effective policing, but also on improved education and community support. Council commends Police and partners for their work as part of the Scrambler Bike campaign which is currently on hold due to the Coronavirus pandemic.
2. Council would welcome additional national policing resources which may be deployed in local communities to bolster this campaign, and in so doing recognises the positive impact of a visible on the street police presence in areas affected by crime.

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3. Council welcomes the cross-party support which exists for the campaign and the collaboration between local councillors and MPs with local police, council officials and community representatives.
4. Council commits to continuing to support this campaign by working with the police, voluntary organisations and the wider community, providing the necessary support and resources where required.
5. Council commits to further tackling these issues through education in schools and community-based activities which can help reduce situations which lead to anti-social behaviour.
6. Council, therefore, calls for the Sefton Safer Communities Partnership to consider what further action the Council can take to address the underlying issues which lead to crime and antisocial behaviour as part of a longer-term strategy on these issues.

SEFTON LABOUR GROUP

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 19 NOVEMBER 2020

Moved by: Councillor Daren Veidman

Seconded by: Councillor

On 6th August 2020 the Housing Secretary published a White Paper on 'Planning for the Future' which outlines major changes to the current planning system including a new way of categorising land into three types; as Growth areas which would have planning permission in principle, as Renewal areas which would need further permissions and as Protected areas.

This Council Notes:

Sefton Labour Group strongly opposed the last iteration of major reforms to the Planning system by Government which resulted in the reclassification of green belt land within Sefton.

90% of planning applications are approved and there is currently planning permission for over one million homes which have not been built clearly demonstrating that the housing shortage is not due to the current planning system.

The plans to abolish Section 106 agreements is detrimental as this is one of the most important mechanisms in securing community facilities and much needed affordable housing and in addition, lifting the affordable housing threshold will only add to the problem of providing decent sustainable affordable homes.

The plans for total digitisation of the system will disenfranchise many people in Sefton due to their inability to access or afford the technologies to engage.

The idea of permission in principle within Growth areas will potentially remove the role of local Planning Committees in determining how places are shaped and developed also depriving local residents and councillors of a key and cherished democratic right.

The proposals will be detrimental to wildlife and the natural environment by removing local democratic scrutiny and safeguards.

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This Council Resolves to:

Call on our local MPs' to lobby the Housing Minister to discard his proposed changes to the planning system and listen to the LGA, local Councils, professional bodies, wildlife and environmental organisations and communities who are united in their opposition.

COUNCIL MOTION

19 November 2020

PROPOSED BY: Councillor Dawson

SECONDED BY: Councillor Pugh

GOVERNMENT FUNDING – COVID-19

This Council:

1. Pays tribute to its own employees, contractors and managers; those working in the local NHS and care sectors; and employees working in food shops and other essential enterprises and services; for the sterling efforts which they have made to help local residents survive and endure the threats posed by COVID-19 over many months.
2. Commends the efforts which have been made by the people living and working in the communities served by the Borough of Sefton to keep themselves and others safe from infection by the COVID-19 virus since March 2020 in the face of substantially varying advice, instructions and example.
3. Notes that a considerable number of people nationally and locally have still not received any direct financial assistance from the government to help them through times of economic shut-down.
4. Congratulates Marcus Rashford of Manchester United FC and his team of helpers in their achieving commitment from central government to funding and assistance for schoolchildren and poorer families to which actions the UK government had previously been opposed.
5. Commits itself to maintain the supportive actions which Sefton Borough Council itself has initiated and continued during 2020 to give support and assistance to those who most need it.
6. Calls upon the government to ensure that Local Authorities and the local NHS and care sector are properly funded to enable them to carry out the work which has been done, and which continues to be need to be done, to support the people living and working in our communities in the face of the virus and the effect of some of the measures which have been brought in to combat the virus.

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