



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to be held on **Thursday 16th September, 2021 at 6.30 pm at the Council Chamber - Town Hall, Bootle** to transact the business set out on the agenda overleaf.

Yours faithfully,

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

Chief Executive

Town Hall,
Southport

Wednesday 8 September 2021

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.

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 room, including from the public gallery, 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 room, including from the public gallery, 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 7 - 22)

Minutes of the meeting held on 15 July 2021.

4. Mayor's Communications

Public Session

5. Matters Raised by the Public

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.

(Details of any 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. Final Draft Revised Statement of Gambling Licensing Policy – Gambling Act 2005** (Pages 23 - 52)
Report of the Head of Highways and Public Protection.
- 8. Capital Funding for Short-Term Assessment Unit** (Pages 53 - 68)
Report of the Executive Director of Adult Social Care and Health.
- 9. Audit and Governance Annual Report 2020-21** (Pages 69 - 82)
Report of the Executive Director of Corporate Resources and Customer Services.
- 10. Treasury Management Outturn 2020/21 and Outturn Position to July 2021** (Pages 83 - 100)
Report of the Executive Director of Corporate Resources and Customer Services.
- 11. Financial Management 2021/22 to 2024/25 and Framework for Change 2020 - Revenue and Capital Budget Update 2021/22 including the Financial Impact of COVID-19 on the 2021/22 Budget - Additional Capital Estimates** (Pages 101 - 104)
Report of the Executive Director of Corporate Resources and Customer Services.
- 12. Membership of Committees 2021/22**
To consider any changes to the Membership of any committees etc.
- 13. Matters dealt with in accordance with Rule 46 of the Scrutiny Procedure Rules (Call-In and Urgency) of the Constitution** (Pages 105 - 108)
Report of the Leader of the Council.
- 14. Motion Submitted by Councillor Sir Ron Watson - Sefton Constitution Amendment** (Pages 109 - 110)

- 15. Motion Submitted by Councillor Irving - Tree Preservation Orders - Removal of Trees for Financial Gain** (Pages 111 - 112)
- 16. Motion Submitted by Councillor Irving - Sefton Council to encourage the use of new lower-carbon emitting boilers on New Build Properties** (Pages 113 - 114)
- 17. Motion Submitted by Councillor Hardy - Adoption of the All-Party Parliamentary Group Definition of Islamophobia** (Pages 115 - 116)
- 18. Motion Submitted by Councillor Roscoe - Plastic Free Communities in Sefton** (Pages 117 - 118)
- 19. Motion Submitted by Councillor Prendergast - Children's Social Services** (Pages 119 - 120)

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COUNCIL

MEETING HELD AT THE CHESTERFIELD HIGH SCHOOL, CHESTERFIELD ROAD, CROSBY ON THURSDAY 15TH JULY, 2021

PRESENT: The Mayor (Councillor Carragher) in the Chair
The Deputy Mayor (Councillor Burns) Vice Chair

Councillors Atkinson, Bennett, Blackburne,
Bradshaw, Brodie - Browne, Brough, Byrom, Carr,
Dowd, Doyle, Dutton, Evans, Fairclough, Friel,
Grace, Halsall, Hardy, Howard, Irving, Jones,
John Kelly, John Joseph Kelly, Killen, Lappin,
Ian Maher, McGinnity, Morris, Murphy, Myers,
O'Brien, Pugh, Roche, Robinson, Roscoe,
John Sayers, Yvonne Sayers, Shaw, Spencer,
Anne Thompson, Veidman, Waterfield,
Sir Ron Watson, Webster, Carlin, D'Albuquerque,
Hansen, Sonya Kelly, Chris Maher, Page,
Prendergast and Riley

23. WELCOME

The Mayor welcomed Members, Officers and Members of the Public to the Meeting of the Council at Chesterfield High School. The Mayor took the opportunity to thank the Head Teacher of Chesterfield High School, Mr. Kevin Sexton and his staff and more specifically Mr. Peter Tallant and Mr. Nick Kearsy for all their help and support in the arrangements of the Meeting at Chesterfield High School. The Mayor thanked the sound engineer Mr. King for his services and thanked Paul Fraser, Ruth Harrison, Shaun Pimblett and the Democratic Services Team for all their hard work in the organisation of the meeting that evening.

The Mayor reminded those in attendance to remain seated during the meeting and continue to observe social distance; to remain seated when addressing the Council. The Mayor also stated that should any member or officer need to move away from their designated area that a face covering should be worn and that hand sanitizers were readily available on each table and around the school and requested that they be used as appropriate.

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24. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brennan, Cluskey, Corcoran, Cummins, Dodd, Lewis, McKinley, Moncur, Sathiy, Thomas, Lynne Thompson, Tweed and Wilson.

25. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, Councillor Carr declared a personal interest in relation to Minute No: 34 Honorary Freedom of the Borough – Aintree and Liverpool University NHS Foundation Trust and Southport and Ormskirk NHS Trust by virtue of the employment of his spouse and remained in the room during the consideration of the item.

26. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council meetings held on 18 and 20 May 2021 be approved as a correct record.

27. MAYOR'S COMMUNICATIONS

Mayors Reflections

The Mayor reported that it was an honour to attend Liverpool's Armed Forces Day Service at St. Nicholas' Church, Liverpool.

The Mayor also referred to the Memorial Service held on 9 July 2021 for Captain Johnnie Walker and reported that it was an honour to attend such a wonderful Service.

Mayors Charity Events

The Mayor invited both members and officers to support the Mayors Charity by joining the Mayors Lottery and asked those interested to contact Shaun Pimblett, the Civic and Mayoral Officer.

COVID-19

The Mayor thanked all members and officers of the Council for all their hard work and dedication to their communities over the past 18 months. The Mayor referred to the Council's sterling efforts in providing vital services, support and guidance along with its communities and partners during the pandemic.

28. MATTERS RAISED BY THE PUBLIC

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The Mayor reported that a public petition had been received containing the signatures of over 500 people.

The Mayor reported that in accordance with Council's Constitution the lead petitioner, Councillor Dalbuquerque would be given a maximum of 5 minutes to make his representations to the Council on his petition and thereafter the Council would be given 15 minutes to debate the petition before making its decision.

Councillor Dalbuquerque addressed the Council on the basis of the following reasons for the petition:

"We are petitioning Sefton Council to STOP the proposed cycle lane infrastructure (currently being consulted on) being installed across Southport from Crossens to Ainsdale, and REMOVE the current TEMPORARY cycle lanes on Queens Road and Houghton Street. These lanes are NOT WANTED or NEEDED in Southport.

Why are Sefton Council making it more difficult for people to drive here and visit? No-one (or very few) cycle from Preston, Liverpool or other areas to visit Southport.

The cycle lanes which have already been imposed in Southport town centre have been disastrous. They have damaged local businesses at a time they need help and support, by making it more difficult for people to drive into and park there.

We have been contacted by disabled people who are horrified by the decision to allow cyclists on Chapel Street, making it a no go area for them.

In Birkdale and Hillside, affected roads in "Quiet Streets" include: Trafalgar Road; York Road; Alma Road; Greenbank Drive; Dover Road; and Hillside Road.

Spaces alongside Hesketh Park will be gone, taken up by a dual lane cycle lane if Sefton has its way! There will be nowhere for anyone who uses Hesketh Park to Parkrun, exercise, bring your children, walk dogs etc to park your cars! Surely this can't be right?

Churchtown Lights already sees traffic blocked up in all directions. It is one of the busiest road junctions in Southport. Proposals are to reduce the lanes inside the lights, which could make congestion far worse.

Widening the rarely-used lanes on Preston New Road will restrict the flow of traffic and increase traffic congestion in this area.

Traffic could be forced to use quieter residential Streets due to the congestion on the planned routes.

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People attending the businesses on the approach to Ainsdale Village, the churches, cemeteries and rugby events, will all be unable to park as previously on the main roads, and will seek parking anywhere they can.

There are also associated road closures to through roads such as York Road, Trafalgar Road, Hillside Road and Dover Road, forcing locals to use the main road only, which causes more congestion.”

Members debated the petition and Councillor Fairclough, Cabinet Member for Locality Services reported that he would respond after hearing the full debate on Cycle Lanes and after Agenda Item: 17, Motion Submitted by Councillor Pugh – Cycle lanes, Min No: 40 refers had been considered.

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

RESOLVED: That:

- (1) the Council thank the lead petitioner, Councillor Dalbuquerque for his petition;
- (2) the Council note the petition; and
- (3) the Council refer the contents of the petition to the Consultation process for consideration.

29. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by:

- (1) Councillor Shaw to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)
- (2) Councillor Killen to the Cabinet Member for Communities and Housing (Councillor Hardy)
- (3) Councillor Watson to the Leader of the Council (Councillor Maher)
- (4) Councillor Brough to the Leader of the Council (Councillor Maher)
- (5) Councillor Brough to the Cabinet Member – Locality Services (Councillor Fairclough)
- (6) Councillor Watson to the Cabinet Member – Adult Social Care (Councillor Cummins)
- (7) Councillor Brough to the Leader of the Council (Councillor Maher)
- (8) Councillor Brough to the Cabinet Member – Locality Services (Councillor Fairclough)

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(9) Councillor Brough to the Leader of the Council (Councillor Maher)

(10) Councillor Brough to the Leader of the Council (Councillor Maher)

(11) Councillor Brough to the Leader of the Council (Councillor Maher)

together with the responses given. Supplementary questions to questions 1, 3, 5, 9 and 11 were responded to by the Leader of the Council and the Cabinet Members for Locality Services and Regulatory, Compliance and Corporate Services.

30. EXTENSION OF THE NORTH WEST REGIONAL COASTAL MONITORING PROGRAMME

Further to Minute No. 19 of the meeting of the Cabinet held on 24 June 2021 the Council considered the report of the Head of Highways and Public Protection in relation to the continuation of the North West Regional Coastal Monitoring programme that had been approved by the Environment Agency along with the allocations of grant funding.

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

RESOLVED: That:

- (1) the inclusion of the capital allocation of £834,000 into the capital programme for 2021/2022 and the associated supplementary capital estimates be approved;
- (2) the inclusion of future annual capital allocations (2022-2026), as outlined in the report, in the capital programme subject to annual confirmation from the Environment Agency be approved: and
- (3) the Head of In-House Operational Services be granted delegated authority to accept and administer the grant in each of the six years.

31. CLIMATE EMERGENCY ANNUAL REPORT

Further to Minute No. 24 of the meeting of the Cabinet held on 24 June 2021 the Council considered the report of the Executive Director of Corporate Resources and Customer Services in relation to the Climate Emergency Annual Report.

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

RESOLVED: That the progress made on the targets in the Sefton climate emergency strategy and action plan, as detailed in the report be noted.

32. OVERVIEW AND SCRUTINY ANNUAL REPORT 2020/21

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The Council considered the Overview and Scrutiny Annual Report for 2020/21 and Councillors Myers, Murphy, John Sayers and Bradshaw highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2020/21.

It was moved by Councillor Sayers, seconded by Councillor Bradshaw and

RESOLVED:

That the Overview and Scrutiny Annual Report 2020/21 be noted.

33. FINANCIAL MANAGEMENT 2021/22 TO 2024/25 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2021/22 INCLUDING THE FINANCIAL IMPACT OF COVID-19 ON THE 2021/22 BUDGET - CAPITAL BUDGET UPDATE – ADDITIONAL CAPITAL ESTIMATES

The Council considered the report of the Executive Director of Corporate Resources and Customer Services that set out a new scheme for approval in the Council's revenue budget and two new schemes for approval in the Capital programme.

The report also sought approval to accept the Restart contract from G4S Ltd, the prime contractor appointed by the Department of Work and Pensions for Restart in the North West,

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

RESOLVED: That:

- (1) authority be granted to enter into a contract with G4S Ltd for the delivery of the DWP Restart Employment programme and that the Chief Executive, in consultation with the Cabinet Member for Regeneration and Skills, be authorised to finalise terms of the contract;
- (2) a supplementary revenue estimate of £1.576m in 2021/22 fully funded by income from Restart, be approved with future years allocations being included in the associated budget report;
- (3) a supplementary capital estimate of £1.128m for the grant funded scheme to provide a new football pitch at Orrell Mount, be approved; and
- (4) a supplementary capital estimate of £0.795m for Bootle Strand Shopping Centre Business Plan be approved with the cost of external borrowing being met from income from the centre and that being included within the 3 year business plan.

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(Councillor Shaw, a Member of the Liberal Democrat & Progressive Alliance Group requested that his dissent to recommendation (4) above be recorded).

34. HONORARY FREEDOM OF THE BOROUGH - AINTREE AND LIVERPOOL UNIVERSITY NHS TRUST AND SOUTHPORT AND ORMSKIRK NHS TRUST

Further to Minute No. 5 of the meeting of the Cabinet held on 27 May 2021 the Council considered the report of the Chief Legal and Democratic Officer in relation to the proposal to grant the Honorary Freedom of the Borough to Aintree and Liverpool University NHS Foundation Trust and Southport and Ormskirk NHS Trust.

An **amendment** to the recommendation was moved by Councillor Dowd, seconded by Councillor Burns:

“That the Honorary Freedom of the Borough be extended to include Alder Hey Children’s NHS Foundation Trust”.

Following a debate on the **amendment** it was agreed that the Honorary Freedom of the Borough be extended to include Alder Hey Children’s NHS Foundation Trust.

A further **amendment** to the recommendation was moved by Councillor Brodie-Browne, seconded by Councillor Evans:

“That the Honorary Freedom of the Borough be extended to include Mersey Care NHS Trust (Mental Health)”.

Following a debate on the **amendment** it was agreed that the Honorary Freedom of the Borough be extended to include Mersey Care NHS Trust (Mental Health).

The following Substantive Motion in relation to the Resolution was moved by Councillor Maher, seconded by Councillor Fairclough and unanimously

RESOLVED: That:

- (1) In accordance with Section 249 (5) of the Local Government Act 1972, this Council wishes to place on record its high appreciation of, and the debt of gratitude of the Borough to the Aintree and Liverpool University NHS Foundation Trust, Southport and Ormskirk NHS Trust, Alder Hey Children’s NHS Foundation Trust and Mersey Care NHS Trust (Mental Health) and in the light of their hard work and dedication during the devastation of the Covid 19 Pandemic, the Council resolves that the Honorary Freedom of the Borough be conferred on Aintree and Liverpool University NHS Foundation Trust, Southport and Ormskirk NHS Trust Alder Hey Children’s NHS Foundation Trust and Mersey Care NHS Trust (Mental Health) and that it be granted the right, privilege, honour and distinction of

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attendance at all ceremonial occasions and be invited to attend at an Extra-ordinary Council meeting to be held on a date to be determined at Bootle Town Hall, be approved; and

- (2) the Executive Director of Corporate Resources and Customer Services be authorised to take all of the necessary actions associated with (1) above and arrange a civic reception for the Officers and Aintree and Liverpool University NHS Foundation Trust, Southport and Ormskirk NHS Trust Alder Hey Children's NHS Foundation Trust and Mersey Care NHS Trust (Mental Health) and invited guests to take place at the rising of the Extra-ordinary Council meeting in Bootle Town Hall, be approved.

35. APPOINTMENTS TO THE ROLES OF INDEPENDENT PERSON AND INDEPENDENT REMUNERATION PANEL MEMBER AND CO-OPTED MEMBERS OF THE AUDIT AND GOVERNANCE SUB-COMMITTEE

The Council considered the report of the Chief Legal and Democratic Officer in relation to the proposed appointment of Independent Remuneration Panel Members, Independent Persons, and Parish Councillors to sit on the Independent Remuneration Panel and the Audit and Governance Sub-Committee as detailed in the report.

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

RESOLVED: That:

- (1) the appointments to the roles of Independent Remuneration Panel Member and Independent Person as set out in paragraphs 2.5 and 3.2, to the report be approved; and
- (2) the appointment of Parish Councillor Judith Daley, Sefton and Lunt Villages Parish Council, Parish Councillor Peter Gill, Aintree Village Parish Council Town Councillor Jonathan Desmond, Maghull Town Council and Parish Councillor Ron Baker, Melling Parish Council to the position of co-opted member of the Audit and Governance Sub-Committees, as detailed in paragraphs 1.3 to 1.5 to the report be approved.

36. MEMBERSHIP OF COMMITTEES 2021/22

The Mayor reported that notice had been given by the Labour Group Whip, Councillor Grace of the following changes to Memberships of Committees:

- Councillor Roche to replace Councillor Carr on the Overview and Scrutiny Committee (Health and Social Care) and Councillor Howard to replace Councillor Roche as the Substitute Member for Councillor Halsall;

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- Councillor Page to replace Councillor Carr on the Pay and Grading Committee;
- Councillor Burns to replace Councillor Carr on the Local Joint Consultative Committee and Councillor Carlin to replace Councillor McKinley as the Substitute Member for Councillor Halsall;
- Councillor Carlin to replace Councillor McKinley as Substitute Member on the Local Joint Consultative Committee and Councillor
- Councillor Page to replace Councillor Carr as Substitute Member for Councillor Roche on the Audit and Governance Committee;
- Councillor Bradshaw to replace Councillor Carr as Substitute Member for Councillor Hansen on the Planning Committee; and
- Councillor Burns to replace Councillor Blackburne as the Substitute Member for Councillor Grace on the Public Engagement and Consultation Panel

RESOLVED:

That the changes as detailed above, be approved.

37. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 46 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND 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 Rule 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.

38. MOTION SUBMITTED BY COUNCILLOR IRVING - ADDITIONAL RESOURCES FOR ADDITIONAL ENFORCEMENT

Additional Resources for Enforcement

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It was moved by Councillor Irving, seconded by Councillor Bennett that:

Over the last five years' visitor pressure on Sefton's attractive coast line has increased in such large numbers that the areas at Crosby, Blundell Sands, Ainsdale and especially Formby have been over whelmed by visitors. In Formby the majority of visitors arrive by car, car parks become full early on so visitors park in residential areas completely ignoring yellow line restrictions. The roads become impassable and Sefton Councils Civil Enforcement Officers are unable to deal with the sheer numbers of illegally parked vehicles with many motorists not getting fined for their complete disregard to traffic regulations which are clearly marked on roads.

The most recent case to prove this point of vehicle numbers was Sefton Council's green bin collection on May Bank Holiday Monday when collection was abandoned as the vehicle was unable to maneuver through the densely illegally parked vehicles in the area of Harington Ward, Formby and was rescheduled several days later at an extra cost to Sefton Council's collection. The lack of enforcement has now led to a belief by visitors that the same sort of tolerance will be accepted in the nature reserve and beach. This has resulted in large numbers of people attending 'Raves', lighting Barbecues on the beaches, in the Pine Woods and taking alcohol with them. All of these restrictions are prohibited and clearly marked as you enter the area. Due to the fact that this area has been defined as a Site of Special Scientific Interest (SSS.i)

Anti-social behavior activities have now increased to such a level that we have had two separate stabbing incidents on the beach, one of which resulted in a male running amok with a Samurai Sword and almost murdered two people. The Police who are over stretched throughout Merseyside have had to deploy extra patrols to this area and have issued over a hundred fines, closed the beach area for two days in the last month as well as removing disposable barbecue's and alcohol off visitors. Sefton Councils over worked C.E.O's did remarkably well issuing 121 tickets in Formby over two days at the recent Bank Holiday in May. Taking into account that they did not take a refreshment break but worked right through they should be praised for the diligence. It is clearly obvious that there is insufficient enforcement being put into the traffic parking problem that we have in Sefton. Enough is enough and I am asking this council to support my motion of requesting for additional funds to resource the service adequately in order that there is capacity to tackle the issues of illegal parking throughout the Borough and more specifically near to Sefton Coast. This action alone will undoubtedly convey the message to visitors that Sefton Council will not tolerate bad behavior either by drivers or organized groups who cause this anti-social behavior to our wonderful coast line. If the the Motion is agreed then it be referred to the Cabinet for further consideration

Council Motion

That this council be requested to refer the matter of additional resources for additional enforcement to the Cabinet for consideration.

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Following a debate and on a show of hands the Mayor declared the vote was **lost** by 36 votes to 14 with 0 abstentions.

39. MOTION SUBMITTED BY COUNCILLOR IRVING - SEFTON COUNCIL TO REQUEST SECRETARY OF STATE FOR PERMISSION TO INCREASE PENALTY CHARGE NOTICES

Sefton Council to Request Secretary of State For Permission to Increase Penalty Charge Notices

It was moved by Councillor Irving, seconded by Councillor Bennett that:

Over the last five years there has been a complete disregard by motorists visiting the Sefton Coast in the parking of their vehicles on clearly marked single and double yellow lines as well as grass verges in residential areas. Drivers refuse to pay reasonable car parking charges thinking they can get away without receiving a parking ticket due to the many vehicles illegally parked. At a recent May Bank Holiday 2021, over two days Sefton Council issued in one small area of Sefton 121 penalty charge notices. The Civil Enforcement Officers who issued them were overwhelmed by the sheer numbers of illegally parked vehicles and were unable to issue more due to their time on duty. The charge of a parking ticket is at present at its maximum level allowed by Government, £70.00 charge but £35.00 if paid within 28 Days. This amount for parking fines the Government has imposed on local councils is simply not enough to persuade drivers to stop this unwarranted illegal parking in residential areas, which has caused many residents to resent visitors to their area.

Council Motion

This Council agrees to write to the Secretary of State in requesting him to allow Sefton Council to Increase the penalty charge in their area. By granting this request it is hoped that the continued abuse of traffic regulations by many motorists who illegally park vehicles in restricted areas of Sefton M.B.C. will force them to be more sensible in the way they park vehicles in the future.

Following a debate and on a show of hands the Mayor declared the **Motion was carried** by 43 votes to 4 with 1 abstention and it was

RESOLVED: That:

Over the last five years there has been a complete disregard by motorists visiting the Sefton Coast in the parking of their vehicles on clearly marked single and double yellow lines as well as grass verges in residential areas. Drivers refuse to pay reasonable car parking charges thinking they can get away without receiving a parking ticket due to the many vehicles illegally parked. At a recent May Bank Holiday 2021, over two days Sefton Council issued in one small area of Sefton 121 penalty charge notices.

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The Civil Enforcement Officers who issued them were overwhelmed by the sheer numbers of illegally parked vehicles and were unable to issue more due to their time on duty. The charge of a parking ticket is at present at its maximum level allowed by Government, £70.00 charge but £35.00 if paid within 28 Days. This amount for parking fines the Government has imposed on local councils is simply not enough to persuade drivers to stop this unwarranted illegal parking in residential areas, which has caused many residents to resent visitors to their area.

Council Motion

This Council agrees to write to the Secretary of State in requesting him to allow Sefton Council to Increase the penalty charge in their area. By granting this request it is hoped that the continued abuse of traffic regulations by many motorists who illegally park vehicles in restricted areas of Sefton M.B.C. will force them to be more sensible in the way they park vehicles in the future.

40. MOTION SUBMITTED BY COUNCILLOR PUGH - CYCLE LANES

CYCLE LANES

It was moved by Councillor Pugh, seconded by Councillor Shaw that:

Recognising the concerns voiced by the public about planned cycle lanes in Southport, this Council will impose a moratorium on the plans to allow for sensible consideration of said plans by a cross-party working party who scrutinising all currently available evidence and feedback shall report back to elected members prior to any final decision being taken.

An **amendment** was moved by Councillor Jones, seconded by Councillor Dalbuquerque that:

the following words be replaced

“this Council will impose a moratorium on the plans to allow for sensible consideration of said plans by.” and be replaced with the following words

“ . Taking into consideration the petition presented to full council earlier, highlighting the damaging effect on local businesses, and the health and wellbeing of residents that these plans are withdrawn with immediate effect.”

the following words “Any future proposals will be discussed by” to be included before the words “a cross-party working party”; and

the following words to be included after the word taken “for the betterment of Southport and its residents”.

Following debate, on a show of hands, The Mayor declared the **amendment was lost** by 37 votes to 8.

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Thereafter, on a show of hands, the Mayor declared the **Motion was lost** by 35 votes to 4 with 8 abstentions.

41. MOTION SUBMITTED BY COUNCILLOR MYERS - HANDS OFF SOUTHPORT AND AINSDALE - A RESPONSE TO THE BOUNDARY COMMISSION

Hands Off Southport and Ainsdale - A response to the Boundary Commission

It was moved by Councillor Myers, seconded by Councillor Doyle that:

The Boundary Commission has admitted that the radical changes it has proposed for Southport constituency are not justified in terms of the electorate.

Instead, it tries to explain them by claiming they will "...better respect both local ties and the boundaries of existing constituencies...".

They intend to cleave away Ainsdale, an area with very close ties to Southport, and replace it with various bits of the current South Ribble constituency which simply do not have anywhere near the same connection to our town. To add a further layer of confusion, they also lie under another council's authority.

As two councillors elected in Southport, one of whom lives in Ainsdale, we say that the Commission's claim is hogwash and an insult to the intelligence of local residents and representatives.

Ainsdale is a close and much-loved part of the local community here. Southport Town boundary actually lies in Ainsdale. It's a coastal community, as is Southport. It's one of our treasured villages.

Administratively, it's been linked with Birkdale, another of our lovely villages, since 1894 and both then joined Southport as a county borough in 1912. It is part of us.

As nice as they are, three of the four areas the Boundary Commission intends to replace Ainsdale with are quite separate and distinct from our town here.

There is no justification for trying to claim that wards such as Rufford, Hesketh with Beconsall or Tarleton have anything like the local ties to Southport that Ainsdale does. Only North Meols (Banks) comes remotely close to being justified on these terms.

Let us be clear, these changes do not better respect local ties - they sever them.

Ainsdale must remain part of Southport constituency or it is painfully obvious that both are being sacrificed on the altar of expediency by the

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Boundary Commission. An integral part of us should not be torn away simply because it makes life easier for others.

We move that Sefton Council rejects in the strongest possible terms the Boundary Commission's plan to remove Ainsdale from Southport constituency. Also, that it also writes to the Commission making clear our opposition as outlined above and that it asks the Commission to explain exactly how it comes to believe that the wards it is proposing to introduce at Ainsdale's expense have stronger ties to Southport.

Following a debate and on a show of hands the Mayor declared the **Motion to be carried** by 45 votes to 2 with 5 abstentions and it was:

RESOLVED: That:

The Boundary Commission has admitted that the radical changes it has proposed for Southport constituency are not justified in terms of the electorate.

Instead, it tries to explain them by claiming they will "...better respect both local ties and the boundaries of existing constituencies...".

They intend to cleave away Ainsdale, an area with very close ties to Southport, and replace it with various bits of the current South Ribble constituency which simply do not have anywhere near the same connection to our town. To add a further layer of confusion, they also lie under another council's authority.

As two councillors elected in Southport, one of whom lives in Ainsdale, we say that the Commission's claim is hogwash and an insult to the intelligence of local residents and representatives.

Ainsdale is a close and much-loved part of the local community here. Southport Town boundary actually lies in Ainsdale. It's a coastal community, as is Southport. It's one of our treasured villages.

Administratively, it's been linked with Birkdale, another of our lovely villages, since 1894 and both then joined Southport as a county borough in 1912. It is part of us.

As nice as they are, three of the four areas the Boundary Commission intends to replace Ainsdale with are quite separate and distinct from our town here.

There is no justification for trying to claim that wards such as Rufford, Hesketh with Beconsall or Tarleton have anything like the local ties to Southport that Ainsdale does. Only North Meols (Banks) comes remotely close to being justified on these terms.

Let us be clear, these changes do not better respect local ties - they sever them.

COUNCIL- THURSDAY 15TH JULY, 2021

Ainsdale must remain part of Southport constituency or it is painfully obvious that both are being sacrificed on the altar of expediency by the Boundary Commission. An integral part of us should not be torn away simply because it makes life easier for others.

We move that Sefton Council rejects in the strongest possible terms the Boundary Commission's plan to remove Ainsdale from Southport constituency. Also, that it also writes to the Commission making clear our opposition as outlined above and that it asks the Commission to explain exactly how it comes to believe that the wards it is proposing to introduce at Ainsdale's expense have stronger ties to Southport.

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Agenda Item 7

Report to:	Licensing and Regulatory Committee Council	Date of Meeting:	Monday, 14 June 2021 Thursday, 16 September 2021
Subject:	Final draft revised Statement of Gambling Licensing Policy – Gambling Act 2005		
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 seek Members' comments on the final draft revised Statement of Gambling Licensing Policy and to then refer to Council for approval.

Recommendation(s):

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Gambling Licensing Policy, attached at Annex 2; and,
- ii) Refer the agreed revised Statement of Gambling Licensing Policy to Council for approval.

That Council:

- i) Approve the revised Statement of Gambling Licensing Policy, attached at Annex 2.

Reasons for the Recommendation(s):

To enable the timely review of the Statement of Gambling Licensing Policy.

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

None

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

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(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None.	
Legal Implications: None.	
Equality Implications: There are no equality implications.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
This is an information Report concerning the production of the new Licensing Policy.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 6384/21).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4585/21).

(B) External Consultations

Consultation exercise took place between 8 February 2021 and 5 April 2021.

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Kevin Coady
Telephone Number:	Tel: 0151 934 2946
Email Address:	kevin.coady@sefton.gov.uk

Appendices:

Annex 1 – Responses received to consultation exercise.

Annex 2 – Final draft revised Statement of Gambling Licensing Policy.

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Members will recall that Section 349 of the Gambling Act 2005 (“the GA05”) requires that all licensing authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the GA05 during the three-year period to which the policy applies. A licensing policy statement will last for a maximum of three years, but can be reviewed and revised by an authority at any time.
- 1.2 The existing Policy has been kept under review since coming into force on 31 January 2019, no revision has been deemed necessary to date. The Policy requires revising during 2021 for it to take effect from 31 January 2022 (when the new three-year cycle will commence).
- 1.3 Section 349 (3) of the GA05 requires that the Licensing Authority consult the following on the Policy (or any subsequent revision):
 - The chief officer of police for the Authority's area;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and,
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

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1.4 The views of the above must be given appropriate weight when the Policy is being determined.

1.5 In addition to the above, the Authority must also have regard to Guidance issued under Section 25 of the GA05 by the Gambling Commission.

2.0 Consultation process

2.1 The consultation took place between 8 February 2021 and 5 April 2021.

2.2 The consultation consisted of:

- i) Publishing the draft revision, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Online Consultation Hub (<https://yourseftonyoursay.sefton.gov.uk/>);
- ii) News items placed on the various Sefton Council social media pages;
- iii) Placing copies of the draft Policy in local libraries; and,
- iv) Through press releases to all local press agencies.

2.3 In addition to the general consultation/awareness raising referred to above specific consultations also took place where a letter and copy of the draft Policy were forwarded for comment to:

- i) Letter and meetings, as required, with Merseyside Police.
- ii) Letter and meetings, as required, to include: the Gambling Commission; local fire and rescue authority; Sefton Council Planning; Sefton Council Environmental Health & Licensing Section; Sefton Council Safeguarding Children's Unit; and HM Revenue and Customs.
- iii) Letters to the following Organisations: The Betting and Gaming Council; British Amusement Catering Trade Association (BACTA); The Bingo Association; National Association of Bookmakers; Association of British Bookmakers Ltd (ABB); Hospice Lotteries Association; The Lotteries Council; The British Association of Leisure Parks; Piers and Attractions Limited (BALPPA); The Racecourse Association Limited; The British Beer and Pub Association; and Gamcare.
- iv) Letter to Liverpool & Sefton Chamber of Commerce and the Southport BID.
- v) Letter to all Borough Councillors, Sefton Members of Parliament and Parish Council Clerks.

2.4 A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 1 to this report.

3.0 Draft Policy v.2

3.1 As a result of the consultation no amendments have been made to the Policy.

3.2 A copy of the Final Draft of the Policy is to be found within Annex 2.

Ref	Respondent	Comments	Appraisal	Response
001	HM Revenue and Customs	Only comment was to give us an up to date address for service of applications to them in the future.	Responsible Authority addresses are contained within Annex 2 which does not form part of the Policy	Policy unchanged, Annex 2 updated.
002	Independent Safeguarding and Quality Assurance Unit	Have read the Policy and have no changes requested.	N/A	N/A
003	National Association of Bookmakers	Thanking us for including them in the Consultation, happy with the draft Policy as is.	N/A	N/A
004	Aintree Village Parish Council	Members have read the draft Policy and have no additional comments to make.	N/A	N/A
005	Anon local resident (1)	No feedback given	N/A	N/A
006	Anon local resident (2)	"Thank you for sharing the Gambling Policy and for providing this in Easy Read. I understand the changes and thank you for the opportunity to feedback."	N/A	N/A
007	Anon local resident (3)	"I cannot see any reason to increase the number of licenced betting facilities across Sefton. The LA needs to take as hard a stance, while remaining within the law, as far as betting is concerned. The ease and availability of online betting has created a monster and we need to do what we can to reduce the number of betting premises. There are far too many already."	On-line Betting dealt with by the Gambling Commission. Unable to restrict numbers via the Gambling Act legislation.	No changes can be made.
008	Anon local resident (4)	"There should be no more gambling establishments licensed in Sefton. Gambling destroys lives and families and	Unable to restrict numbers via the Gambling Act legislation.	No changes can be made.

Ref	Respondent	Comments	Appraisal	Response
		<p>negatively impacts our society.</p> <p>Absolutely no more licenses issued and preferably no renewals of any licenses for any gambling establishments.</p> <p>In particular FOBTs must not be allowed in ANY gambling establishments as these are the worst driver of addictive "play to extinction" behaviours."</p>		



SEFTON METROPOLITAN BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF GAMBLING LICENSING POLICY

Version 2

Agenda Item 7

	CONTENTS	PAGE
1.0	General Statement	
2.0	Scope	
	<ul style="list-style-type: none">• Premises Licence• Permits• Provisional Statements• Temporary Use Notices• Occasional Use Notices• Small Lotteries	
3.0	Gambling Licensing Objectives	
4.0	Casino Licences	
5.0	The Licensing Process	
	<ul style="list-style-type: none">• Interested Parties• Responsible Authorities• Delegation of decisions and functions• Hearings• Review of licences• Local risk assessments• Local Area Profiles	
6.0	Licensing Conditions	
	<ul style="list-style-type: none">• Mandatory conditions• Default conditions• Door Supervisors	
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8.0	Enforcement Protocols	

ANNEXES

The following annexes do not form part of the approved Statement of Gambling Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.

Annex 1 - Map of Sefton

Annex 2 - Responsible Authorities

Annex 3 - Gaming Machine Definition Tables

1.0 GENERAL STATEMENT

- 1.1 Sefton Metropolitan Borough Council (the Council) is the Licensing Authority (the Authority), under the Gambling Act 2005 (the Act), responsible for granting Premises Licences, issuing certain Permits and Provisional Statements, receiving and endorsing Temporary Use Notices, receiving Occasional Use Notices and registering Small Lotteries under the Act.
- 1.2 Section 349 of the Act requires that all Licensing Authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the period to which the policy applies.
- 1.3 The three licensing objectives which guide the way that the Licensing Authorities perform their functions and the way that gambling businesses carry on their activities, are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

See Section 3.0 for more information.

- 1.4 In producing this policy statement, the Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.
- 1.5 The Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act

- 1.6 The list of the persons consulted by this Authority is as below:

Merseyside Police; the Gambling Commission; local fire and rescue authority; Sefton Council Planning; Sefton Council Environmental Health & Licensing Section; Sefton Council Safeguarding Children's Unit; and HM Revenue and Customs; The Betting and Gaming Council; British Amusement Catering Trade Association (BACTA); The Bingo Association; National Association of Bookmakers; Association of British Bookmakers Ltd (ABB); Hospice Lotteries Association; The Lotteries Council; The British Association of Leisure Parks; Piers and Attractions Limited (BALPPA); The Racecourse Association Limited; The British Beer and Pub Association; Gamcare; Liverpool & Sefton Chamber of Commerce; the Southport BID; all Borough Councillors; all Sefton Members of Parliament; and all Parish Council Clerks.

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Residents' comments were also invited by:

- i) Publishing the draft revision, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Online Consultation Hub (<https://yourseftonyoursay.sefton.gov.uk/>);
- ii) News items placed on the various Sefton Council social media pages;
- iii) Placing copies of the draft Policy in local libraries; and,
- iv) Through press releases to all local press agencies.

- 1.7 This policy statement sets out the general approach to the making of licensing decisions. It does not prevent any individual from making any application, under the terms of the Act, and having that application considered on its individual merits. Nor does it override the right of any person to make representations on an application nor to seek a review of a licence where the Act allows them to do so.
- 1.8 Unmet demand is not a criterion for a licensing authority in considering an application for a Premises Licence under the Act. As a result each application will be considered on its merits without regard to demand.
- 1.9 This policy statement will be subject to a periodic review every three years. Between those periodic reviews it may also be subject to ongoing reviews, particularly where feedback indicates that the Licensing Objectives are not being met.

Sefton

- 1.10 Sefton is one of the six Metropolitan Boroughs that make up Merseyside. It lies in the northern part of the Liverpool City Region with which it shares close economic, social, cultural and transport links and stretches 22 miles north from Bootle to Southport. It also has important links to Preston and West Lancashire. Sefton adjoins the City of Liverpool to the south, the borough of Knowsley to the south-east, and the largely rural West Lancashire elsewhere. The location of Sefton is shown by the map provided at Annex 1.
- 1.11 Sefton is an area of great contrasts with beautiful coastlines, rural landscapes and industrial/commercial areas; working docklands, commuter towns and a busy seaside resort; areas of great affluence but also some of the most deprived communities in England and Wales. Sefton has a number of famous features that help make it distinctive. These include the resort of Southport, an outstanding natural coast, the home of the Grand National at Aintree, England's 'golf coast' including Royal Birkdale, and Antony Gormley's 'Iron Men' sculptures on Crosby beach with most of the Port of Liverpool being situated in the south of the Borough.
- 1.12 Sefton has a resident population of 274,853 (2016 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.
- 1.13 The main centres of population are the urban and suburban areas of Bootle, Crosby, Maghull, Formby and Southport.

- Bootle is an area of mainly Victorian terraced properties, with busy working docklands and a mixture of retail and office developments at its centre. In recent years, much of the area was designated as part of the Merseyside ‘Housing Market Renewal Area’. The initiative has begun to change the housing quality, type and tenure available, mainly through demolition of low-demand homes and clearance of low grade or vacant industrial sites and rebuilding of new homes.
- Southport at the north of the Borough has a traditional, quality image, borne out of its Victorian and Edwardian architectural and landscape grandeur. This heritage has led to Southport being described as a ‘classic resort’. This, coupled with family attractions and recent growth in ‘eco-tourism’, has enabled it to endure changing holiday patterns. There has been significant investment in the town centre and Seafront in recent years, but both its leisure and retail areas continue to need to be revitalised. Southport Business Improvement District, the Council, Merseyside Police, Pubwatch, Light for Life and Street Pastors have been successful in applying for Purple Flag status.
- Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises, there are therefore relatively few employment areas here. These are however distinctive settlements in their own right, and all function as commuter settlements for the Liverpool City Region.

1.14 The Local Plan for Sefton will allow development in town centre areas as long as it does not cause significant harm to amenity, would not result in grouping of similar uses which would harm the character of the area or harm residential amenity. Planners may use conditions to restrict opening hours.

2.0 SCOPE

2.1 Licensing authorities are required to undertake various regulatory functions in relation to a number of gambling activities. They are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *members’ clubs and miners’ welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and Endorse *Temporary Use Notices*.

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- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see Section 7.0 regarding ‘information protocols’).
- Maintain registers of the permits and licences that are issued under these functions.

2.2 It should be noted that local licensing authorities are not involved in licensing remote gambling at all. This falls to the Commission via Operating Licences.

Premises Licence

2.3 A Premises Licence is required for any premises where it is intended to provide gambling facilities.

2.4 The types of Licence available are as follows:

- Casino Premises Licence
- Bingo Premises Licence
- Adult Gaming Centre Premises Licence (enabling the provision of category B3, B4, C and D machines)
- Family Entertainment Centre Premises Licence (enabling the provision of category C and D machines)
- Betting Premises Licence (enabling the provision of facilities for betting, by making or accepting bets or by acting as a betting intermediary)

2.5 An application for a Premises Licence may only be made by persons (which includes companies or partnerships):

- Who have the right to occupy the premises;
- Who have an Operating Licence which allows him/her to carry out the proposed activity, or have applied for an Operating Licence (except in the circumstances outlined in Paragraph 2.9, the Premises Licence may only be issued once the Operating Licence has been issued by the Commission); and

2.6 An applicant for a Premises Licence must be over the age of 18.

2.7 The Authority is aware that, as per Section 153, in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the licensing authority’s statement of policy.

2.8 In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an

irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. The Authority will therefore seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions that can not be met by Licence Holders due to planning restrictions, should such a situation arise.

- 2.9 Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences issued by the Commission.

Definition of “premises”

- 2.10 Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 2.11 The Authority takes particular note of the Gambling Commission’s Guidance with regard to applications for multiple licences for a building, or those for a specific part of the building to be licensed. The Guidance indicates that the premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or can closely observe gambling. Additionally entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- 2.12 When considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider, as per the Guidance, whether taken as a whole, the co-location of the licensed premises with other facilities may have the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Location

- 2.13 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can (see Section 3.0). The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools,

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vulnerable adult centres or residential areas where there may be a high concentration of families and children.

Premises “ready for gambling”

- 2.14 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 2.15 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 2.16 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- Firstly, whether the premises ought to be permitted to be used for gambling; and
 - Secondly, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 2.17 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Betting tracks

- 2.18 Tracks are different from other premises in that they may be subject to one or more Premises Licences, provided that each Licence relates to a specified area of the track.
- 2.19 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.20 The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons will be permitted to enter track areas on days when dog-racing and/or horse racing takes place, including areas where facilities for betting are provided, however, they must be prevented from entering areas where gaming machines (other than category D machines – see Annex 3 for Gaming Machine definitions) are provided.
- 2.21 The Authority notes that the Commission considers that it is disproportionate and unnecessary to insist that betting rules are displayed at each distinct betting location and that the rules should be made available at suitable central locations. We further note that the Commission indicates that the track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in.

- 2.22 It is sometimes difficult to define the precise location of betting areas on tracks and the Authority notes that the precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

Bingo premises

- 2.23 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, applicants will ensure that:
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - Only adults are admitted to this area where the machines are located;
 - Access to the area where the machines are located is supervised;
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 2.24 Appropriate licence conditions, covering the above issues, may be imposed by the Authority.
- 2.25 In imposing any additional licence conditions the Authority will consider any Guidance issued by the Commission relating to the suitability and layout of bingo premises.
- 2.26 Further information on this type of Licence can be found on the Sefton Council website at www.sefton.gov.uk.

Self Service Betting Terminals

- 2.27 The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and (as per the Commission's Guidance) the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of Self Service Betting Terminals an operator wants to offer.

Permits

- 2.28 Permits are required when premises provide a gambling facility but either the stakes and/or prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 2.29 The types of Permit available are as follows:

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- Family Entertainment Centre Gaming Machine Permit
- Club Gaming Permit
- Club Machine Permit
- Licensed Premises Gaming Machine Permit
- Prize Gaming Permit

Family Entertainment Centre Gaming Machine Permit

- 2.30 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Commission's Guidance indicates that in its policy statement a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for these type of permits.
- 2.31 The principles that this Authority intends to adopt will require the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 2.32 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- CRB checks for staff
 - Appropriate measures / training for staff as regards suspected truant school children on the premises
 - Measures / training covering how staff would deal with unsupervised very young children being on the premises
 - Children causing perceived problems on / around the premises.
- 2.33 In addition to the above, the Authority will also expect, as per Commission Guidance, that:
- Applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - The applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - Staff are trained to have a full understanding of the maximum stakes and prizes.

Club Gaming and Club Machine Permits

- 2.34 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 2.35 The Act states that Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to bridge and whist. A members’ club must be permanent in nature, not be established to make commercial profit and be controlled by its members equally; there is no need for a club to have an alcohol licence. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 2.36 The Commission Guidance states that licensing authorities may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - b) the applicant’s premises are used wholly or mainly by children and/or young persons
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years
 - e) an objection has been lodged by the Commission or the police.
- 2.37 There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Authority can refuse a permit are reduced; those grounds being:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 2.38 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Licensed Premises Gaming Machine Permit

- 2.39 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Authority.
- 2.40 The Authority can remove the automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - Gaming has taken place on the premises that breaches a condition of section 282

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(for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);

- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises

2.41 Should a premises wish to have more than two machines, then it will need to apply for a Licensed Premises Gaming Machine Permit and the Authority will need to consider that application based upon the licensing objectives, any guidance issued by the Commission, and “any other matters that are considered relevant to the application”. This Authority considers that “any other matters” will be decided upon on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm and we will expect the applicant to satisfy that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority may include that the adult only gaming machines will be within sight of the bar (or within the sight of staff who will monitor that the machines are not being used by those under 18). As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare or indeed training for staff under the GamCare Certification scheme (details available via www.gamcare.org.uk).

Prize Gaming Permit

2.42 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit.

2.43 This Authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that s/he is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and,
- That the gaming offered is within the law.

2.44 In making its decision on an application for this Permit the Authority does not need to have regard to the licensing objectives but must have regard to any Commission Guidance.

2.45 It should be noted that there are conditions in the Act by which the Permit holder must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling

Travelling fairs

- 2.46 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Authority will need to determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 2.47 The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 2.48 The 27-day statutory maximum for the land being used as a fair is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.
- 2.49 Further information on Permits can be found on the Sefton Council website at www.sefton.gov.uk.

Provisional Statements

- 2.50 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that s/he:
- Expects to be constructed;
 - Expects to be altered; or
 - Expects to acquire a right to occupy.
- 2.51 Developers may wish to apply for Provisional Statements before they enter into a contract to buy or lease property or land to judge whether or not a development is worth taking forward in light of the need to obtain a Premises Licence. It is also possible for an application for a Provisional Statement to be made for premises that already have a Premises Licence (either for a different type of gambling or for the same type).
- 2.52 Applicants for Premises Licences must fulfill certain criteria (see Para 2.5). These restrictions do not apply in relation to an application for a Provisional Statement.
- 2.53 Further information on Provisional Statements can be found on the Sefton Council website at www.sefton.gov.uk.

Temporary Use Notices

- 2.54 These allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice (TUN) would include hotels, conference centres, and sporting venues. A TUN may only be granted to a person or company holding a relevant Operating Licence (for example, the holder of a Betting Operating Licence could apply to provide betting facilities at a snooker tournament).

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- 2.55 Regulations state that the only activities permitted under a TUN are the provision of facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner (this does not include providing such facilities in circumstances where any person participating in the gaming does so by means of a gaming machine).
- 2.56 The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several Notices provided that the total does not exceed 21 days.
- 2.57 Further information on TUNs can be found on the Sefton Council website at www.sefton.gov.uk.

Occasional Use Notices

- 2.58 The Authority has very little discretion as regards these Notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the Authority will need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the Notice. Provided that the Notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.
- 2.59 Further information on Occasional Use Notices can be found on the Sefton Council website at www.sefton.gov.uk.

Small Lotteries

- 2.60 These are lotteries operated by non-commercial societies, as defined in Section 19, which states that a society is non-commercial if it is established and conducted:
- For charitable purposes;
 - For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
 - For any other non-commercial purpose other than private gain.
- 2.61 If the lottery has proceeds which exceed £20,000 for a single draw or aggregated proceeds that exceed £250,000 in a calendar year then they must be licensed with the Commission.
- 2.62 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. The licensing authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Authority believes that a society’s principal office is situated in another area, it will inform the society and the other relevant authority as soon as possible.
- 2.63 Further information on Small Lotteries can be found on the Sefton Council website at www.sefton.gov.uk.

3.0 GAMBLING LICENSING OBJECTIVES

3.1 In carrying out its licensing functions the Authority will be guided by the Gambling Licensing Objectives which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2 The Authority, in exercising its functions under the Act, shall also have regard to the Guidance issued by the Commission.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

3.3 The Authority is aware that the Commission will be taking a leading role in preventing gambling from being a source of crime and that it will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. The Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Therefore, if an area has known high levels of organised crime then the Authority will consider whether or not gambling premises are suitable for that location and whether conditions may be suitable such as the provision of Door Supervisors.

3.4 Except in the circumstances outlined in Paragraph 2.9, anyone applying to the Authority for a Premises Licence will have to hold an Operating Licence from the Commission before a licence can be issued. Therefore, the Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.

3.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. This Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way

3.6 Generally, the Commission do not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence), both of these options falling under the purview of the Commission.

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- 3.7 Where the Authority has concerns that gambling at any premises is not being conducted in a fair and open way those concerns will be brought to the attention of the Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 3.8 The Authority has noted the Commission Guidance which states that “the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to protecting children from being ‘harmed or exploited by gambling’. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines”.
- 3.9 The Authority will also make itself aware of the Codes of Practice that the Commission issues as regards to this licensing objective, in relation to specific premises such as casinos.
- 3.10 There is no definition offered with regard to the term “vulnerable persons”, therefore the Authority will consider this objective on a case-by-case basis. In seeking to protect vulnerable persons the Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 3.11 Applicants shall have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling, and there should be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machine areas.
- 3.12 Appropriate licence conditions may therefore be imposed by the Authority and they may cover issues such as:
- Proof of age schemes;
 - CCTV;
 - Door supervisors;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self barring schemes;
 - The provision of information leaflets / helpline numbers for organisations such as GamCare as well as training for staff under the GamCare Certification scheme; details available via www.gamcare.org.uk/.

- 3.13 This list is not mandatory, nor exhaustive; further details on Conditions can be found at Section 6.0.
- 3.14 In recent years there has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is this Authority's opinion that Child Safeguarding is everyone's responsibility and that gambling premises should be vigilant in this regard. Operators whose premises are allowed to admit under 18s should have in place appropriate child safeguarding measures and should seek the advice of the Council's Safeguarding Children's Unit in this respect.
- 3.15 The Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable persons will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

4.0 CASINO LICENCES

- 4.1 The Authority has not passed a 'no casino' resolution under Section 166 of the Act, but it is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

5.0 THE LICENSING PROCESS

- 5.1 In determining a licence or permit application the overriding principle adopted by the Authority will be that each application will be determined on its merits.

Interested Parties

- 5.2 Interested parties may make representations about Premises Licence applications, or apply for a review of an existing Licence.

- 5.3 These parties are defined within the Act as follows:

“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person –

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 5.4 The Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party or not.

- 5.5 The principles are that each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will however consider the following:

- The size of the premises

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- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- The circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- The ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

5.6 Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

Responsible authorities

5.7 Section 157 of the Act details the necessary “responsible authorities”, which are:

- The Gambling Commission;
- The chief officer of police;
- The local fire authority;
- The local planning authority;
- An authority which has functions in relation to pollution to the environment or harm to human health;
- The body responsible for the protection of children from harm;
- Any other licensing authority in whose area part of the premises are situated; and,
- HM Revenue & Customs

5.8 In exercising the Authority’s powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the licensing authority’s area; and,
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

- 5.9 Therefore, in accordance with the Commission’s Guidance, this Authority designates Sefton Council’s Safeguarding Children’s Unit for this purpose.
- 5.10 The appropriate points of contact for the abovementioned responsible authorities, i.e. the person to whom copies of applications should be sent, are listed within Annex 2.

Delegation of decisions and functions

- 5.11 Licensing decisions and functions may be taken or carried out by the Licensing Committee, or delegated, where appropriate, to sub-committees or officers. The principal of delegation will be to ensure that decisions and functions, particularly non-contentious applications and purely administrative functions, are taken or carried out in a speedy, efficient and cost-effective way.
- 5.12 The delegation of decisions and functions will be as follows:

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

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- 5.13 Where there is licensing authority discretion as to the level of fee that may be set, the level of fee will be decided by the Licensing and Regulatory Committee.

Hearings

- 5.14 A hearing will be arranged to deal with any application that cannot be dealt with under delegated powers or resolved by agreement between applicants and ‘interested parties’ and/or ‘responsible authorities’. Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations.
- 5.15 Conditions may be attached to Licences where relevant representations are received. Any condition attached to a Licence will be related to one or more of the Licensing Objectives, and conditions will not relate to matters that are the subject of other legislation.

Review of licences

- 5.16 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities. However, it is for the Authority to decide whether or not the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below (as well as to consideration as to whether the request is considered to be frivolous or vexatious):
- i) It is in accordance with any relevant code of practice issued by the Commission;
 - ii) It is in accordance with any relevant guidance issued by the Commission;
 - iii) It is reasonably consistent with the licensing objectives; and,
 - iv) It is in accordance with this policy statement
- 5.17 The Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

Local risk assessments

- 5.18 The Commission’s Licence Conditions and Codes of Practice (LCCP) (issued in February 2015) requires operators to consider local risks in their applications.
- 5.19 As part of the application process licensees are required to submit a local risk assessment when applying for a new Premise Licence. An updated risk assessment must also be submitted:
- When applying for a variation of a Premise Licence
 - To take account of significant changes in local circumstances, including those identified in a licensing authority’s policy statement
 - When there are significant changes at a licensee’s premises that may affect their mitigation of local risks.

- 5.20 This Authority will require a licensee to share their risk assessment with it. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach the Authority and licensees should be able to reduce the occasions on which a premises review is required.

Local Area Profiles

- 5.21 Whilst this Authority does not currently have a Local Area Profile, as referenced in the Commission's Guidance, nonetheless its clear priority is to ensure that children and vulnerable persons are not harmed by gambling. To this end the Authority will expect applicants to research and understand the local environment in which they wish to operate and to demonstrate that they have effective and robust measures in place to promote this licensing objective and mitigate any risks related to it.
- 5.22 It should be noted that the Authority may develop a Local Area Profile setting out the local issues, local data, local risks and the expectations that it has of operators who either currently offer gambling facilities or wish to do so in the future. Should it do so it will be included as an Annex to this Statement.
- 5.23 In the absence of a Local Area Profile when considering applications for Premise Licences, permits and other permissions, and when determining whether to review a Licence, the Authority will still consider each application on its merits and relevant considerations are likely to include the type of gambling proposed and the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.

6.0 LICENSING CONDITIONS

Mandatory conditions

- 6.1 Mandatory conditions may be attached to Premises Licences by the Secretary of State under Section 167 of the Act. They can be attached generally to all Premises Licences, or may be attached to all Premises Licences of a particular type, or to a particular type of Premises Licences under certain specified circumstances.
- 6.2 The Secretary of State considers that mandatory conditions are most appropriate where there are basic minimum requirements to which all Premises Licence holders, or holders of a particular type of Licence, should adhere.
- 6.3 Once mandatory conditions are attached they can only be removed by further Secretary of State regulations. The Authority has no discretion to decide not to include them, or to modify them.

Default conditions

- 6.4 The Secretary of State considers the use of default conditions are most appropriate where a general industry or sector wide approach is desirable in order to assist national consistency, but where licensing authorities ought to be able to respond to local circumstances by altering those conditions if necessary.

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- 6.5 Section 169 of the Act gives licensing authorities the ability to exclude from Premises Licences any default conditions that have been imposed under section 168. However, as default conditions are considered to be the industry norm, and while licensing authorities are free to limit or remove them where appropriate, this Authority will only extend them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this Policy Statement.
- 6.6 There are conditions that the Authority cannot attach to Premises Licences, which are:
- Any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
 - Conditions relating to gaming machine categories, numbers, or method of operation;
 - Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and,
 - Conditions in relation to stakes, fees, winning or prizes
- 6.7 Any conditions attached to Premises Licences will be proportionate and will be:
- Relevant to the need to ensure that the premises are suitable to meet the licensing objectives and are suitable to provide facilities for gambling;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.
- 6.8 Decisions upon individual conditions will be made on a case-by-case basis. The Authority will expect the applicant to offer his/her own suggestions as to the way in which the Gambling Licensing Objectives can be met effectively. The Authority may, however, exclude a condition and substitute it with one that is either more or less restrictive. In this instance the Authority will give clear and regulatory reasons for so doing.
- 6.9 The Authority will consider specific measures that may be required for buildings subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.
- 6.10 The Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted that:
- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - Only adults are admitted to the area where these machines are located;
 - Access to the area where the machines are located is supervised;

- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

6.11 These considerations will apply to premises, including buildings, where multiple Premises Licences are applicable.

Door Supervisors

6.12 The Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example, by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

6.13 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether or not these supervisors need to be licensed by the Security Industry Authority will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance).

7.0 INFORMATION PROTOCOLS

7.1 Authorities are required to include in their Policy Statements the principles to be applied by them in exercising the functions under Sections 29 and 30 of the Act, with respect to the exchange of information between them and the Commission, and the functions under Section 350 of the Act with the respect to the exchange of information between them and the other persons listed in Schedule 6 to the Act.

7.2 The principle that this Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998, will not be contravened. The Authority will also have regard to any Guidance issued by the Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.0 ENFORCEMENT PROTOCOLS

8.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 This Authority's principles are that it will be guided by the Commission's Guidance and it will endeavour to be:

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- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

- 8.3 As per the Commission's Guidance this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.4 The Authority has, again as recommended by the Commission's Guidance, adopted a risk-based inspection programme.
- 8.5 The main enforcement and compliance role for this Authority in terms of the Act will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for the Operator and Personal Licences and it should also be noted that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Commission.
- 8.6 This Authority embraces the Department for Business Innovation and Skills' "Regulators Code" which came into force on 6th April 2014, and it's standards have been integrated into our regulatory culture and processes. The Authority supports the principals of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.

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Report to:	Cabinet Full Council	Date of Meeting:	29 th July 2021 16 th September 2021
Subject:	Capital Funding for Short-Term Assessment Unit		
Report of:	Executive Director of Adult Social Care and Health	Wards Affected:	All
Cabinet Portfolio:	Cabinet Member – Adult Social Care		
Is this a Key Decision?	Yes	Included in Forward Plan:	Yes
Exempt Confidential Report:	/ No		

Summary:

The Council is currently disposing of a site known as the Meadows in Ainsdale. The site is in Phase 1 of Asset Maximisation – Disposals Strategy.

Riverside Housing will be purchasing the site and will bring forward a redevelopment scheme consisting of 32 houses, 2 bungalows, 6 maisonettes and a 3-storey 90-unit extra care scheme.

The Council have requested as part of the development a purpose-built short-term assessment unit for Sefton residents to be built to meet the Council's needs which will be leased back on a long-term arrangement at a peppercorn rent for our use.

This paper describes the approach to supporting people with complex learning disability and/or autism and mental health and seeks approval for capital funding to support the development of this new state of the art short-term assessment unit which could accommodate up to 8 Sefton residents at any one time. The service which would operate from the building once developed is for adults who are at risk of crisis and require stepped up care which would prevent unnecessary hospital admissions and the use of out of area placements, providing care closer to home.

The service will be supported by a team of experienced and suitably trained care and support staff who will work with the person and their advocates to enable a comprehensive support plan to be developed

The service will also be able to facilitate and provide a place for two young people at any one time with learning disabilities and or autism, as they lead up to and make the transition from children to adults' service provision who may need a placement in a residential service to develop long term plans and a consistent approach the skills, knowledge and competencies required in transition.

This service will also enable us to ensure that we meet the national policy in respect of Transforming Care Programme and the intended outcomes around improving health and

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care services so that more people can live in the community, with the right support, and close to home whilst reducing the number of acute hospital admissions into mental health services.

The scheme will be built to a high specification and incorporate a Technology Enabled Care System and comply with the National Autistic Society standards throughout.

Recommendation(s):

Cabinet is recommended to:

- 1) Recommend to Full Council that it approves the supplementary capital estimate of £2.58m for inclusion in the capital programme (subject to a satisfactory lease agreement with Riverside). The Council has an Adult Social Care Capital budget made up of Disabled Facility Grant underspend held in the Better Care Fund. This development is within the conditions of the DFG grant. This proposal when completed will satisfy all conditions on the use of DFG funds.
- 2) Delegate the authority to agree a long-term lease for the short-term assessment unit between Riverside Housing and the Council to the Executive Director of Corporate Resources and Customer Services in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services.
- 3) Authorise the Executive Director of Adult Social Care and Health to undertake an open procurement exercise to procure the care and support provider who will meet the assessed care and support needs of those individuals who will reside within the new service.
- 4) Delegate decisions with regards to the procurement process for the care and support service, service specification, contract duration, consultation approach and tender evaluation criteria to the Executive Director of Social Care and Health in consultation with the Cabinet Member for Adult Social Care.
- 5) Delegate the decision on the awarding of the contract and any permitted extensions thereof, beyond the initial contract period, to the Executive Director of Social Care and Health in consultation with the Cabinet Member for Adult Social Care.
- 6) Note that officers will report back to Cabinet seeking approval to the terms of the land sale to Riverside Housing once the negotiations and external valuation purchase price has been confirmed. This will take account of deductions for demolition and abnormal foundation works, and the completion of independent valuation to satisfy best value considerations.

Reasons for the Recommendation(s):

- (1) The new service model reflects both local and national priorities to commission joined up health and social care services at place, that prevent hospital admission and support timely discharge from an acute setting, whilst improving outcomes for individuals accessing the service.
- (2) At present there are multiple commissioning arrangements in place, both in borough and out of borough, for some of the most complex individuals and the proposed new service model will enable us to commission a service that is focussed upon improving outcomes for individuals, whilst enabling the Council to achieve efficiencies through more cost-effective commissioning arrangements at place.

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

1. Do nothing – Continue to utilise current provision and out of borough placements which do not meet our needs and are financially unsustainable.
2. Redevelop existing building-based provision – this has been explored and discounted as an option and refurbishment and redevelopment of a number of existing respite facilities would be at a higher cost and the technology and space standards could not be integrated due to age of buildings. In addition, there would be a need to identify alternative services/placements whilst this happened for an extended period.
3. Design and build solely by the council would have an additional capital impact of £0.75m. By pursuing a partnership approach, we will be benefiting from the economies and capacity to deliver the scheme as part of the wider development.

What will it cost and how will it be financed?

(A) Revenue Costs

Revenue costs to deliver the new contract awarded for care and support within the scheme will need to be met from existing Adult Social Care budgets.

There are no immediate revenue costs associated with the project however costs will be in place before the scheme becomes operational.

Costs will include:

- Start-up costs 3 months
- Lease costs
- Running of the service.

Funding for these costs, when confirmed, will be from a mix of savings due to reductions in expensive out of borough placements and a review of existing service provision. Consultation around decommissioning current services would be required prior to any reallocation of budgets to fund the new contract.

Agenda Item 8

It is anticipated that based on current utilisation of out of area provision, sufficient savings should be available from financial year 2024/25 to fund any revenue costs.

A further report will be presented to Cabinet at the appropriate time.

(B) Capital Costs

Sefton will be required to use capital funding financed from the Disabled Facilities Grant allocation as part of the Better Care Fund to support the scheme currently estimated at £2.58m.

Implications of the Proposals:

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

Disposal of the Meadows ATC site and a capital receipt for the Council.

Revenue budget to deliver a reduced cost-based service from Quarter 3 2023/24

Legal Implications:

A formal lease arrangement between Sefton Council and Riverside Housing will be required to ensure that it is used as specified for a minimum term of 99 years.

Care Act 2014 – “The Care Act replaces the specific statutory duty to provide accommodation with a general duty to 'meet the needs' of a person who needs care and support. It is arguable that this will make it harder to obtain housing for people with eligible care needs.”

Lease agreement to be agreed between Sefton and Riverside to ensure that the service meets the needs of the Council.

Equality Implications:

No equalities implications identified. The proposed scheme will enable residents with care and support needs to access accommodation within the borough that is currently unavailable and only accessible outside of Sefton.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	N
Have a neutral impact	N
Have a negative impact	Y
The Author has undertaken the Climate Emergency training for report authors	Y

Increased housing will inevitably create additional carbon emissions for the council as a result of energy use in the new buildings, however, the impact can be mitigated by building to high environmental standards and result in a lower carbon footprint through decommissioning of older buildings that are less environmentally friendly.

Riverside Housing also have environmental targets and have achieved silver in the SHIFT (Sustainable Homes Index for Tomorrow) environmental accreditation process for two years running.

As part of the development of the new building we will also ask the Energy & Environmental Management Section team to be part of the planning process and advise on standards in relation to the design and to ensure a sustainable and low carbon building is delivered.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

During 2016 Sefton Council led on developing a new and exciting vision for the future of the borough. One pledge from the vision was to work together to ensure housing choice across all types and tenures across the Borough which will ensure Sefton people have housing choice.

Transforming care is all about improving health and care services so that more people can live in the community, with the right support, and close to home.

Facilitate confident and resilient communities:

This model of service supports and promotes independence, including ensuring that people who need care and support remain as part of, and can continue to access their local community.

Commission, broker and provide core services:

By authorising the capital funding this will ensure that new and appropriate facilities are provided in which statutory services will be delivered to vulnerable people.

The service will have a commissioned care and support team who will have the skills and competencies to manage the complexity of care and be skilled in assessment and person centred support planning – the staff team will have in reach from clinical support through MerseyCare and the Halton Positive Behaviour Service and we will require clinical supervision to be integral part of the service model

Place – leadership and influencer:

Executive Director for Adult Social Care and Health is responsible for integrated commissioning and this development meets strategic vision for Adult Social Care and Health in relation to promoting choice and control and ensuring that there are local

Agenda Item 8

services available for those in need. The service when developed will meet the requirements of Sefton's Market Position Statement.

Drivers of change and reform:

The proposed site has been released for housing development and will support the need to offer more suitable accommodation options and divert away from the more costly residential and out of Borough care model.

Facilitate sustainable economic prosperity:

Three key developments currently proposed in the Ainsdale locality can all support and underpin a sustainable economic prosperity.

Greater income for social investment:

This will be considered as part of the development of the scheme, the building contractor will be recruiting from the local workforce.

Cleaner Greener:

Increased housing will inevitably create additional carbon emissions for the council as a result of energy use in the new buildings, however, the impact can be minimised by building to high environmental standards.

What consultations have taken place on the proposals and when?

(A) Internal Consultation

The Executive Director Corporate Resources & Customer Services (FD6458/21) and the Chief Legal & Democratic Officer (LD4659/21) have been consulted and any comments have been incorporated into the report.

Internal engagement has happened in order to progress the concept of the service.

(B) External partners

External engagement with partnership/stakeholder has been ongoing over the past year with a focus on this provision:

- Riverside Housing.
- Mersey Care in relation to the clinical support.
- Sefton's Transforming Care Partnership Board and the Cheshire and Merseyside Transforming Care Programme.
- People who use services.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

Contact Officer:	Steven Metcalf
Telephone Number:	07815654469
Email Address:	Steve.metcalf@sefton.gov.uk

Appendices:

Appendix A Site Plan (the plan can only be viewed electronically)

Appendix B Scheme Plan (the plan can only be viewed electronically)

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 In Sefton 2.32% of the population are predicted to have a learning disability, and for individuals in receipt of adult social care provision some 3% of individuals have autism. A proportion of those will require a specialist or acute setting when their mental health deteriorates and often this can be out of area. Similarly, there are those who have support from a care provider but may require a specialist placement when their care package breaks down.
- 1.2 This paper describes the approach to supporting people with complex learning disability and/or autism and mental health through the development of a new building-based service which will reduce in some instances and prevent out of area and acute admission to hospital by providing a local service to assess and plan long term solutions and allow a period of respite when mental health deteriorates.
- 1.3 In order to progress with this approach capital funding is required to support the development of the new state of the art residential unit which could accommodate up to 8 Sefton residents on a short -term basis at any one time. The service which would operate from the building once developed is for adults with complex learning disability and/or autism and mental health who are in crisis in order to avoid out of area placements.
- 1.4 The service will be supported by a team of experienced and suitably trained care and support team who will work with the person and their advocates to enable a comprehensive support plan to be developed This facility will enable us to support residents who would otherwise be inappropriately placed out of borough or in residential and hospital settings.
- 1.5 The service will also be able to facilitate and provide a place for two young people at any one time with learning disabilities and or autism, as they lead up to and make the transition from children to adults' service provision who may need a placement in a residential service to develop long term plans and a consistent approach the skills, knowledge and competencies required in transition.
- 1.6 This service will also enable us to ensure that we meet the national policy in respect of Transforming Care Programme and the intended outcomes around improving

Agenda Item 8

health and care services so that more people can live in the community, with the right support, and close to home whilst reducing the number of acute hospital admissions into mental health services.

2. Person Centred Approach

- 2.1 The scheme will be built to a high specification and incorporate a Technology Enabled Care System and comply with the National Autistic Society standards throughout.
- 2.2 The proposal will offer a person-centred model of coordinated, care and support that will meet current and future demand making sure that people have access to the personalised care and skilled support that they need – when and where they need it and a support plan which will focus on move on and any future housing requirement tailored to long term need
- 2.3 A bespoke package of care will be developed for everyone which will be based around assessed needs to ensure people’s choice and preferences are met and that their presenting needs are understood and the team supporting them will have the requisite attitudes and knowledge.
- 2.4 We will ensure that dignity, compassion and respect is integral to all support delivered, supporting people to recognise and develop their own strengths and abilities to enable them to live more independent lives. the staff team will have in reach from clinical support through Mersey Care and the Halton Positive Behaviour Service and we will require clinical supervision to be integral part of the service model.

3. National Policy Context

3.1 Transforming Care

3.2 Transforming Care aims to improve the lives of children, young people and adults with a learning disability and/or autism who display behaviours that challenge including those with a mental health condition and is underpinned by the national plan – Building the Right Support.

3.3 The programme has 3 key aims:

- To improve quality of care for people with a learning disability and/or autism.
- To improve quality of life for people with a learning disability and/or autism.
- To enhance community capacity, thereby reducing inappropriate hospital admissions and length of stay.

3.4 The Transforming Care programme currently faces challenges of the robustness and flexibility of community provision, and there is also a need to provide more support to families and carers, so they are enabled and empowered to be skilled and resilient in their caring roles.

3.5 Currently the needs of the most complex 3-5% of the LD population is met by providers out of area, and the residential placements remove people from their

home environment, and away from their family and friends. Locally based specialist provision commissioned by the Local Authority can be maintained at a sustainable rate and can ensure agreed outcomes are met through the commissioning arrangements. Work will also continue across the Liverpool City Region to forecast future demand for specialist support services in order to reduce the burden on NHS services.

- 3.6 Commissioners have attempted to find solutions to the lack of provision for service users with complex needs/behaviours that challenge by working with the local LD provider market and across the Liverpool City Region and by providing this provision as an in-borough service going forward, we will be able to meet some of the requirements described earlier.

4. Mental Health

- 4.1 The NHS Long Term Plan outlines the commitment to improve and widen access to care for children and adults needing mental health support.
- 4.2 The transformation of community mental health services and the establishment of a new model of support is a key priority being taking forward by key stakeholders in line with national guidance to close the gap between primary and secondary care. This new model of support will be organised around Primary Care Networks and will improve access to Psychological therapies and other community-based services.
- 4.3 For individuals with more complex needs it is suggested that more specialist services should be commissioned that provide short term targeted interventions that prevent individuals going into crisis thereby, preventing inappropriate hospital admissions.

5. Existing provision

- 5.1 In developing this proposal an analysis of existing commissioned services was undertaken and by consolidating this type of provision into one service will provide consistency of care and support, enable clinicians to focus capacity and to wrap around those who need assessment and to reduce capital overheads in maintaining existing provision.
- 5.2 This proposal would enable us to release underused buildings for disposal. Existing building stock is not built to autism specification and design principles which has led to out of area placements across adult and young people's social care.
- 5.3 The proposed new service model will enable us to commission more cost effective provision

6. Proposed Location

- 6.1 In 2019 the Council received an approach from Riverside Housing Association in relation to the closure of a sheltered housing scheme located in Ainsdale. They provided the Council with an alternative solution in relation to purchasing a parcel of land that is currently owned by Sefton and is "derelict". The site known as the Meadows was in the Asset Maximisation: Phase 1 Disposals Programme presented

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to Cabinet in Jan 2020. Cabinet gave authority to officers to negotiate the terms of the disposal of the site. Heads of terms which set out the basic terms of the commercial transaction have been agreed. Riverside will be on site in August and September 2021 demolishing buildings so that they can undertake intrusive site investigations to confirm abnormal ground costs to be deducted from the market value land purchase price.

- 6.2 The site is situated in the local community and has good access to public transport, local amenities and facilities for carers and service users. The site previously housed an Adult Training Centre and offered day services so is known to some of the individuals/families.
- 6.3 Previously good links were established with the voluntary, faith and community services locally which could be re-established to promote social inclusion and strengthen local networks and the design of the environments will support the prevention of out of area placements and hospital admissions.
- 6.4 Riverside are now developing affordable homes for rent and shared ownership alongside a 90-unit Extra Care Housing Scheme at this site and in turn offer more suitable housing provision to the residents that would be affected by the closure of the sheltered scheme.
- 6.5 Further discussions around the land and our Adult Social Care needs also then moved to the requirement of a short-term residential assessment unit aimed particularly at residents with a Learning Disability and or Autism for whom at present are placed out of Borough or in more institutionalised residential and hospital settings.
- 6.6 The site is able to accommodate the new facility proposed in this paper and would also provide a housing pathway into the Extra Care Housing scheme once developed. Riverside Housing Association have a track record of providing supported housing to people with a learning disability.
- 6.7 An approach has been made to NHS England re possible grant funding for such a scheme that would support not just our needs but that of the Transforming Care Programme which is aimed at improving health and care services so that more people can live in the community, with the right support, and close to home. This is based on a national plan, Building the Right Support, published in October 2015. NHS England are now able to offer funding at this time, but a refreshed bid will be submitted which may offset Council resource.
- 6.8 The proposal is that Riverside Housing will procure the developer for the whole site. Riverside Housing are subject to public procurement regulations and as such would appoint a preferred developer through this route.

7. Finance

- 7.1 Forecasted costs provided by Riverside Housing are £2.58m and will cover the infrastructure and full construction of the scheme.

- 7.2 The above cost is based on the short-term accommodation unit being built as part of a wider development. To build the unit in isolation would cost an estimated extra £0.75m.
- 7.3 The Council are working in partnership with Riverside Housing to design the building specification to ensure it meets our commissioning intentions to provide a robust environment for individuals with complex support needs that meets the National Autistic Standards. The final specification will need to be agreed with the Council and signed off.
- 7.4 Riverside Housing comply with the Public Procurement (Amendment etc Regulations) (EU Exit) 2020 introduced to amend Public Contract Regulations 2015 which will ensure that due diligence has been taken when selecting and awarding the contract to develop the site.
- 7.5 Due to significant funding issues NHS England have faced over the past 12 months and unprecedented demand on resources a bid for capital funding to support this scheme was unsuccessful, and notification was received in February 2021 to confirm this from the Regional Housing Lead for Transforming Care & Learning Disabilities Programme.
- 7.6 It is proposed that the funding for the scheme will come from Sefton's block grant allocation from the Disabled Facilities Grant allocation as part of the Better Care Fund and is included in the Adult Social Care Capital Programme 2021/22.
- 7.7 The capital if approved will be released in three tranches subject to satisfactory completion of development stages.
- 7.8 The proposal will be to fund the scheme utilising the capital funding (Disabled Facilities Grant) over the next three financial years (2021/22, 2022/23 and 2023/24) and this will equate to £0.86per annum, with an accumulative cost of £2.58m based on current build costs and contingency fund.

8. Development and Procurement Approach Programme

- 8.1 The capital will be used for a new purpose built, high specification development consisting of 8 self-contained apartments, communal facilities, staffing facilities and an extensive outside environment that will meet the needs of people who display behaviours that challenge and who have a learning disability and/or autism and mental health.
- 8.2 Anticipated timeline:
1. Full planning application expected July/August 2021
 2. Start on site Q4 21/22
 3. Completion Q3 23/24
- 8.3 Architects have been appointed at risk by Riverside and Site/Scheme schematics and drawings in consultation with Sefton produced (**See Appendix A & B which can only be viewed electronically**).

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- 8.4 Riverside have agreed Heads of Terms with the Council's Property and Facilities Management Team for the land and the transaction for the land is expected to be completed Q4 2021. A full planning application was submitted by Riverside and validated by the LPA in November 2020.
- 8.5 Steps being taken to conclude the commercial transaction include:
- Riverside entering into Licence Agreement (by end of July 21) to allow them to progress demolition works and progressive intrusive site investigations.
 - Riverside to confirm the tendered cost of demolition works and abnormal foundation costs on the back of intrusive site investigations.
 - An independent valuation will then be prepared, and a Cabinet Paper submitted to seek final approval to the disposal. The disposal is forecast to be concluded in the 2021/22 financial year.
- 8.6 The mobilisation of the scheme is anticipated from Autumn 2021 with an expected delivery timeline of 110 weeks with a completion date expected Q3 2023/24.
- 8.7 Riverside will retain overall ownership of the building and maintain as and when required including all servicing and contractual building obligations. A lease agreement for a minimum term period of 99 years will be provided by Riverside to Sefton subject to Cabinet Member approval.
- 8.8 A procurement exercise will be undertaken to appoint a care and support provider to deliver the service in accordance with the agreed service specification during 2022/23.

9. Engagement and Co-design Approach

- 9.1 Co-production will be at the forefront throughout the development process and will be presented to the Engagement and Partnership board for approval with oversight from the Sefton Transforming Care Board chaired by Cabinet Member for Adult Social Care. This approach will involve:
- Current residents who utilise provision across the Borough who have a learning disability
 - Younger adults in transition.
 - Residents out of Borough and or in hospital settings.
 - Parents and carers including older carers
 - Conversations to held with all key stakeholders
 - Understanding the needs of the residents who cannot currently access services and our future young people coming through transition.
 - Co-designing the internal and external environment and co-designing the model of care and support required.



- SOFT LANDSCAPE**
- Existing Trees to be Retained**
Trees to be retained and protected in line with B55837:2012.
 - Proposed Medium Size Tree**
To be 14-16cm girth, Extra Heavy Standard, 400-500cm high. Tree to be native or ornamental. Species: Betula pendula, Sorbus aria, Malus tschonoskii.
 - Proposed Small Ornamental Trees**
To be 10-12cm girth or multistem specimen 300-350cm high. Species: Amelanchier lamarckii, Prunus 'Spire', Cornus kousa 'China Girl'.
 - Proposed Ornamental Shrubs and Perennials**
Proposed shrubs and flowering herbaceous plants to be planted as 3-5L pots at 3-5 per sq.m. with individual specimen shrubs.
 - Proposed Semi Native Buffer Mix**
Proposed mix of native and ornamental shrubs along the boundaries to provide substantial buffer. Planted at 3 plants per sq.m.
 - Proposed Grass in Front Gardens and Care Home**
To be turf.
 - Proposed Grass in Back Garden**
To be seeded.
- HARD LANDSCAPE**
- Proposed Tarmac for Roads and Footpaths**
 - Proposed Resin Bonded Paving for Circulation Paths**
In Buff colour.
 - Proposed Pedestrian Flag Paving**
For patios. In Buff colour. Saxon Textured Flag Paving, 450 x 450 x 50mm as supplied by Marshalls or similar approved.
 - Proposed Block Paving for Driveways**
Tegula concrete sett paving, 120 x 240 x 80mm, in Traditional colour, as supplied by Marshalls or similar approved.
- BOUNDARY TREATMENT**
- Existing Timber Fence to be Retained**
 - Proposed 1.8m High Timber Fence with Pedestrian Gate**
- FEATURES / FURNITURE**
- Proposed Garden Feature**
Timber Obelisk, bird table or garden sculpture.
 - Proposed Timber Benches**
Proposed curved and straight timber bench.
 - Proposed Timber Dining Set**
 - Proposed Wheelchair Accessible Planter**
To be planted by residents.
 - Proposed Greenhouse**
Zero threshold door system, wheelchair accessible.
 - Proposed Timber Shed**
 - Proposed Covered Arbour Seat**
To be planted with climbers.
 - Proposed Wooden Pergola**
Pergola with thick notched beams and growing lattice. To be planted with climbers
 - Proposed Timber Gazebo**

- SOFT LANDSCAPE**
- Existing trees to be retained**
 - Proposed ornamental shrubs within respite and care home garden**
will provide stimulation with colour, smells and sounds. Only non-poisonous plants to be used.
 - Seating area with focal point and benches**
to be framed by sensory ornamental plants.
 - Indicative Existing Trees**
- HARD LANDSCAPE**
- Gazebo**
 - Seating Area**
 - Rose arbour**
 - Sub Station**
 - Staff Office**
 - Foyer**
 - Hair**
 - Hobbies Room**
 - EXTRA CARE FACILITY**
 - Bistro**
 - Communal Lounge**
 - Plant**
 - Patio**
 - Sensory Garden**
 - Private patios for ground floor apartments.**
 - Garden club - activity area with wheelchair accessible planters, greenhouse, shed and seating.**
 - Proposed native buffer mix along the brook.**

- BOUNDARY TREATMENT**
- Existing Timber Fence to be Retained**
 - Proposed 1.8m High Timber Fence with Pedestrian Gate**

REVISION NOTES

Rev	By	Description	Date
A	TJ	Scale bar added	16.10.20

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- The Contractor is responsible for accurately ascertaining the position of underground services and responding to all relevant service easement requirements.
- All dimensions are in millimetres unless stated otherwise, for the purposes of construction this drawing must not be scaled and only written dimensions used. Written and scaled dimensions to be checked on site, any discrepancies reported prior to work commencing. IF IN DOUBT PLEASE ASK.
- All work and materials are to be in accordance with the relevant British Standards and Code of Practice.
- All Proprietary products are to be used strictly in accordance with the manufacturer's instructions and details.

Client: **Riverside**
Project: **Sandbrook Road, Ainsdale**
Description: **Landscape Layout**
Status: **For Approval**

Scale @ A2	Drawn	Checked	Date
1:500	MW	CT	30.09.20
Job number	Drawing number	Revision	
3666	101	A	

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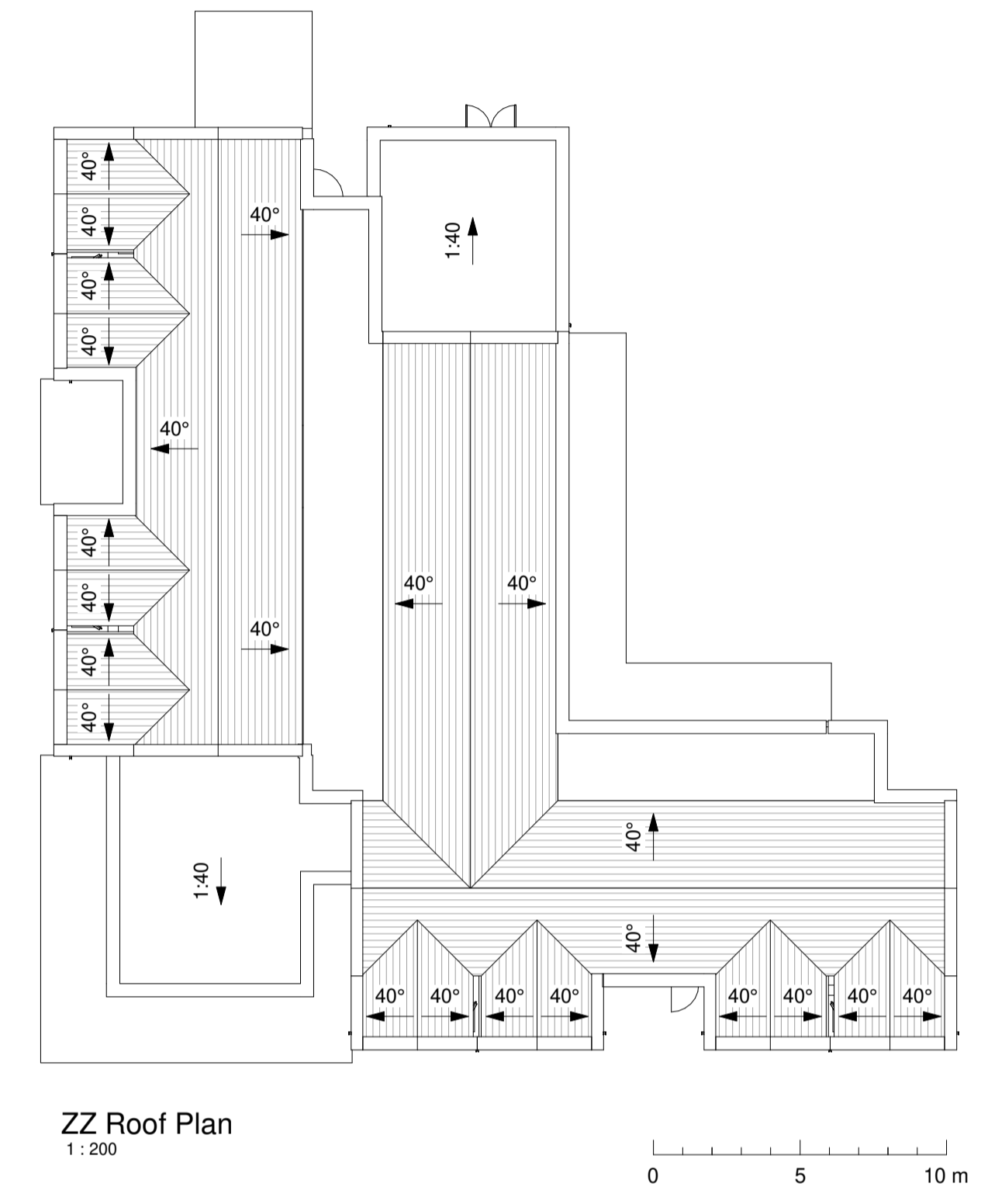
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Schedule of Accommodation Overview	
Type	Total Area
Circulation	237 m ²
Communal	140 m ²
Lower 1 Bed Apartment	196 m ²
Plant	11 m ²
Private	91 m ²
Upper 1 Bed Apartment	253 m ²
Grand total	929 m ²

Schedule of Apartments			
Level	Type	Area	No.
00 Ground Floor	Lower 1 Bed Apartment	49 m ²	4
01 First Floor	Upper 1 Bed Apartment	63 m ²	4
01 First Floor	Upper 1 Bed Apartment	63 m ²	4
Grand total			8

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REV.	DATE	DESCRIPTION	BY:
A	21.7.20	Additional Detail Shown	PO
B	4.8.20	Revised to client comments	PO
C	14.8.20	Roof Plan Added	PO
D	18.9.20	Planning Issue	PO
E	13.11.20	Upper Apartments Combined to make 4 large apartments	PO



CLIENT: Riverside

PROJECT: New Residential Development Sandbrook Road, Ainsdale, PR8 3RG

DRAWING NUMBER: **20002-120-E**

DRAWING TITLE: Respite Proposed Plans

STATUS: **PLANNING**

SCALE: As indicated@A1 DATE: 10.7.20 BY: PO CHECKED: SH

Agenda Item 8

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Agenda Item 9

Report to:	Council	Date of Meeting:	16 September 2021
Subject:	Audit and Governance Annual Report 2020-21		
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:

To present formally the Annual Report of the Audit and Governance Committee including the Work Programme for 2021/22 and the Terms of Reference of the Committee.

Recommendation:

That Council be requested to approve the Annual Report of the Audit and Governance Committee.

Reasons for the Recommendations:

To comply with the Terms of Reference of the Committee as set out in Chapter 7 of the Councils Constitution.

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

No alternative options have been considered – To comply with the formal reporting mechanism.

What will it cost and how will it be financed?

There are no direct financial implications arising from this report.

(A) **Revenue Costs** – see above

(B) **Capital Costs** – see above

Implications of the Proposals:

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Resource Implications (Financial, IT, Staffing and Assets):	
None	
Legal Implications:	
None	
Equality Implications:	
There are no equality implications.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	Neutral
Have a neutral impact	Neutral
Have a negative impact	Neutral
The Author has undertaken the Climate Emergency training for report authors	Yes
<p>There are no direct climate emergency implications arising from this report. Any climate emergency implications arising from matters referred to in the Annual Report would have been contained in reports when they were presented to Members during the previous year; or will be contained in future reports during the forthcoming year.</p>	

Contribution to the Council’s Core Purpose:

Protect the most vulnerable: None directly applicable to this report
Facilitate confident and resilient communities: None directly applicable to this report
<p>Commission, broker and provide core services: Good governance is about how the Council ensures that it is doing the right things, in the right way, for the communities we serve. Good governance will enable the Council to pursue its vision and secure its agreed objectives in the most effective and efficient manner.</p>
Place – leadership and influencer: None directly applicable to this report
Drivers of change and reform:
None directly applicable to this report
Facilitate sustainable economic prosperity: None directly applicable to this report

Greater income for social investment: None directly applicable to this report

Cleaner Greener: None directly applicable to this report
--

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6522/21) and the Chief Legal and Democratic Officer (LD.4723/21) 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 Council meeting.

Contact Officer:	Ruth Harrison
Telephone Number:	Tel: 0151 934 2042
Email Address:	ruth.harrison@sefton.gov.uk

Appendices:

Appendix 1: The Annual Report of the Audit and Governance Committee

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. Audit and Governance Annual Report 2020/21

1.1 Chartered Institute of Public Finance and Accountancy (CIPFA) Position statement on Audit Committees states that Audit Committees are a key component of an authority's governance framework. Their function is to provide an independent and high level resource to support good governance and strong public financial management.

1.2 The Position also states that "The audit committee should be held to account on a regular basis by the group to which it is accountable. For a local authority audit committee, this will be the council. The aspects that should be specifically considered include:

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- whether the committee has fulfilled its agreed terms of reference
- whether the committee has adopted recommended practice
- whether the development needs of committee members have been assessed and whether committee members are accessing briefing and training opportunities
- whether the committee has assessed its own effectiveness or been the subject of a review and the conclusions and actions from that review
- what impact the committee has on the improvement of governance, risk and control within the authority.

- 1.2 Within the Chartered Institute of Public Finance and Accountancy (CIPFA) model Terms of Reference (2018), which the Council adopted in May 2021, there is a requirement to publish an annual report on the work of the committee as well as to report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 1.3 The proposed requirement stems from good practice to outline an Annual Report of the Audit and Governance Committee to the Council setting out all the activities/decisions taken by the Committee during that year. The report should as a result enhance accountability of the Committee and its decision making and good governance
- 1.4 The Annual Report of the Audit and Governance Committee outlines the Committee's work and achievements over the year ending 31 March 2021 and demonstrates to residents and Council stakeholders the important role that is carried out by the Committee and its contribution to the Council's overall governance arrangements.
- 1.5 Following adoption of the model Terms of Reference of the Committee, by the Council in May 2021 this is the first Audit and Governance Annual Report that has been produced and approved by the Chair of the Committee. The Annual Report along with the Work Programme of the Committee will be developed further over the following 12 months to ensure that the Committee is effective in addressing all elements of the newly adopted model Terms of Reference. The Audit and Governance Committee can expect to receive reports in relation to the Complaints process and Complaints that have been considered by the Audit and Governance Sub Committee, Whistleblowing, Money Laundering and any other ad hoc reports as set out in the Terms of Reference. Appendix 2 to the report sets out the Work Programme of the Committee which consists of a schedule of Meetings for the Committee and the reports that will be considered at each of those Meetings. The Work Programme for each Municipal Year is an important element of Planning the Year ahead as it ensures that the Committee remains on target in reviewing the effectiveness of the Committee and is effectively monitoring/ reviewing the Terms of Reference of the Committee (Appendix 3 to the report). Appendices 2 and 3 should work hand in hand in that all elements of the Terms of Reference should be monitored through the submission of reports/briefings of the Committee. It is also important to note that an element of flexibility in relation to the Work Programme should be applied in order that any ad hoc/urgent pieces work may be undertaken/reviewed by the Committee as and when required.



**Audit and Governance
Committee
Annual Report 2020-2021**

**Councillor Dave Robinson
Chair**

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Introduction by the Chair of the Audit and Governance Committee



It gives me great pleasure to introduce the 2020/21 Annual Report of the Audit and Governance Committee.

The report informs the Council of the broad range of work undertaken by the Committee in fulfilling its Terms of Reference and in doing so provides assurances on the effectiveness of the Committee in meeting its obligations.

The Committee's Terms of Reference were developed in accordance with the CIPFA guidance and the detailed Committee Work Programme provides further assurances that the Terms of Reference are reviewed.

The impact of the Covid pandemic has meant that the Council has had to adapt to new ways of working and in doing so the Council worked at pace to provide Members with a remote Meeting solution and as such Members met remotely during the year 2020/21. I wish to place on record my appreciation to the Executive Director of Corporate Resources and Customer Services and his team for all their hard and work and continued support to members in ensuring the success of meeting remotely.

I look forward to working with Committee members and officers who support the Committee during 2021/22.

1.0 INTRODUCTION

1.1 The purpose of the Audit and Governance Committee is to:

- provide independent assurance to the Council in respect of the effectiveness of the Council's governance arrangements, risk management framework and the associated control environment; and
- independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment.

1.2 The key benefits of an effective audit Committee are:

- increasing awareness regarding the effectiveness and continued development of the Council's governance arrangements;
- providing additional assurances on the robustness of the Council's governance arrangements through a process of independent and objective review;
- reducing the risks of illegal or improper acts;
- increasing public confidence in the objectivity and fairness of financial and other reporting;
- contributing to performance improvements in assurance levels and awareness of the need for strong internal control including the implementation of audit recommendations;
- reinforcing the importance and independence on internal and external audit and similar review processes; and
- promotes high standards of ethical behaviour by developing, maintaining and monitoring performance and Codes of Conduct for Members of the Council (including co-opted members and other persons acting in a similar capacity).

2.0 YEAR 2020/21

2.1 The Audit and Governance Committee has delegated responsibilities from Council. This report provides details of how the Committee has discharged those responsibilities and delivered against its terms of reference which can be found in the Council's Constitution.

2.2 Meetings of the Audit and Governance Committee were held on the following dates during 2020/21:

- 16 September 2020
- 16 December 2020
- 17 March 2021

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The meetings scheduled to take place on 24 June 2020 and the special meeting for consideration of the 2019-2020 Statement of Accounts on 22 July 2020, had to be cancelled due to the Covid Pandemic.

More information on the Audit & Governance Committee Meetings, including agendas and minutes is available at the following link: [Sefton Council](#)

Internal Audit

To support the Committee in monitoring progress of Internal Audit work within the year the following reports were presented

Meeting	Reports
16 September 2020	Annual Report and Opinion of the Chief Internal Auditor
16 September 2020	Internal Audit Charter and Annual Internal Audit Plan 2020/21
16 December 2021	Risk and Audit Performance Report – IA performance and revision to the Annual Internal Audit Plan 2020/21
17 March 2021	Risk and Audit Performance Report – IA performance
17 March 2021	Internal Audit Charter and Annual Internal Audit Plan 2021/22

Risk Management

To support the Committee in the management of risk within the council during the year the following reports were presented

Meeting	Reports
16 September 2020	Risk and Audit Service Performance
16 September 2020	Corporate Risk Management – Risk performance
16 December 2020	Corporate Risk Management
16 December 2020	Risk and Audit Service Performance – Risk performance
17 March 2021	Corporate Risk Management
17 March 2021	Risk and Audit Service Performance – Risk performance

Accounts, Financial Statements & Treasury Management

Financial management as a result of the COVID pandemic took on additional importance and complexity during the year, especially in respect of treasury management activities- to support the committee, the following reports were presented

Meeting	Reports
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16 September 2020	Draft Statement of Accounts 2019/20
16 September 2020	Treasury Management Position July 2020
16 September 2020	Treasury Management Outturn 2019/20
16 December 2020	Statement of Accounts 2019/20
16 December 2020	Treasury Management Mid-Year Report 2020/21
17 March 2021	Statement of Accounts 2019/20
17 March 2021	Financial Management Code
17 March 2021	Treasury Management Position to January 2021
17 March 2021	Write off of Irrecoverable Debts > £10,000

Information Governance/Constitution Updates

Within the financial year significant work was undertaken on the Council's governance arrangements and issues in relation to the constitution. These issues were presented to the Audit and Governance committee in advance of progression to council for approval and are reflected below

Meeting	Reports
16 September 2020	Financial Procedure Rules
16 December 2020	Amended Data Protection and Confidentiality Policy
16 December 2020	ICT Security Policy
16 December 2020	Sefton Council Anti-Money Laundering Policy
17 March 2021	Audit and Governance Terms of Reference
17 March 2021	Members Code of Conduct
17 March 2021	Revisions to the Employee Code of Conduct
17 March 2021	Amendments to the Constitution – Highways and Counter Terrorism and Security Act
17 March 2021	Proposed changes to the Constitution in relation to Planning Committee

3.0. ASSURANCE ACTIVITY 2020/21

- 3.1 In order for the Committee to draw conclusions about the effectiveness of the Council's internal control framework, governance and risk management it gained assurances from a number of sources.
- 3.2 The Accounts and Audit (England) Regulations 2015 require the Council to maintain an adequate and effective internal audit which is discharged by the Section 151 Officer. The Chief Internal Auditor works with Internal Audit to provide assurances for both Members and management on the effectiveness of the control framework.
- 3.3 The Committee received and considered reports in relation to the Annual Report and Opinion of the Chief Internal Auditor that provided a summary of the work of internal audit during 2019/20 and the Chief Internal Auditor's opinion on

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the overall control environment operating within the Council during the year. This report is a key requirement of the Public Sector Internal Audit Standards. As part of the Chief Internal Auditors reporting the impact of the Covid pandemic for 2019/20; the transition to homeworking by officers – which had gone smoothly; the substantial change in the risk environment of the Council and a revised audit plan that had been drafted to identify the new risks were reported and considered.

- 3.4 The Committee also received regular updates in relation to the performance and key activities of the Risk and Audit Service to each Meeting and agreed revisions to the Internal Audit Plan for 2020/21.

4.0 Risk Management

- 4.1 Risk Management continues to be key component to service planning and regular monitoring of the corporate risk register is a vital role of the Committee. The Committee routinely received reports in that respect. Throughout 2020/21 risks had been re-scored in accordance with the revised assessment guidance included in the Corporate Risk Management handbook approved by the Committee in December 2019 and a revised Corporate Risk Management handbook was provided to all Members of the Committee. Members welcomed the newly adopted regime of receiving a short presentation from a risk owner on one of the risks listed in the Corporate Risk Register, this provides Committee Members with further insight of risks associated with particular service areas and allows for a further layer of scrutiny and challenge. During 2020/21 the Committee received presentations from the Service Manager, Special Educational Needs and Disability – SEND and the Service Manager ICT and Digital in relation Cyber Security.

- 4.2 The Committee also considered and regularly reviewed the performance and key activities of the Risk and Audit Service from December 2019 – March 2021 and where provided with Internal Audit Plans and contributions made by Health and Safety, Insurance, Assurance and Risk and Resilience teams.

5.0 Treasury Management

- 5.1 The Audit and Governance Committee has a responsibility to provide a level of scrutiny in relation to treasury management policies and practises and as such the Committee considered the treasury management outturn position for the period 2019/20 which provided a review including the implications of changes resulting from regulatory, economic and market factors affecting the Council's treasury management position along with the treasury management activities undertaken to 31 March 2020. The Committee also considered quarterly progress reports on the treasury management and performance against prudential indicators. As a result of the pandemic , the councils Treasury Management activities took on even greater importance especially around cash

flow management and the investment of significant grant sums that the council was distributing on behalf of central government- these were reported continually to Audit and Governance committee through the year and council in accordance with the agreed Strategy.

6.0 Statement of Accounts and External Auditors

- 6.1 At its meeting held on 16 September 2020 the Committee considered the draft un-audited Statement of Accounts 2019/20 in advance of the final audited Draft Statement of Accounts to be presented for approval in December 2020.
- 6.2 The Committee also considered the report by Ernst and Young LLP, the Council's external auditors, setting out an overview of the 2019/20 audit strategy, including an assessment of key risks and a planned audit strategy in response to those risks, changes to the plan as a result of the Covid19 pandemic were highlighted. Members scrutinised the draft statement of accounts robustly by asking questions of both the Section 151 Officer and the Council's external auditor.
- 6.3 The Committee were provided with regular updates relating to the progress of the Statement of Accounts for 2019/20. The final audited Statement of Accounts 2019/20 was considered on 17 March 2020 and included the Annual Governance Statement for consideration and approval. In addition, the proposed 'Letter of Representation' letter from Sefton Metropolitan Borough Council to the External Auditors - Ernst & Young LLP (EY), was also considered.
- 6.4 The Statement of Accounts 2019/20 provided information about the Authority's finances in respect of the cost of the Authority's services and what the Authority's assets and liabilities were at the end of the year.
- 6.5 The Committee also were provided with details of the Comprehensive Income and Expenditure Statement; the Movement in Reserves Statement, the Balance Sheet; Cash Flow Statement; Notes to the Financial Statements – Expenditure and Funding Analysis; Other Notes to the Financial Statements; the Collection Fund; Group Accounts; the Annual Governance Statement and the Report of the Independent External Auditors (Ernst and Young (EY) LLP).
- 6.6 The EY audit had focused on the following areas with no significant issues having been found:
- Risk of fraud in revenue and expenditure recognition;
 - Misstatements due to fraud or error (management override of controls);
 - Risk of error in valuation of pension fund assets and liabilities in the Local Government Pension Scheme; and,
 - Valuation of land and buildings.

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7.0 Committee Working Arrangements

7.1 The Committee's Work Programme is a rolling and flexible schedule of work that should be undertaken by the Committee. The programme is designed to ensure that the Committee remains on track with its ambitious schedule of work. Due to the pandemic the Committee met three times during 2020/21 and the Annual Report illustrates the depth of scrutiny undertaken by the Committee.

7.2 The Committee considered items which are presented annually, such as:

- review of the Committees Terms of Reference of the Committee;
- the Annual Governance Statement;
- the Chief Auditors Opinion;
- the Statement of Accounts;
- review of the Corporate Risk Management Handbook;
- review of the Members Code of Conduct;
- review of the Financial Procedure Rules;
- Audit Plans; and

any such other items that fall within the Committees Terms of Reference.

7.3 At its Meeting held on 16 December 2020 the Committee, in accordance with the accountability principle under Article 5 of the General Data Protection Regulation and Data Protection Act 2018, the Council is required to put in place appropriate technical and organisational measures to meet the requirements of accountability; and adopting and implementing a data protection policy was one of those measures and as such the Committee reviewed and amended the Data Protection and Confidentiality Policy which was first created in January 2014. The Policy had subsequently been reviewed a number of times and would continue to be reviewed on an annual basis. The revisions agreed at its meeting held on 16 December 2021 included details of the enforcement action the Information Commissioner's Officer (ICO) might take against a data controller, including the fines which might be imposed, details of the criminal offences under the Data Protection Act 2018, payment of the Data Protection fee and additional information on the Council's Information Governance framework. It was noted that a small number of revisions would be made in January to reflect technical amendments resulting from the UK GDPR.

7.4 The Committee also agreed the ICT Acceptable Use Policy and recommended it to the Council for approval with a request to remove the ICT Starters, Movers and Leavers Policy given the managerial operational nature of the policy and it not being appropriate for the Constitution.

7.5 At its Meeting held on 17 March 2021 the Committee reviewed its Terms of Reference and in order to comply with best practice as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) approved the proposal to adopt the model CIPFA Terms of Reference. The Committee also agreed to include additional responsibilities that the Council's Audit and

Governance Committee had, which were not included in the model Terms of Reference, including:

- To consider the Council's arrangements for health and safety and receive regular assurances and assessments on the effectiveness of these arrangements.
- To consider write-offs of debt above £10,000.
- To have responsibility for all standards issues relating to the Council's Members' Code of Conduct
- To recommend changes to the Council's Constitution

7.6 The Committee also approved the monitoring of the Counter Fraud/ bribery strategy, actions and resources and as such a revised and enhance Work Programme to incorporate the amended Terms of Reference would be considered.

7.7 The Committee considered, agreed and referred the model Members Code of Conduct to Council for approval and inclusion in the Constitution. The LGA described the model code as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government' and guidance followed in April 2021. Training would be provided to all Members of the Council/Independent Persons and Co-opted Members.

7.8 The Committee also reviewed the Employee Code of Conduct and as such referred the report onto Council, the Council approved the revisions to the Employee Code of Conduct and that the Constitution be amended accordingly.

7.9 The Committee considered amendments to the Constitution in relation to the Highways and Counter Terrorism and Security Act and more specifically delegated powers to the Head of Highways and Public Protection granting authority to enter into s38 and s278 Highways Act 1980 agreements and to make and amend Traffic Regulation Orders with regards to Disabled Parking Places outside people's homes. To comply with the 2020 statutory guidance issued pursuant to the Counter Terrorism and Security Act 2015 the Committee agreed to include the responsibilities under the Counter Terrorism and Security Act 2015 within the portfolio the Cabinet Member for Communities and Housing.

7.10 The Committee considered the Financial Management Code which provided an assessment of the Council's current compliance with the Chartered Institute of Public Finance and accountancy (CIPFA) Financial Management Code and aimed at ensuring a high standard of management in local authorities.

The Committee also approved changes to the Constitution in relation the Planning Committee and the Council's planning powers and more specifically matters delegated to the Planning Committee to ensure that the more significant types of applications would be reported to Committee and those which were more routine would not be reported to Committee, thereby resulting in the more efficient management of Planning Services' workload and minor changes in

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relation to the submission of petitions and the public speaking process were approved.

8.0 Outcomes / Achievements

8.1 The work undertaken by the Committee has provided additional assurance of the robustness of the Council's arrangements regarding corporate governance, risk management and internal management of controls. The Committee has added value through the importance placed upon governance issues, risk management, anti-fraud and assurances that key risks are being mitigated.

9.0 Conclusion

9.1 The Committee has the benefit of being well supported by Council officers including the Section 151 Officer, the Monitoring officer and the Chief Internal Auditor as well as the Council's external auditors.

9.2 During 2020/21 the Audit and Governance Committee has consolidated the progress that has been made in previous years in providing robust scrutiny and challenge of the Committees Terms of Reference and in doing so the Committee has continued to have a real and positive contribution to the governance arrangements of the Council. In order to build on the key achievements of 2020/21 and in looking forward to the Committee's work programme for 2021/22 the Committee will:

- Continue to review all elements of the governance arrangements associated with Audit and Governance Committee ensuring that best practise is adopted in a timely fashion;
- Continue to support the Council in managing the risk of fraud and corruption;
- Continue to support the work of audit;
- Continue to consider the effectiveness of the Council's risk management arrangements; and
- Continue to provide effective challenge and scrutiny of all areas of the Audit and Governance Terms of Reference giving the appropriate assurances to the Council;

Report to:	Council	Date of Meeting:	16 September 2021
Subject:	Treasury Management Outturn 2020/21 and Position to July 2021		
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:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This outturn report provides Members with a review of the Treasury Management activities undertaken to 31st March 2021 and also provides an update to 31st July 2021. Council receives this outturn report to allow monitoring against the Treasury Management Policy & Strategy and Prudential Indicators approved by Cabinet and Council in February 2020. This report is also provided to Audit & Governance Committee, whose role it is to carry out scrutiny of treasury management policies and practices. The update to 31st July 2021 reflects an updated position from that previously reported to Cabinet in July which included an update to 31st May 2021.

Recommendation(s):

Members are requested to note the Treasury Management position to 31st March 2021 and the update to 31st July 2021, 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(s):

To ensure that Members are fully apprised of the treasury activity undertaken to 31st March 2021 and to 31st July 2021 in order 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**
None

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(B) Capital Costs
None

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): A shortfall in investment income has been experienced for 2020/21 financial year and is expected to continue into 2021/22 due to prevailing market conditions.</p>									
<p>Legal Implications: The Council has a statutory duty under the Local Government Act 2003 to review its Prudential Indicators and Treasury Management Activities.</p>									
<p>Equality Implications: There are no equality implications.</p>									
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will</p> <table border="1"> <tr> <td>Have a positive impact</td> <td>N</td> </tr> <tr> <td>Have a neutral impact</td> <td>Y</td> </tr> <tr> <td>Have a negative impact</td> <td>N</td> </tr> <tr> <td>The Author has undertaken the Climate Emergency training for report authors</td> <td>N</td> </tr> </table> <p>The Council has during 2020/21, invested its reserves and balances overnight with either banks or money market funds in order to maintain high security and liquidity of such balances. It has not had the opportunity to invest in longer term financial instruments or investment funds for which there may be a chance to consider the impact on the Council's Climate Emergency motion.</p> <p>In the event that the Council has more surplus balances available in future that may lead to longer term investing, the Council will take account of the climate emergency when discussing the options available with the Treasury Management Advisors.</p>		Have a positive impact	N	Have a neutral impact	Y	Have a negative impact	N	The Author has undertaken the Climate Emergency training for report authors	N
Have a positive impact	N								
Have a neutral impact	Y								
Have a negative impact	N								
The Author has undertaken the Climate Emergency training for report authors	N								

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: Good treasury management supports strategic planning and promotes 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 (FD6507/21) is the author of the report.

The Chief Legal and Democratic Officer (LD4708/21) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

The Council's external Treasury Management Advisors: Arlingclose have provided advice with regards to Treasury Management activities undertaken during the financial year.

Implementation Date for the Decision

Immediately following the meeting.

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

Appendices:

None

Background Papers:

There are no background papers available for inspection.

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BACKGROUND:

1. Introduction

- 1.1. The CIPFA Prudential Code for Capital Finance in Local Authorities (The Prudential Code) was introduced following the Local Government Act 2003. The Prudential Code details a number of measures / limits / parameters (Prudential Indicators) that, to comply with legislation, must be set in respect of each financial year to ensure that the Council is acting prudently and that its capital expenditure proposals are affordable.
- 1.2. A requirement of the Prudential Code is the reporting to Cabinet and Full Council of the outturn position of indicators following the end of the financial year. In accordance with this requirement, this report outlines the 2020/21 outturn for the following Prudential Indicators:-
 - i. Capital Expenditure (Section 2);
 - ii. Capital Financing Requirement (Section 3.1);
 - iii. Gross Debt and the CFR (Section 3.2);
 - iv. Borrowing Limits (Section 3.3);
 - v. Financing Costs as a proportion of Net Revenue Stream (Section 3.4);
 - vi. Treasury Management Indicators (Section 6).
- 1.3. The Treasury Management Policy and Strategy Statements are agreed annually by the Council as part of the budget process. A requirement of the Policy Statement is the reporting to Cabinet and Full Council of the results of the Council's treasury management activities in the previous year. Treasury management in this context is defined as:

'The management of the authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'
- 1.4. In accordance with the above this report outlines the results of treasury management activities undertaken in 2020/21 covering the following issues:
 - borrowing strategy and practice
 - compliance with Treasury Limits
 - compliance with Prudential Indicators
 - investment strategy and practice.
- 1.5. The Council's Treasury Management activities have been under significant pressure throughout 2020/21 as a result of the Covid-19 pandemic. At the onset of the crisis the exact impact was unknown although it soon became clear that pro-active management and in particular the management of cash balances was key to ensuring cash was available in response to exceptional need. The cash position was reported to the MHCLG to ensure the Council could continue to operate effectively and had significant balances available for grant awards and payments to support residents and local business.
- 1.6. The results of treasury management activities in 2020/21 are reflected in the net expenditure on Capital Financing Costs included within the Council's Revenue

Budget. The Capital Programme is also agreed annually as part of the budget process. It sets out the anticipated capital expenditure to be incurred within the year.

2. Capital Expenditure

- 2.1. The original estimate for 2020/21 expenditure together with the actual capital expenditure calculated on an accruals basis for the financial year is as follows:

	Estimate £m	Actual £m
Capital Expenditure	56.817	26.203

- 2.2. Capital expenditure in 2020/21 was £30.614m less than the original estimate reported in February 2020. The Council has therefore remained within the limits for expenditure set at the start of the year. The variation is due to the phasing of capital budgets and grant allocations to future years. These adjustments were approved by Cabinet and Council as part of the monthly budget monitoring for the capital programme during 2020/21.

3. The Council's Overall Borrowing Need

3.1. Capital Financing Requirement

- 3.1.1. The Capital Financing Requirement (CFR) reflects the Authority's underlying need to borrow for capital purposes and is based on historic capital financing decisions and the borrowing requirement arising from the financing of actual capital expenditure incurred in 2020/21.

- 3.1.2. The Council is currently internally borrowed meaning it temporarily uses its own cash balances to fund some capital schemes instead of external borrowing, a strategy which saves the cost of interest payments on loans. This reflects the current national low interest rates for investment of cash balances and the need to find savings for the revenue budget.

- 3.1.3. The actual level of Capital Financing Requirement as at 31 March 2021 compared to the initial estimate for 2020/21 is as follows:

	Estimate £m	Actual £m
Capital Financing Requirement	239.544	230.150

- 3.1.4. As mentioned in paragraph 2.2 (above), the level of capital expenditure for 2020/21 was less than anticipated and therefore the requirement for the financing of this expenditure is also lower.

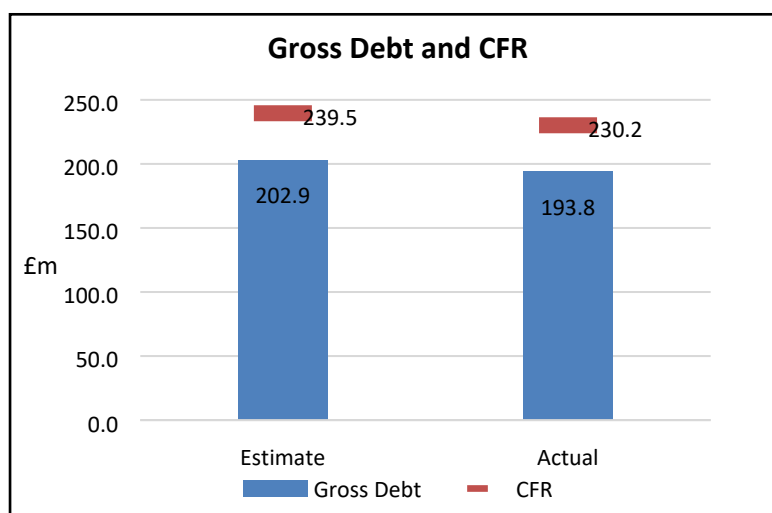
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3.2. Gross Debt and the CFR

3.2.1. CIPFA's Prudential Code for Capital Finance in Local Authorities includes the following statement as a key factor of prudence:

"In order to ensure that over the medium-term debt will only be for a capital purpose, the local authority should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years."

3.2.2. In the report to Cabinet in February 2020, it was stated that the Authority would comply with this requirement in 2020/21. During the financial year, gross external borrowing did not exceed the total of the Capital Financing Requirement. The chart below shows the out-turn position compared to the original estimate:



3.3. Borrowing Limits

	2020/21 £m
Authorised limit	249.000
Operational boundary	239.000
Maximum Gross Borrowing Position	212.492

3.3.1. The Operational Boundary sets a boundary on the total amount of long term borrowing that the Council should enter into. It reflects an estimate of the Authority's current commitments, existing capital expenditure plans, and is consistent with its approved Treasury Management Policy Statement and practices.

3.3.2. The Authorised Limit sets a limit on the amount of external borrowing (both short and long term) that the Council can enter into. It uses the Operational Boundary as its base but also includes additional headroom to allow for exceptional cash movements.

3.3.3. The Maximum Gross Borrowing Position shows the highest level of actual borrowing undertaken during 2020/21 financial year. This level remained within the Operational Boundary and did not exceed the Authorised limit.

3.4. Financing Costs as a Proportion of Net Revenue Stream

3.4.1. This indicator measures the financing costs of capital expenditure as a proportion of the net resource expenditure of the General Fund.

	Estimate 2020/21	Actual 2020/21
Financing Costs / Net Revenue	4.1%	4.2%

3.4.2. The overall ratio is slightly higher than the original estimate by 0.1% There has been a reduction in the Council's revenue streams over 2020 as a result of the COVID-19 crisis, the full impact of which is subject to a separate report presented to Cabinet and Council on a regular basis. The above variance is considered minor and financing costs for 2020/21 remain at affordable levels with the total borrowing requirement remaining below the operational boundary set at the beginning of the year.

4. Borrowing Strategy and Practice

4.1. The Council's debt portfolio at the 31st March 2021 and a comparison to the position at the end of last financial year is summarised as follows:

Actual Debt Outstanding	31st March 2020 £m	31st March 2021 £m
Public Works Loans Board	162.674	185.434
Other Long-Term Liabilities	9.274	8.355
TOTAL	171.948	193.789

4.2. The category of other long-term liabilities represents transferred debt from the Merseyside Residuary Body (£2.188m) and finance lease liabilities (£6.167m).

4.3. The Council's PWLB debt activity during 2020/21 is summarised in the following table:

Movement in Year	Actual £m
PWLB opening debt 1 st April 2020	162.674
Less principal repayments	(20.801)
Add new borrowing	43.561
Closing PWLB debt 31st March 2020	185.434

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- 4.4. The policy of internally borrowing, running down the Authority's cash balances rather than taking out new borrowing, continued with regards to the Capital Programme in 2020/21 as no new expenditure was financed from external borrowing. The Council did however, opt to make an up-front payment to Merseyside Pension Fund (£43.561m) funded from borrowing. This was approved by Budget Council on 27th February 2020.
- 4.5. The Merseyside Pension Fund offered the Council the opportunity to prepay (in April 2020) a proportion of the total expected contributions for the three-year valuation period at a discount. The Council has previously taken a similar opportunity at the start of the last two valuation periods. Officers discussed the proposal with both the Merseyside Pension Fund and the Council's external auditors.
- 4.6. The borrowing will be repaid across the three years of the valuation period, funded by the Council making significantly reduced payments the Merseyside Pension Fund each month during the period. After allowing for these borrowing costs, as stated, this will generate a significant net saving to the Council.
- 4.7. The average rate of interest on Council loans with the Public Works Loans Board (PWLB) in 2020/21 and a comparison to the previous year is shown below:

	2019/20	2020/21
Average PWLB Interest Rate in Year	3.94%	3.54%

- 4.8. The reduction in the average rate of interest from 2019/20 to 2020/21 is due to new borrowing being undertaken at significantly lower rates when compared to historic loans within the portfolio that were taken out when rates were much higher.

5. Debt Maturity Profile

- 5.1. This is a profile measuring the amount of borrowing that is fixed rate maturing in each period as a percentage of total borrowing that is fixed rate:

Fixed Rate Debt Maturity	Upper Limit	Lower Limit	Actual 31st March 2021
Under 12 months	35%	0%	13%
12 months and within 24 months	40%	0%	9%
24 months and within 5 years	40%	0%	22%
5 years and within 10 years	40%	0%	11%
10 years and within 15 years	40%	0%	12%
15 years and above	90%	30%	33%

- 5.2. The spread of debt across the various maturity periods shows how the authority has acted prudently and controlled its exposure to refinancing risk by not having overly

large amounts of debt concentrated in one period, especially those in the shorter term.

6. Compliance with Treasury Limits

6.1. The following Treasury Limits were approved by Council during the 2020/21 Budget Setting process:

6.1.1 Borrowing Limits

	Limit £m	Maximum Borrowing 2020/21 £m
Authorised Borrowing Limit	249.000	212.492
Short Term Borrowing Limit	30.0	0.0
Proportion of external borrowing subject to variable interest rates	20%	0%

6.1.2 Investment Limits

	Upper Limit	Maximum Invested 2020/21
Principle sums invested for longer than 365 days	40%	8%

6.2. The amounts above show the maximum amounts borrowed or invested during the year compared to the limits set. The council therefore remained within the limits for borrowing and investments set for the year and no short term borrowing or borrowing subject to variable rates was undertaken.

7. Investment Strategy and Practice

7.1. The Council invests all available cash balances, which includes school balances and the insurance fund, following a policy of obtaining maximum returns whilst minimising risks.

i. **Externally Managed Investments**

No externally managed funds are held.

ii. **Internally Managed Investments**

The Council's available funds during the year averaged £88.01m and were managed internally with advice from our treasury consultants.

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- 7.2. The level of the Council's investments during 2020/21 and comparable figures from the previous year are summarised in the following table:

	2019/20	2020/21
Total Investment of Cash Balances at year end	£42.36m	£70.26m
Average Investment Balance during the year	£30.37m	£88.01m
Average Return on Investments	1.41%	0.36%

- 7.3. In 2020/21 a weighted average return of 0.36% was achieved. This is more than the benchmark 7-day LIBID figure of -0.08% and is considered to be an acceptable return. The majority of the funds are invested with major banks and Money Market Funds (MMF's), with the remaining balance of £5m invested with the CCLA Property Fund. The return of 0.36% can be disaggregated into a return of 0.10% on bank and MMF investments, whilst 3.85% was returned by the CCLA investment.
- 7.4. Following the cut in Bank rate from 0.75% to 0.10% in March 2020, the Council had expected to receive significantly lower income from its cash and short-dated money market investments, including money market funds in 2020/21, as rates on cash investments are close to zero percent. Whilst the arrival and approval of vaccines against COVID-19 and the removal of Brexit uncertainty that had weighed on UK equities were encouraging developments, dividend and income distribution was dependent on company earnings in a very challenging and uncertain trading environment as well as enforced cuts or deferral required by regulatory authorities.
- 7.5. These external economic factors have therefore impacted the actual performance of investments that have under-achieved against the total budget for 2020/21 as follows:

Budget Profile	Budget £m	Actual £m	Variance £m
Outturn 2020/21	0.415	0.313	0.102

8. Treasury Position for 2021/22 – Update to 31st July 2021

8.1. Investments Held

8.1.1. Investments held to 31st July 2021 comprise to the following:

Institution	Deposit £m	Rate %	Maturity	Rating
Money Market Funds:				
Aberdeen	10.85	0.01	01.08.21	AAA
Aviva	10.85	0.01	01.08.21	AAA
Blackrock	10.85	0.01	01.08.21	AAA
BNP Paribas	10.70	0.02	01.08.21	AAA
Goldman-Sachs	0.14	0.00	01.08.21	AAA
HSBC	7.17	0.01	01.08.21	AAA
Invesco	8.90	0.01	01.08.21	AAA
Morgan Stanley	10.85	0.03	01.08.21	AAA
Federated	10.71	0.01	01.08.21	AAA
Insight	6.36	0.00	01.08.21	AAA
Total	87.38			
Deposit Accounts:				
Bank of Scotland	2.35	0.01	01.08.21	A+
Natwest SIBA	2.42	0.01	01.08.21	A+
Santander	2.35	0.02	01.08.21	A+
Total	7.12			
Notice Accounts:				
Lloyds	3.00	0.03	32 days	A+
Natwest	3.00	0.10	35 days	A+
Santander	3.00	0.15	35 days	A+
Total	9.00			
Property Fund:				
CCLA	5.00	4.21	n/a	n/a
Total	5.00			
TOTAL INVESTMENTS	108.50			

8.1.2. The Authority holds significant invested funds, representing grant income received in advance of expenditure plus balances and reserves held. The cash is initially held in a number of highly liquid Money Market Funds to ensure security of the funds until they are required to be paid out. This approach is consistent with the Council's approved Treasury Management Policy and Strategy for 2021/22. The balance of investments is therefore expected to fall over the coming months as the income is fully expended.

8.1.3. All of the investments made since April 2021 have been with organisations on the current counterparty list. The maximum level of investment permitted in the

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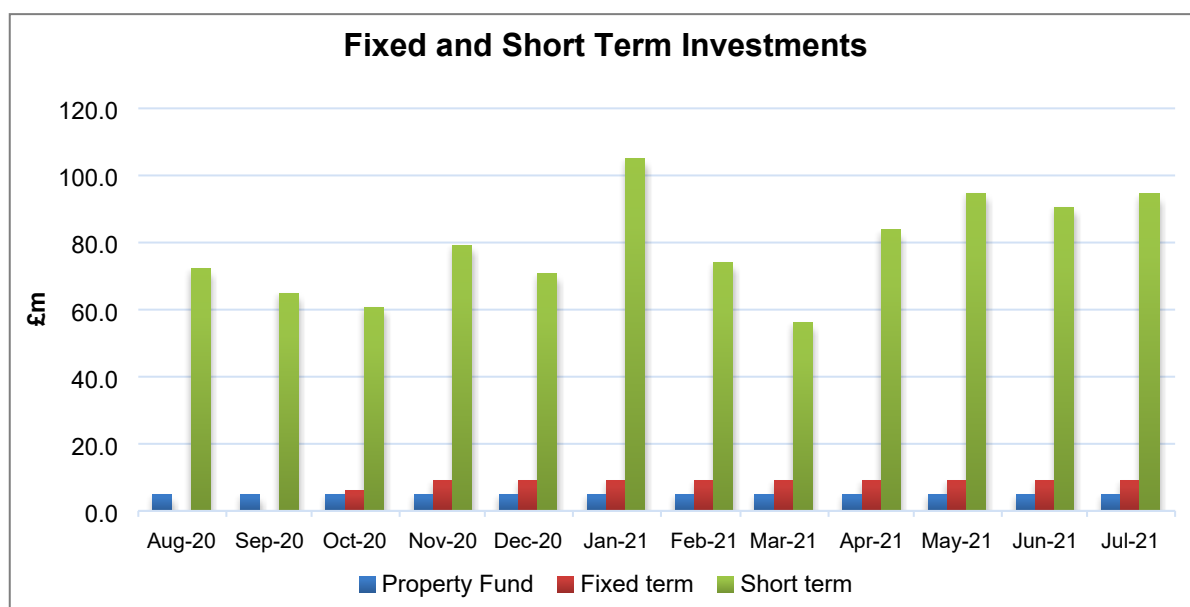
Treasury Management Strategy in any one institution, or banking group, is currently £15m. Whilst the maximum should be retained, in light of current economic conditions, a day to day operational maximum of 10% of the total portfolio is currently being imposed for investments. This will spread the risk 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.

8.1.4. 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 8.1.8.).

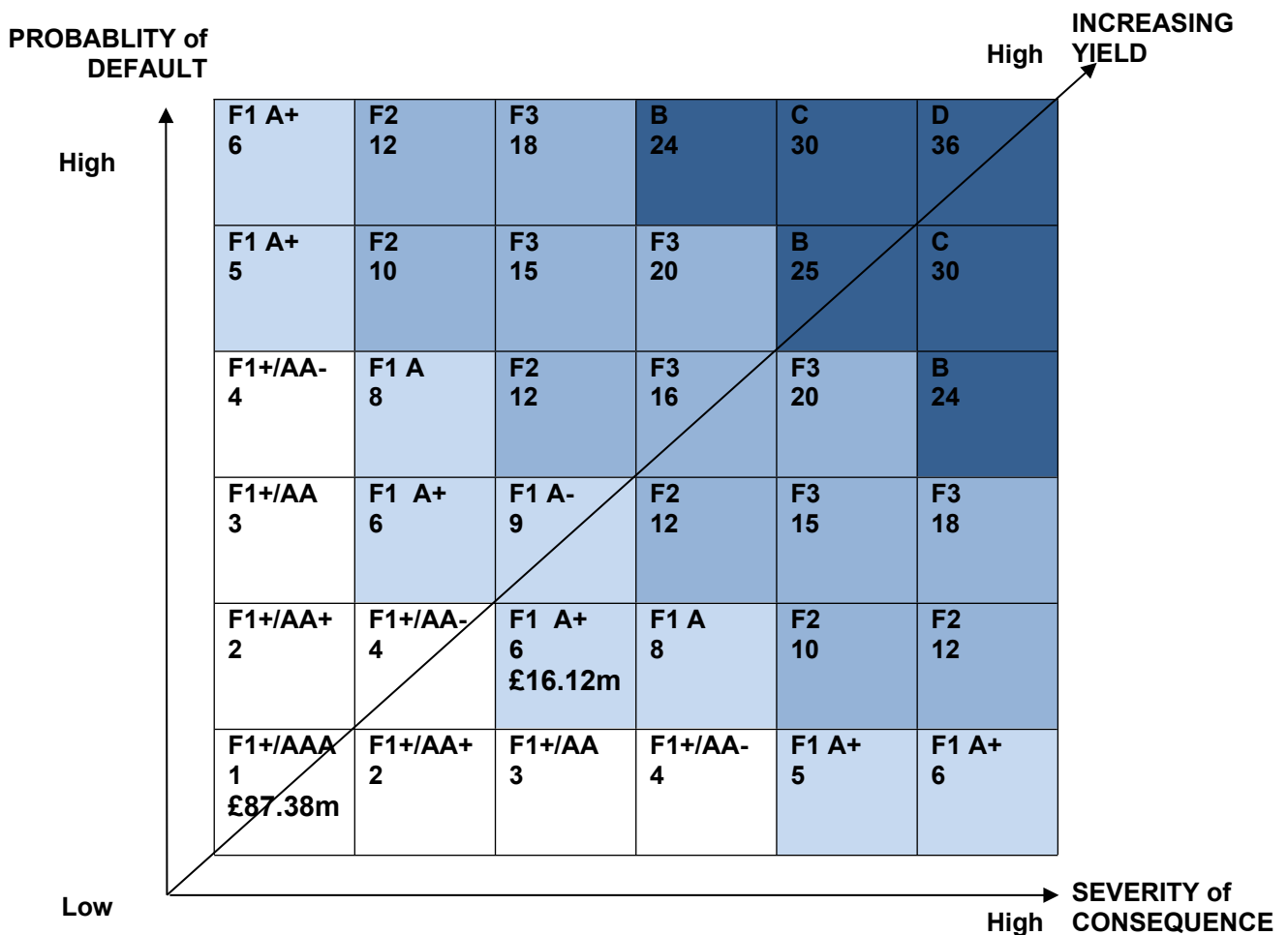
8.1.5. An investment has been made with the Church, Charities and Local Authority Investment Fund (CCLA) in June 2014. CCLA invest in commercial property which is rented out to enterprises such as retail units, warehousing, and offices. The majority of properties owned are in the south of the country 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.

8.1.6. The Net Asset Value (NAV) of the Property Fund has increased over a 12-month period to July 2021 from 282.60p per unit to 307.77p per unit, an increase of 8.9%. The income yield on the Property fund at the end of July 2021 was 4.12% which is consistent with returns received in the past.

8.1.7. The ratio of overnight deposits (short term) to fixed term investments and the property fund is shown below:



8.1.8. The matrix below shows how the Council has set its risk appetite by being risk averse and putting security and liquidity before yield when investing:



SEFTON RISK TOLERANCE:

Risk Level	Score	Grade	Amount Invested
LOW	1 - 4	Investment Grade	£87.38m
LOW - MEDIUM	5 - 9	Investment Grade	£16.12m
MEDIUM	10 - 20	Investment Grade	£0
HIGH	21 - 36	Speculative Grade	£0

8.1.9. The Council will continue to maximise any investment opportunities as they arise, but in light of current economic conditions and low investment yields it is not envisaged that any substantial increase in returns can be achieved for the remainder of the current financial year. Cash balances available for investment will be held in overnight deposits to allow the Council to respond to any exceptional demands for cash as they arise. The possibility for making long term deposits will be reviewed once economic conditions improve.

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8.2. Interest Earned

8.2.1. The actual performance of investments against the profiled budget to the end of July 2021 and the forecast performance of investments against total budget at year end is shown below:

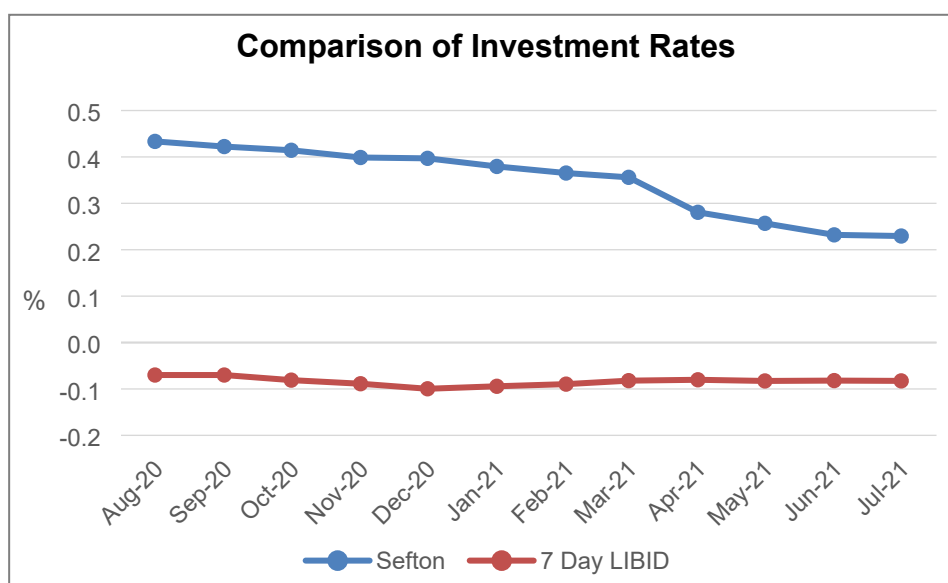
	Budget £m	Actual £m	Variance £m
Jul-21	0.118	0.059	0.059

	Budget £m	Forecast £m	Variance £m
Outturn 2021/22	0.415	0.257	0.158

8.2.2. The forecast outturn for investment income shows a significant shortfall against the budget for 2021/22. The impact of COVID-19 and current 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.

8.2.3. As mentioned in paragraph 8.1.9, it is not envisaged that improved rates will lead to a significant increase in the current forecast income from investments during 2021/22 as cash balances are diminishing and held in short term deposits.

8.2.4. The Council has achieved an average rate of return on its investments of 0.23% that has out-performed the 7-day LIBID to the end of July 2021.



9. Interest Rate Forecast

9.1. Arlingclose, the Council's treasury advisors, have provide the following interest rate view:

- *The medium-term global economic recovery has continued with the reopening of economies and most look set to grow at a decent pace. Recovery in world demand has been more highly concentrated in goods than in services. The UK has continued to benefit from its initial rapid vaccine rollout, which appears to have weakened the link between infections and hospitalisations.*
- *Arlingclose expects Bank Rate to remain at the current 0.10% level. We believe the risk of movement in the immediate term remains low, although the risks over the MPC's 3-year horizon have increased and are leaning to the upside.*
- *Gilt yields have fallen recently, but volatility is likely given the uncertainties over the economic outlook and central bank asset purchase programmes.*
- *Longer term yields may face upward pressure towards the end of our forecast period as the economy moves back to a sustained footing and policy expectations start to strengthen.*
- *Downside risks remain – the risk of further virus mutations including the Delta variant could destabilise the recovery. Downside risks also arise from potential future vaccine shortages as the demand for vaccines increases.*

	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24
Official Bank Rate													
Upside risk	0.15	0.15	0.15	0.15	0.30	0.30	0.30	0.40	0.40	0.40	0.40	0.40	0.40
Arlingclose Central Case	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Downside risk	-0.10	-0.10	-0.10	-0.10	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15
3-month money market rate													
Upside risk	0.10	0.10	0.15	0.20	0.30	0.30	0.35	0.40	0.40	0.40	0.40	0.45	0.45
Arlingclose Central Case	0.10	0.15	0.20	0.20	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
Downside risk	-0.10	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15	-0.15
5yr gilt yield													
Upside risk	0.45	0.45	0.50	0.50	0.55	0.60	0.60	0.60	0.65	0.65	0.70	0.70	0.70
Arlingclose Central Case	0.30	0.30	0.35	0.35	0.35	0.35	0.35	0.40	0.40	0.45	0.45	0.50	0.50
Downside risk	-0.25	-0.25	-0.35	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40
10yr gilt yield													
Upside risk	0.40	0.45	0.50	0.50	0.55	0.60	0.60	0.65	0.65	0.70	0.70	0.70	0.70
Arlingclose Central Case	0.65	0.70	0.75	0.75	0.70	0.70	0.70	0.70	0.70	0.70	0.75	0.85	0.95
Downside risk	-0.25	-0.35	-0.35	-0.40	-0.40	-0.40	-0.45	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50
20yr gilt yield													
Upside risk	0.45	0.45	0.45	0.50	0.55	0.60	0.60	0.65	0.65	0.70	0.70	0.70	0.70
Arlingclose Central Case	1.00	1.05	1.10	1.10	1.05	1.00	1.00	1.00	1.00	1.00	1.05	1.10	1.20
Downside risk	-0.35	-0.40	-0.45	-0.45	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
50yr gilt yield													
Upside risk	0.45	0.45	0.50	0.50	0.55	0.60	0.60	0.65	0.65	0.70	0.70	0.70	0.70
Arlingclose Central Case	0.90	0.95	1.00	1.00	0.95	0.90	0.90	0.90	0.90	0.90	0.95	1.00	1.10
Downside risk	-0.35	-0.35	-0.35	-0.40	-0.40	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50

PWLB Standard Rate (Maturity Loans) = Gilt yield + 1.00%

PWLB Certainty Rate (Maturity Loans) = Gilt yield + 0.80%

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10. CIPFA Consultations

- 10.1. In February 2021 CIPFA launched two consultations on changes to its Prudential Code and Treasury Management Code of Practice. These follow the Public Accounts Committee's recommendation that the prudential framework should be further tightened following continued borrowing by some authorities for investment purposes. These are principles-based consultations and will be followed by more specific proposals later in the year.
- 10.2. In the Prudential Code the key area being addressed is the statement that "local authorities must not borrow more than or in advance of their needs purely in order to profit from the investment of the extra sums borrowed". Other proposed changes include the sustainability of capital expenditure in accordance with an authority's corporate objectives, i.e. recognising climate, diversity and innovation, commercial investment being proportionate to budgets, expanding the capital strategy section on commercial activities, replacing the "gross debt and the CFR" with the liability benchmark as a graphical prudential indicator.
- 10.3. Proposed changes to the Treasury Management Code include requiring job specifications and "knowledge and skills" schedules for treasury management roles to be included in the Treasury Management Practices (TMP) document and formally reviewed, a specific treasury management committee for MiFID II professional clients and a new TMP 13 on Environmental, Social and Governance Risk Management.
- 10.4. Officers will monitor the progress of the consultation process and any changes to the codes will be incorporated into the Council's future Treasury Management Policy and Strategy documents following advice from our Treasury Management Advisers.

11. IFRS 16 Leasing Accounting Standards

- 11.1. The implementation of the new IFRS 16 Leases accounting standard has been delayed for a further year until 2022/23 financial year. Any impact on the Council's leases from the changes to this accounting standard will be fully assessed and reported as part of future Treasury Management updates.

12. MHCLG Improvements to Capital Finance Framework

- 12.1. The Ministry of Housing Communities & Local Government (MHCLG) has published a brief policy paper announcing plans to improve the capital finance framework for local authorities in England. The document sets out the government's plans for strengthening the current system while protecting the principles of local decision making
- 12.2. Many of the actions announced in the paper are quite general, but there are some more specific plans which include:
 - Developing an analytical process to pre-emptively identify risks in the sector, including those local authorities that might be engaging in risky activity or non-compliance with the framework.

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- Commissioning a review of the current governance and skills landscape for investment and borrowing within local authorities to identify the systemic issues that prevent good practice.
 - Working with partners to develop training and guidance targeted at the identified issues.
 - Reviewing the statutory powers for capping borrowing and considering how and when MHCLG will apply these to protect local financial sustainability.
 - Reviewing the investment guidance to ensure it is consistent with and reinforces CIPFA's new Prudential Code expected in December.
 - Reviewing local authority capital plans for compliance with the PWLB lending terms.
 - Further clarifying the regulations and guidance relating to Minimum Revenue Provision (MRP).
- 12.3. Any updates resulting from changes to legislation and MHCLG guidance will be incorporated into the Council's future Treasury Management Policy and Strategy documents following advice from our Treasury Management Advisers.

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Report to:	Council	Date of Meeting:	Thursday 16 September 2021
Subject:	Financial Management 2021/22 to 2024/25 and Framework for Change 2020 - Revenue and Capital Budget Update 2021/22 including the Financial Impact of COVID-19 on the 2021/22 Budget - Additional Capital Estimates		
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:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This report sets out supplementary estimates for approval in the Council's Capital Programme following recommendations for approval by Cabinet.

Recommendation(s):

Council is recommended to approve:

- 1) A revised Highway Maintenance block allocation of £3.100m.
- 2) A supplementary capital estimate of £1.875m for the development of Southport Town Deal projects.
- 3) A supplementary capital estimate of up to £2.500m for the pre-development phase of the Marine Lake Events Centre, subject to a bid to the Liverpool City Region Combined Authority to fund the works being successful.

Reasons for the Recommendation(s):

To approve updates to the 2021/22 Capital Programme and associated funding resources so that they can be applied to the schemes in the delivery of the Council's overall financial strategy.

Alternative Options Considered and Rejected:

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

None

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(B) Capital Costs

It is anticipated that the revised Highway Maintenance block allocation will be fully utilised, and the capital cost of schemes will therefore be £3.100m funded by grant from the Liverpool City Region Combined Authority.

The Council could spend up to £4.375m on project pre-development activities in relation to the Southport Town Deal funded by £1.875m grant from the Government and £2.500m grant from the Liverpool City Region Combined Authority.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None	
Legal Implications: None	
Equality Implications: None	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	N
The allocations of capital funding outlined in this report may be spent on projects that will have a high climate change impact as they could relate to new build, rebuild, refurbishment, retrofit and demolition proposals. Environmental consideration will be taken into account when specific projects are designed and tendered – which will help to mitigate negative impacts.	

Contribution to the Council's Core Purpose:

Effective Financial Management and the development and delivery of sustainable annual budgets support each theme of the Councils 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 Executive Director of Corporate Resources and Customer Services (FD.6512/21) and the Chief Legal and Democratic Officer (LD.4713/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

N/A

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:	Graham Hussey
Telephone Number:	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.

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1. Highway Maintenance Allocation

- 1.1. The initial 2021/22 Transportation Capital Programme allocations were approved by Council on 4 March 2021 as part of the Capital Strategy 2021/22 to 2025/26.
- 1.2. These transport allocations included an estimated figure of £1.800m for Highway Maintenance, £0.900m for Key Route Network (KRN) maintenance and £0.175m of Pot Hole Funding based upon previous years allocations. Subsequently, based upon a revised funding allocation approved by the Combined Authority (at its meeting of 20 March 2021), an agreement was reached to add the Pot Hole Funding into the general maintenance allocation and decrease the proportion of funding for the Key Route Network. The approved allocations are £3.100m for Highway Maintenance and an additional £0.471m for the KRN.
- 1.3. The KRN maintenance allocation was approved by July Cabinet and a recommendation was made to Council to approve the revised Highways Maintenance allocation. Approval is therefore sought for the 2021/22 Local Transport Plan Capital Programme updated allocation for Highway Maintenance based on the proposed funding of £3.100m.
- 1.4. Authority has been delegated within the Financial Procedure Rules to Cabinet Member to assign funding to individual schemes within the Highways Capital Programme. A list of schemes for 2021/22 is being fully developed and will be presented to Cabinet Member for approval.

2. Southport Town Deal

- 2.1. In the Government's budget statement, published on 3 March 2021 it was confirmed that Southport was offered a Town Deal up to the value of £37.5 million. Subsequently on the 1 April Cabinet agreed to the non-binding heads of terms outlining the proposed spend and projects. Following this Cabinet further approved to progress with Option 5 for the new Marine Lake Events Centre (MLEC) that is the anchor project of The Southport Town Deal.
- 2.2. The Council have recently been informed that it can draw down 5% of the £37.5 million in advance of March next year to assist in the preparation of business case development. The £1.875m will be used to develop the Town Deal projects consisting of the MLEC, Enterprise Arcade and Les Transformations de Southport (public realm). Further to this the Council have been invited by the Liverpool City Region Combined Authority to submit a pre development bid up to £2.5m for the MLEC as also approved by Cabinet on 29 July 2021. This will mean the Council could spend up to £4.375m on pre-development activities in order to submit the required Town Deal information to Government by March 2022.
- 2.3. Council is asked that Supplementary Capital Estimates be approved for £1.875m and up to £2.500m for the work outlined above.

COUNCIL – 16 SEPTEMBER 2021

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – RULE 46 (WAIVING CALL-IN) PROVISIONS

I wish to report that the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) gave his consent, under Rule 46 (Waiving Call-In) of the Access to Information Procedure Rules set out in the Council's Constitution. The report was in relation to Marine Lake Events Centre – Pre-Development and Capital Funding Bid Submissions and not subject to "call in" on the basis that it cannot be reasonably deferred because of the opportunity for early release of pre-development funding.

CABINET MEETING - 29 JULY 2021

The Cabinet considered the report of the Executive Director of Place in relation to the submission of a pre-development funding bid of up to £2.5m to the Liverpool City Region Combined Authority (LCR CA), along with a capital funding bid submission to Arts Council England (ACE) of up to £5m.

The report also detailed the proposal to procure a range of required consultancy services for the proposed new Southport Marine Lake Events Centre, in order to progress the design, business case and operating model, to enable the required Town Deal submission by March 2022 to draw down the necessary funds.

The Cabinet Member for Regeneration and Skills, Councillor Atkinson referred to the hard work of officers and key partners in seeking and securing funds to assist with the delivery of the Marine Lake Events Centre. Councillor Atkinson thanked officers, members of the Southport Town Deal Board and Liverpool City Region Combined Authority for their continued support and hard work.

Councillor Atkinson also referred to the fantastic opening of Southport Market that had taken place on Thursday 22 July 2021 and congratulated the Tourism team and partners for all their hard work and commitment.

Decisions Made: That:

- (1) the submission of a pre development funding bid of up to £2.5m to the Liverpool City Region Combined Authority, be approved;
- (2) the submission of a Cultural Development Fund bid to Arts Council England of up to £5m, be approved;
- (3) subject to the funding bid, the tender processes to procure a range of consultancy services, using several different compliant procurement methods as detailed in the report, be approved;
- (4) the Executive Director of Place, in consultation with Cabinet Member for Regeneration be granted delegated authority to award the necessary contracts, be approved;

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- (5) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because of the opportunity for early release of pre-development funding; and
- (6) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given his consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the opportunity for early release of pre-development funding.

Reasons for the Decisions:

Cabinet have previously approved to progress with a new Events Centre in Southport as part of the successful Southport Town Deal. To enable progression of the project at pace, there is now opportunity to secure up to £2.5m from the Liverpool City Region Combined Authority as a contribution to the pre-development works. Moreover, Arts Council England has recently announced a Capital funding scheme, with the proposed Marine Lake Events Centre being eligible.

Furthermore, in order to complete the final business case, several procurements are required such as the delivery team and full design services. This will allow the project to progress on the necessary timetable to drawdown Town Deal funding in March 2022, and to submit the final business case to the Liverpool City Region Combined Authority as part of the capital contribution of up to £20m.

Alternative Options Considered and Rejected:

Two procurement timetable options have been considered and rejected;

1. Finalise the delivery strategy and present the procurement options to September Cabinet therefore given time to be on the forward plan. This option has been rejected due to the notification of pre development funding being available from the Liverpool City Region Combined Authority.
2. Given the programme pressure and requirement to submit a planning application by February / March 2022, an approach to procure the core design team via the direct award route has been considered. This would allow the commencement of design development as early as possible, and therefore maximise the period for design development and cost certainty at the point of submitting the planning application.

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However, the direct award route is deemed to be unsuitable due to the value of the works. The next preferred option is to procure the core design team via a mini-competition, resulting in a circa 2-month programme delay.

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COUNCIL MOTION

16 September 2021

PROPOSED BY: Councillor Sir Ron Watson CBE

SECONDED BY: Councillor Tony Brough

TITLE: Sefton Constitution Amendment

The current Sefton Constitution under Rule 82 enables Elected Members who are not Members of the Cabinet to submit an item to be placed on the Cabinet Agenda.

There are strict rules concerning the time frame, the relevance of the subject matter and the Councillor themselves have to submit a full written report detailing the issue.

The Councillor concerned is able to attend the Cabinet and speak and answer questions from other Members but is not allowed to vote.

Under the current conditions of the Constitution the Leader of the Council is consulted when the request is received and he/she has the delegated authority to veto the item so that it does not appear on the Agenda notwithstanding the fact that all the criteria have been met.

Council now believes that this is an undemocratic and unnecessary power and resolves to remove this section of the Constitution.

This will mean that all Members of the Council can be assured that they will have the ability to raise issues when appropriate with the main decision-making body of Sefton Council.

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Council Motion

PROPOSED BY: Councilor Dave Irving

SECONDED BY: Councilor Maria Bennett

TITLE: Tree Preservation Orders – Removal of Trees for Financial Gain

In May 2021 Sefton Council amended the constitution for dealing with applications for works under Tree Preservation Orders or for tree works in Conservation Areas. This means that all applications are excluded from the Planning Committee irrespective of any member's written request. We agree up to a point with this ruling, however, when an application is received which could be considered as a reason for financial gain, we believe that for transparency any such application should be considered by the Planning Committee at the request of the ward councilor.

This anomaly was highlighted recently when a Planning Application was received from a Golf Club in Formby requesting to remove eleven healthy mature trees all with tree preservation orders. This was to make one of the fair-ways longer on the course by forty yards. The applicant claimed it would create a new championship tee for members and visitors to enjoy. In light of the current concern over climate change and the detrimental effect that the removal of so many mature trees would have on the environment we believe such applications that appear to be for financial gain to be inappropriate. We believe that the application should have been heard by the Planning Committee in order for them to make the ultimate decision as it was obvious that the application was for financial reasons. I therefore ask this council to support this motion,

Council Resolution:

That Planning Applications received for the removal of Trees, which have tree preservation orders on them for financial gain should be heard by a planning committee if requested by the Ward Councilor.

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Council Motion

PROPOSED BY: Councillor Dave Irving

SECONDED BY: Councillor Maria Bennett

TITLE: Sefton Council to encourage the use of new lower-carbon emitting boilers on New Build Properties

At the last full Sefton Council meeting held on the 15TH July 2021 the leader of the council, Cllr Ian Maher moved agenda item 8, 'Climate Emergency Annual Report' for approval by the full council. This was unanimously agreed, however, I asked Councillor Maher a question on this agenda Item, Reference 2.8 Domestic Housing Retrofit. I was informed that this was an ERDF funded project targeting 245 homes which are the most inefficient homes of the poorest residents. Housing Associations would be retrofitting the selected homes in Sefton with innovative and traditional carbon reduction interventions, such as external wall insulation, floor insulation and electric heating. The outputs from this work will help to reduce carbon emissions across the borough. Sadly, though, as Cllr Maher pointed out, this grant will not be available next year as the Government will not contribute to it. However, the Government has stated that from 2025 it will be banning all new build homes from fitting Gas and Oil fired boilers.

In light of what is being planned by the Government with regards Gas and Oil Boilers in new build properties and taking into account what the United Nations Scientific Advisors have said in issuing a 'Red Warning' about climate change, especially about carbon emissions getting to a critical point in the earth's climate. I ask that this council who I know supports climate change initiative's and are very concerned on how it will affect its residents to support.

Council Resolution:

That this Council takes seriously the 'Red Alert' warning from the United Nations about Climate Change and more specifically Carbon Emissions. It acknowledges the Government's Plan to introduce a ban on all Gas and Oil Boilers being fitted in new build house from 2025. It also acknowledges that under the current Planning System and Building Regulations, there are no powers available to the Council that could be applied to prevent housebuilders from designing their schemes to include gas/oil fired boilers. In view of this, this Council sees no sense in approving new house builds with oil and gas boilers being fitted currently to houses that will only be available from late 2023, if approved now. It will also save new home owners, especially first time affordable home owners, the cost of changing over to new boilers in years ahead. This Council agrees that it will encourage all new houses and those with outline planning permission in Sefton Councils area to be fitted with a new lower-carbon emitting boiler.

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SEFTON LABOUR GROUP

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 16 SEPTEMBER 2021

Moved by: Councillor Trish Hardy

Seconded by: Councillor

Adoption of the All-Party Parliamentary Group Definition of Islamophobia

The All-Party Parliamentary Group (APPG) on British Muslims was established on 18 July 2017 to build on the work of the APPG on Islamophobia, but with a wider remit to examine a broad range of issues that British Muslims care about, and are affected by.

APPGs are composed of Members of both the House of Commons and the House of Lords. They are informal, cross-party groups that have no official status within Parliament, are not accorded any powers by Parliament or any of its Committees, and are independent of Government.

Following two years of consultation, on 27th November 2018, the APPG on British Muslims published a report titled "*Islamophobia Defined: the inquiry into a working definition of Islamophobia.*"

This report contained the following definition:

"Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."

Contemporary examples of Islamophobia in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist/ fascist ideology, or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism, and claims of a demographic 'threat' posed by Muslims or of a 'Muslim takeover'.
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.
- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.

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- Accusing Muslim citizens of being more loyal to the 'Ummah' (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
- Denying Muslim populations the right to self-determination e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavour.
- Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, e.g. loyalty tests.
- Using the symbols and images associated with classic Islamophobia (e.g. Muhammed being a paedophile, claims of Muslims spreading Islam by the sword or subjugating minority groups under their rule) to characterize Muslims as being 'sex groomers', inherently violent or incapable of living harmoniously in plural societies.
- Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.

We all have a responsibility to demonstrate our commitment to supporting the Muslim community and working with them to root out Islamophobia wherever it rears its head.

This Council Resolves to:

Adopt the APPG definition of Islamophobia - *"Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."* With a commitment to engage with key leaders within the Muslim community to provide appropriate levels of support, sharing appropriate literature and resources that will enable us to work with them to identify Islamophobia behaviours and take the appropriate action.

SEFTON LABOUR GROUP**NOTICE OF MOTION****TO BE PUT TO THE COUNCIL MEETING ON 16 SEPTEMBER 2021**

Moved by: Councillor Roscoe

Seconded by:

PLASTIC FREE COMMUNITIES IN SEFTON

The Council passed a motion at its meeting held on 19 July 2018, to reduce the use of single use plastics (SUP) in order to protect our Borough, particularly our coastal environment.

Since then the Council have made significant progress:

- Requiring new concessions stalls (e.g. ice cream vans) to be plastic free – no longer using plastic straws, stirrers, cups, cutlery, bags etc and only selling bottles which are 100% recyclable.
- Providing guidance to support businesses and community groups to reduce SUP.
- Considering SUP in tender evaluation (social value) on high value purchases.
- Promoting the reduction in SUP (including balloon/lantern releases) with our communities, including taking part in the recent 'plastic free July' campaign.
- Removing single use plastic, such as tea and coffee sachets, from our office spaces.

The onset of the global pandemic and the associated reliance this has brought on SUP (e.g. face masks, test kits, gloves) is a cause for concern. However, the desire to recover from the pandemic in a way which helps and protect the environment is real. For example, a [Generation Sea](#) survey found that the pandemic had increased people's appreciation for the environment by 79% and 63% of respondents planned to decrease their personal consumptions of plastic going forward.

Therefore, the Council resolves to strengthen the original SUP motion passed in 2018 and build on the good work which has been done to date. This motion supports the Council's aspiration to gain '[Plastic Free Community](#)' status – particularly in Waterloo and Crosby. This is a community network across the UK working together to tackle SUP from beaches and green spaces. The Plastic Free Community status is governed by Surfers Against Sewerage who require three pledges.

To become part of the Plastic Free Community the Council would be required to provide a representative to sit on the Plastic Free Community Steering Group. This is a small group of local volunteers and businesses who meet at least twice a year to discuss SUP reduction progress locally and report back to Surfers Against Sewerage.

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The Council believes that the reduction of SUP would benefit health in Sefton, reduce waste and ultimately help protect our coast. Becoming part of the Plastic Free Community would further enhance this.

The Council be recommended to:

1. continue to lead by example and remove single-use plastic items from its premises and operations;
2. continue to encourage plastic-free initiatives in the area; promoting the Plastic Free Community campaign and supporting events;
3. appoint Councillor Diane Roscoe as the Council's representative to sit on the Plastic Free Community Steering Group; and
4. request the Executive Director of Corporate Resources and Customer Services to report progress of recommendations (1) – (3) above to future Meetings of the Cabinet for approval.

COUNCIL MOTION

16 September 2021

PROPOSED BY: Cllr Mike Prendergast

SECONDED BY: Cllr Tony Brough

Children's Social Services

That this council:

- (1) Notes and fully accepts the contents of the independent Ofsted report of 10th May 2021
- (2) Acknowledges the failings in management, supervision and leadership identified by Ofsted that have left some of the most vulnerable children in the borough at an unacceptable level of risk
- (3) Agrees to expedite the publication and enactment of an effective improvement plan to set out how operational and management changes will be brought about.
- (4) Resolves to take all required steps to ensure that the Children's Social Services Department of Sefton Council, within 12 months, reaches a standard acceptable to the independent inspectorate

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