

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS)



MEETING HELD AT THE BALLROOM, TOWN HALL, BOOTLE ON TUESDAY 8TH MARCH, 2022

PRESENT: Councillor John Sayers (in the Chair)
Councillor Blackburne (Vice-Chair)
Councillors D'Albuquerque, Cluskey, Hansen,
Chris Maher, Page, Robinson and Sathiy

ALSO PRESENT: Councillors Atkinson, Evans, Fairclough and Hardy

33. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Myers.

34. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of personal interest was made and the Member concerned remained in the room during the consideration of the item, took part in the consideration of the item but did not vote:

Member	Minute No.	Nature of Interest
Councillor D'Albuquerque	Minute No. 36 – Knob Hall Lane, Southport	Personal – has held discussions with residents of Knob Hall Lane, Southport over the issues contained in the report

35. MINUTES OF THE PREVIOUS MEETINGS

RESOLVED: That

- (1) the Minutes of the meetings held on 9 November and 14 December 2021 be confirmed as a correct record; and
- (2) the Minutes of the informal, remote meeting held on 18 January 2022 be noted.

36. KNOB HALL LANE, SOUTHPORT

The Committee considered (a) the report of the Chief Legal and Democratic Officer, which set out the decision of the Cabinet Member – Locality Services in relation to Knob Hall Lane, Southport, and the reasons why the decision had been called-in; and (b) the report of the Head of Highways and Public Protection which was considered by the Cabinet Member – Locality Services in relation to this matter.

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The decision taken by the Cabinet Member – Locality Services on 9 December 2021 in relation to this matter was as follows:

Decision Made:

That:

- (1) the position as set out in paragraph 7 of the report be approved; and
- (2) the Head of Highways and Public Protection be requested to write to Cambridge Ward Councillors and residents, affirming the Council's position on this matter.

Reason for Decision:

The issue of maintenance responsibility for Knob Hall Lane has been the source of dispute for many years. In November 2019, Cambridge Ward Councillors, on behalf of the residents of Knob Hall Lane, collectively raised the issue with the Head of Highways and Public Protection. Investigations were therefore commenced which involved a thorough search of the Council's documentary records, and legal advice was sought. Endorsement of the suggested position will enable officers to communicate that position to interested parties.

Alternative Options Considered:

The Council could adopt a different position to that set out. This option has been rejected, as the position suggested is considered correct on the basis of analysis of the circumstances, legislation, case law, and historic documentary evidence.

The decision was subsequently called-in by Councillors Evans, Dodd and Pugh.

Paul Fraser, Senior Democratic Services Officer reported on the validity of the call-in and highlighted that the call-in requisition:

- had been received within the specified call-in period;
- had been signed by three Members of the Council who were not Members of the Cabinet, in accordance with the provisions in Chapter 6, Paragraph 38(a) of the Council's Constitution; and
- referred to a specific decision made by the Cabinet Member – Locality Services and provided reasons for call in, in accordance with Chapter 6, paragraph 40 of the Constitution.

Councillor Evans, on behalf of Councillors Dodd and Pugh, addressed the Committee and outlined and amplified the reasons for the call-in as follows:

“(1) to seek more understanding of the decision and its implications - as

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whilst legal advice has been given, it is believed there are other solutions which would be fairer to the residents, such as:

- Continuing to maintain the previous policy to maintain Knob Hall Lane to a 'keep safe' standard in recognition of its unique position and the role it plays in accessing three adopted cul-de-sacs.
- Considered any alternative route to adoption, including assisting funding, reconvening contact with the Hesketh estate or any alternative options.

(2) to question the soundness of the decision based on facts taken or not taken into account - to seek alternative solutions which the council has not examined. Effectively, it is believed that the council have sought legal advice and not sufficiently considered that there is an alternative to that legal advice. The call-in Members and many residents believe that the council have a moral obligation to the residents of Knob Hall Lane that is not being served by this new policy which will see the lane deteriorate even more than it already has and see hundreds of residents, including those living on adopted roads, forced to travel on unsafe and unmaintained roads to access their properties”

Councillor Fairclough, Cabinet Member – Locality Services explained the decision and the reasons why it was taken by him.

Peter Moore, Head of Highways and Public Protection reported on the issues and the reasons for his recommendation and advice to the Cabinet Member – Locality Services.

Councillor Evans, lead call-in Member, Councillor Fairclough, Cabinet Member – Locality Services and Peter Moore, Head of Highways and Public Protection responded to questions/comments posed by Members of the Committee in relation to the call-in concerning:

- Since the construction of Knob Hall Lane the number of new houses, situated off Knob Hall Lane that had been granted planning permission by the Council
- The perception of Knob Hall Lane residents of the unfairness of additional traffic using their unadopted lane to access new, adopted roads and houses that had been granted planning permission by the Council
- That Knob Hall Lane was a public highway and had been used as a diversionary route by the Council to facilitate road works in nearby locations
- The most recent costs to residents, provided in 2005, for bringing Knob Hall Lane up to adoption standard that ranged from £2000 to £45,000 per resident. It was anticipated that the current total cost to bring the lane up to adoption standard would be in the region of £500,000

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- Why conditions were not imposed on planning permissions granting development of properties off Knob Hall Lane that required funding to bring the lane up to adoption standards; and whether this would be a material consideration for the Planning Committee
- The numbers of other unadopted roads in Sefton similar to Knob Hall Lane that had adopted highways running off them
- The difference between adopted roads and public highways
- The cessation of maintenance on all unadopted roads in the borough
- Concern expressed that Knob Hall Lane residents were confused and frustrated as to what to do next as they were unsure about how to remedy the deteriorating road outside of their properties. Residents were uncertain whether they could employ their own contractors, or do works themselves, to improve the lane outside of their homes
- Knob Hall Lane was deteriorating and could lead to catastrophic events
- The potential for the Council to consider a loan scheme for residents to undertake works to bring the lane up to adoptable standard had not been considered
- The administrative burden on the Council to impose charges against properties for works undertaken to bring the lane to adoption standards; and then having to recoup the money over a long period of time

Councillor Fairclough, Cabinet Member – Locality Services then summed up his position.

Councillor Evans, on behalf of Councillors Dodd and Pugh summed up the position of the call-in Members.

A Motion was moved by Councillor Page and seconded by Councillor Cluskey that the Committee is not concerned about the decision made by the Cabinet Member – Locality Services.

The Democratic Services Officer officiated the vote and the Chair declared that the Motion was carried by 7 votes to 1 with 1 abstention and it was

RESOLVED: That

- (1) the validity of the call-in be accepted;
- (2) the Committee is not concerned and accepts the decision made by the Cabinet Member – Locality Services in relation to Knob Hall Lane, Southport; and
- (3) the Head of Highways and Public Protection be requested to provide information to Members on whether residents residing on an unadopted road could employ their own contractors, collectively or individually, or do works themselves, to improve the highway

outside of their homes.

37. STOP THE 5G ROLLOUT IN SEFTON – REVIEW OF STEPS TAKEN BY COUNCIL

Further to Minute No. 84 of the meeting of the Council held on 20 January 2022 the Committee considered the report of the Chief Legal and Democratic Officer that advised of a request, made in accordance with Rule 224 of Chapter 11 of the Council's Constitution, that the Committee reviews the steps that the Council had taken in response to the petition considered at the Council meeting in relation to "Stop the 5G Rollout in Sefton".

The report detailed the terms of the petition and the comments made to Council by the lead petitioner; the response made by Councillor Veidman, Cabinet Member - Planning and Building Control; and the decision taken by Council in respect of the matter.

The report also advised that following the Council meeting and the publication of the minutes the lead petitioner contacted the Chief Legal and Democratic Officer requesting a review of the steps that the Council had taken in response to her petition; that the request was made in accordance with Rule 224 of Chapter 11 of the Council's Constitution; and set out a detailed explanation from the lead petitioner as to why she considered that the Council's response to the petition was not considered to be adequate.

The report concluded that the purpose of the review was not to re-visit the issues discussed and debated by Council but to determine whether the Council dealt with the petition properly in accordance with the Constitution; that to help the Committee in this matter the procedure adopted by the Council was set out in the report; and therefore the Committee was requested to review the steps that the Council had taken in response to the petition and to determine whether the Council had dealt with the petition properly in accordance with the Constitution.

With the permission of the Committee a representative of the petitioners was allowed to address the meeting. Prior to the petitioner representative addressing the meeting the Chair, Councillor John Sayers, advised that representations should focus not on the issues discussed and debated by Council but on whether the Council dealt with the petition properly in accordance with its Constitution. The petitioner representative made the following points:

- Petitioners feel they were unfairly dealt with
- 5 minutes was not long enough to get their points across at Council
- The Council did not respond adequately to the petitioner's points; misrepresentations were made; and the petitioners had no opportunity to respond
- The reduced number of Members in attendance at the Council was referred to

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Members of the Committee asked questions/commented on the following issues:

- The purpose of the review was to determine whether the Council adhered to its procedures in dealing with the petition
- The Council meeting held on 20 January 2022 was quorate and politically balanced and was a legally constituted meeting

RESOLVED:

That the Committee is satisfied that the Council, at its meeting held on 20 January 2022, took the appropriate steps, in accordance with Rule 220 of Chapter 11 of the Council's Constitution, in response to the petition with the terms "Stop the 5G Rollout in Sefton"

38. POTENTIAL TO ESTABLISH A WORKING GROUP TO REVIEW THE TOPIC OF DOG FOULING IN PUBLIC PLACES AND METHODS TO COMBAT IT

Further to Minute No 6 (2) of the informal meeting of the Committee held on 18 January 2022 the Committee considered the report of the Head of Highways and Public Protection on the potential to establish a Working Group to review the topic of dog fouling in public places and methods to combat such an anti-social practice.

The report stated that failure to pick up dog fouling and the inappropriate disposal of dog 'fouling bags' (littering) by irresponsible dog walkers were legitimate concerns for Members, residents and visitors to the Borough as such unpleasant and anti-social acts could significantly impact upon the use, appearance, and enjoyment of public spaces; that the recent consultation regarding implementation of a Public Spaces Protection Order (PSPO) for dog Control, including dog fouling, saw a 95.95% positive response to the proposal to allow Fixed Penalty Notices to be issued across the Borough for dog walkers who failed to pick up dog fouling; and detailed the several ways how the Council currently tackled this issue.

The report also detailed the tools available to ensure compliance and change to this anti-social behaviour and that they were often categorised as Education, Engineering and Enforcement (the three E's); that there was a potential to review the topic of dog fouling centred on these 3 E's; that a working group could consider:

- Current Council policies and practices in dealing with dog fouling and disposal of dog 'fouling bags'
- Areas of good practise within the Council
- Good practise within other local authorities or similar organisations
- Areas for improvement within the Council's policies and practice

However, there was a danger that any new working group to review the impact of dog fouling in public places and the methods to combat this may

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see significant duplication in the matters already considered by the previous, recently completed Effectiveness of the Council's Enforcement Activity Working Group.

The report concluded by suggesting two options for consideration, namely:

- (1) that the Committee recognises the negative impact of dog fouling in public places but agrees not to establish a Working Group to consider this issue at this time, in recognition of the potential duplication of work and themes only recently covered by the Effectiveness of the Council's Enforcement Activity Working Group; or
- (2) that the Committee notes the work and recommendations already made by the Committee's Effectiveness of the Council's Enforcement Activity Working Group, and agrees to establish a Working Group to review the topic of dog fouling in public places and methods to combat such anti-social practice that seeks to explore relevant issues not already fully explored by the earlier Working Group.

Members of the Committee asked questions/commented on the following issues:

- The establishment of a Working Group to review the topic of dog fouling may duplicate work recently completed by this Committee's recently concluded Effectiveness of the Council's Enforcement Activity Working Group
- bearing in mind this was the last meeting of the Committee in the Municipal Year; that a new Committee would be established following the Annual Meeting of the Council and that new Members would be appointed; it may be beneficial to defer the matter and give further consideration to it as part of the Work Programme report at the Committee's first meeting in the 2022/23 Municipal Year

RESOLVED:

That further consideration be given to the establishment of a Working Group to review the topic of dog fouling in public places and methods to combat such an anti-social practice at the first meeting of the Committee in the 2022/23 Municipal Year.

39. WORK PROGRAMME 2021/22, SCRUTINY REVIEW TOPICS AND KEY DECISION FORWARD PLAN

The Committee considered the report of the Chief Legal and Democratic Officer on the Work Programme for 2021/22; the identification of potential topics for scrutiny reviews to be undertaken by a Working Group(s) appointed by the Committee; the identification of any items for pre-scrutiny

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from the Key Decision Forward Plan; and that updated on the Liverpool City Region Combined Authority Overview and Scrutiny Committee.

RESOLVED: That

- (1) the Work Programme for 2021/22, as set out in Appendix 1 to the report, be approved; and
- (2) the update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee be noted.

40. CABINET MEMBER REPORTS - DECEMBER 2021/FEBRUARY 2022

The Committee considered the report of the Chief Legal and Democratic Officer that included the most recent reports from the Cabinet Members for Communities and Housing; Health and Wellbeing; Locality Services; Planning and Building Control; and Regeneration and Skills.

RESOLVED: That

- (1) the update reports from the Cabinet Members for Communities and Housing; Health and Wellbeing; Locality Services; Planning and Building Control; and Regeneration and Skills be noted; and
- (2) Councillors Atkinson and Hardy be thanked for their attendance at the meeting.