



METROPOLITAN BOROUGH OF SEFTON

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, 8th May, 2008** at **6.30 pm** at the Town Hall, **Southport** to transact the business set out on the agenda overleaf.

Yours sincerely,

Legal Director

Town Hall,
Southport

29 April 2008

Please contact Steve Pearce, Head of Committee and Member Services
on 0151 934 2046 or e-mail steve.pearce@legal.sefton.gov.uk

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

3. Minutes

(Pages 5 - 10)

Minutes of the meeting held on 27 March 2008.

4. Mayor's Communications

Public Session

5. Matters Raised by the Public

To deal with matters raised by members of the public within the Borough, in accordance with the procedures relating to Petitions, Public Questions and Motions set out in Rule 11 of the Council and Committee Procedure Rules.

(Details of any further Petitions notified or Questions submitted to the Legal Director by members of the public in accordance with Rule 11 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 in accordance with Rule 12 of the Council and Committee Procedure Rules.

7. Standards Committee - Local Assessment

(Pages 11 - 18)

Report of the Legal Director.

8. Appointment of the Leader of the Council, the Cabinet, Committees and Spokespersons for 2008/09

Details of the proposed nominations will be circulated prior to the commencement of the Meeting.

**9. Appointment of Representatives on Joint Authorities
2008/09**

Details of the proposed representation on the following bodies will be circulated prior to the commencement of the Meeting:

- (i) Merseyside Fire and Civil Defence Authority
- (ii) Merseyside Passenger Transport Authority
- (iii) Merseyside Waste Disposal Authority
- (iv) Merseyside Police Authority (nominations only – appointments will be made by the Merseyside Police Authority Appointments Committee)

**10. Council Constitution - Appointment of Proper Officers
for Certain Public Health Functions** (Pages 19 -
24)

Report of the Environmental Protection Director.

11. Local Area Agreement 2008 - 2011 (Pages 25 -
28)

Report of the Chief Executive.

**12. To consider those decisions of Committees which
require Council approval**

Details to be circulated prior to the commencement of the Meeting.

**13. Matters dealt with in accordance with Rule 17 of the
Scrutiny Procedure Rules (Call-In and Urgency) of the
Constitution** (Pages 29 -
30)

Report of the Legal Director.

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

COUNCIL

MEETING HELD AT THE TOWN HALL, BOOTLE
ON 27TH MARCH, 2008

PRESENT: The Mayor (Councillor Hands) (in the Chair)

Councillors Barber, Bigley, Blackburn, Booth, Brady, Brennan, Brodie - Browne, Byrne, Byrom, Cluskey, Colbert, Connell, Cuthbertson, Doran, P Dowd, Fairclough, Lord Fearn, M Fearn, Friel, Glover, Griffiths, D Hardy, P Hardy, Hill, Howe, Ibbs, D Jones, Kerrigan, Larkin, Maher, Mahon, C Mainey, S Mainey, McGuire, McIvor, Moncur, Papworth, Parry, Platt, Porter, Preston, B Rimmer, D Rimmer, R Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers and Webster

79. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummins, Dodd, M.Dowd, Fenton, Hough, T.Jones, McGinnity and Pearson

80. DECLARATIONS OF INTEREST

The following declaration of interest was received:-

Member	Minute	Reason
Mr G Haywood – Chief Executive	94 – Sefton 2010 - Senior Management Structure: Retirement of Chief Executive	Prejudicial - He was directly affected by the proposals in the report - left the room and took no part in the consideration of the item

81. MINUTES

RESOLVED:

That the Minutes of the meeting of the Council held on 28 February 2008 be confirmed as a correct record

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COUNCIL- THURSDAY, 27TH MARCH, 2008

82. MAYOR'S COMMUNICATIONS

Mayor's Charity Ball

The Mayor reported that the Mayor's Charity Ball was held this year at the Royal Clifton Hotel in Southport on 14 March 2008. This years theme was "Hollywood". It was the Mayor and Mayoress's intention to give it a theme, as the Mayoral theme was Art in the Community.

The night had been a huge success, considering the limitations of the space this year, due to the Floral Hall being refurbished. 201 patrons attended the Charity Ball, pre-dinner music was provided by Sefton Music Service's Brass Band. Music throughout the night was plentiful and along with caricaturists, table magicians, and a fantastic MC in Paul Crone from ITV's Granada Reports, the sum of £3,319.98 was raised on the night.

The Mayor expressed thanks to all the local businesses who, had provided support for a superb raffle and auctions.

Councillor Pearson - 50th Wedding Anniversary

The Mayor extended best wishes to Councillor Pearson and his wife Barbara, who were celebrating their 50th Wedding Anniversary that day.

Councillor Cluskey - 70th Birthday

The Mayor extended best wishes to Councillor Cluskey who was celebrating his 70th Birthday that day.

PUBLIC SESSION

83. MATTERS RAISED BY THE PUBLIC

The Mayor reported that members of the public had submitted no petitions or questions.

COUNCIL BUSINESS SESSION

84. CHANGES TO THE MEMBERSHIP OF COMMITTEES ETC. FOR 2007/08

Councillor Moncur proposed that Councillor P.Hardy be appointed as a substitute for Councillor Larkin on the Scrutiny and Review Committee (Children's Services).

RESOLVED:

That the proposed change be approved.

COUNCIL- THURSDAY, 27TH MARCH, 2008

85. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a written question relating to the area of responsibility of the spokesperson for the Merseyside Fire and Civil Defence Authority (Councillor Mahon). One supplementary question was put and answered.

86. BIRKDALE PARK AND GLOUCESTER ROAD CONSERVATION AREAS APPRAISAL

Further to Minute No. 320 of the Cabinet Meeting held on 20 March 2008, the Council considered the report of the Planning and Economic Regeneration Director that sought approval of the contents of the Birkdale Park and Gloucester Road Conservation Areas Appraisal and agreement to adopt the proposed amendments to the Conservation Area boundaries.

RESOLVED: That approval be given to:

- (1) the adoption of the Birkdale Park and Gloucester Road Conservation Areas Appraisal as a material consideration in the determination of planning applications; and
- (2) the amendments to the Conservations Areas boundaries shown on the plan appended to the report, under Section 69 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

87. BLUNDELLSANDS PARK CONSERVATION AREA APPRAISAL

Further to Minute No. 319 of the Cabinet Meeting held on 20 March 2008, the Council considered the report of the Report of the Planning and Economic Regeneration Director seeking approval of the contents of the Blundellsands Park Conservations Area Character Appraisal and agreement to adopt proposed amendments to the Conservations area boundary.

RESOLVED: That approval be given to:

- (1) the adoption of the Blundellsands Park Conservation Area Character Appraisal as a material consideration in the determination of planning applications; and
- (2) the amendments to the Conservation Area boundary shown on the plan appended at Annex 1 to the report under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

88. MOOR PARK CONSERVATION AREA APPRAISAL

Further to Minute No 322 of the Cabinet meeting held on 20 March 2008 the Council considered the report of the Planning and Economic Regeneration Director that sought approval of the contents of the Moor

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COUNCIL- THURSDAY, 27TH MARCH, 2008

Park Conservations Area Appraisal and agreement to adopt the proposed amendments to the Conservation Area boundary.

RESOLVED: That approval be given to:

- (1) the adoption of the Moor Park Conservation Areas Appraisal as material consideration in the determination of planning applications; and
- (2) the amendments to the Conservation Area's boundaries shown on the plan appended to the report, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

89. WEST BIRKDALE CONSERVATION AREA APPRAISAL

Further to Minute No. 321 of the Cabinet meeting held on 20 March 2008, the Council considered the report of the Planning and Economic Regeneration Director that sought approval of the contents of the West Birkdale Conservation Areas Appraisal and agreement to adopt the proposed amendments to the Conservation Area boundary.

RESOLVED: That approval be given to:

- (1) the adoption of the West Birkdale Conservation Area Appraisal as a material consideration in the determination of planning applications; and
- (2) the amendments to the Conservations Area's boundary shown on the plan appended to the report, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

90. PROGRAMME OF MEETINGS 2008/09

Further to Minute No. 289 of the Cabinet meeting held on 28 February 2008, the Council considered the report of the Legal Director which detailed the draft Programme of Meetings for the 2008/09 Municipal Year. This Programme was required to enable the business of the Council to be conducted.

RESOLVED:

That the programme of meetings for Council, Regulatory Committees, Scrutiny and Review Committees, and Area Committees for 2008/09 as set out in Annexes A, B and C of the report be approved, subject to the Council meeting scheduled for 26 June 2008 being re-scheduled to 10 July 2008,

COUNCIL- THURSDAY, 27TH MARCH, 2008

91. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 16 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council received a report of the Leader of the Council setting out details of those matters dealt with in accordance with Rule 16 of the Access to Information Procedure rules (Special Urgency)

92. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) OF THE CONSTITUTION

The Council considered a report of the Legal Director setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-in and Urgency)

93. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act. The public Interest Test had been applied and favours exclusions of the information from the press and public.

94. SEFTON 2010 - SENIOR MANAGEMENT STRUCTURE: RETIREMENT OF CHIEF EXECUTIVE

Further to Minute No 29 of the meeting of the Employment Procedure Committee held on 11 March 2008, the Council considered the report of the Personnel Director seeking approval to the retirement of Chief Executive, Mr G Haywood, with effect from 31 December 2008 on agreed terms and the proposed arrangements for the appointment of a new Chief Executive.

Motion by Councillor P.Dowd, seconded by Councillor Parry:

- (1) That the resolution of the Employment Procedure Committee on 11 March 2008 be approved and, in this connection, it be noted that Mr Haywood has agreed to an effective date for his retirement of 31st December 2008, and
- (2) That an Employment Procedure Committee comprising of six members on a ratio of 2/2/2 (at least one member shall be a member of the Cabinet) be appointed and that it have powers to agree the arrangements for the appointment of Recruitment Consultants, the advertisement of the post of Chief Executive, the short-listings of candidates, interviewing the final candidates and

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submitting a recommendation to Council concerning the appointment of the new Chief Executive.

The requisite number of members having signified their wish that the voting on the Motion should be recorded, in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time voted as follows:-

FOR THE MOTION:

Councillors: Barber, Bigley, Brady, Brennan, Byrom, Cluskey, Cuthbertson, Doran, P. Dowd, Fairclough, Friel, Glover, Griffiths, D. Hardy, P. Hardy, Ibbs, D. Jones, Kerrigan, Larkin, McIvor, Maher, Mahon, Moncur, Papworth, Parry, Platt, Porter, Roberts, Storey, Tweed, Veidman, Sir Ron Watson and Webster.

AGAINST THE MOTION:

Councillors: Blackburn, Booth, Brodie-Browne, Byrne, Colbert, Connell, M. Fearn, Lord Fearn, Hands, Hill, Howe, McGuire, C. Mainey, S. Mainey, Preston, B. Rimmer, D. Rimmer, Robertson, Shaw, Sumner, Tattersall, Tonkiss and Weavers

The Motion was declared carried by 33 votes to 23.

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Meeting: COUNCIL

Date of Meeting: 8 MAY 2008

Title of Report: STANDARDS COMMITTEE – LOCAL ASSESSMENT

Report of:

Mrs C J Elwood
Legal Director

Contact Officer:
(Telephone No.) 0151 934 2032

This report contains	Yes	No
CONFIDENTIAL Information/		√
EXEMPT information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report DELEGATED?		√

1.0 Purpose of Report

To advise Members that new regulations have been brought into effect from 8 May 2008 which provide that any complaints against Members alleging breach of the revised Code of Conduct will no longer be assessed by the national Standards Board for England. Instead, all complaints in relation to Sefton Councillors will need to be assessed and dealt with by the Council's own Standards Committee. Accordingly there is an urgent need to increase the size of the Committee and to review the terms of reference.

2.0 Recommendation(s)

- 2.1.1 That the number of Elected Members on the Standards Committee (currently 1-1-1) be increased to 1-1-1 plus a Cabinet Member at 8th May Council. Two further interim nominations to be made at May Council to be confirmed in full at July Council.
- 2.1.2 A public advertisement is placed to recruit a third additional Independent Member with a view to approving the appointment at July Council.
- 2.1.3 That an additional Parish Representative is sought from the Sefton Area Partnership of Local Councils.
- 2.1.4 That the terms of reference of the Standards Committee Assessment Sub-Committee and Review Sub-Committee as set out at Annex 1 be approved.
- 2.1.5 That training for all Members/interim and substitute Members of the Committee be arranged.

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Corporate Objective Monitoring

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being		√	
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities		√	
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

Financial Implications

	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
<u>CAPITAL EXPENDITURE</u>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

Not applicable

List of background papers relied upon in the preparation of this Report

Local Government and Public Involvement in Health Act 2007

Standards Board Guidance Toolkit

The Standards Committee (England) Regulations 2008

3.0 Report

3.1 Introduction

The Local Government and Public Involvement in Health Act 2007 brings in new provisions to provide for a revised ethical conduct regime for Local Government. In future Local Standards Committees will receive and assess initial allegations of misconduct and the majority of investigations and determination of cases will take place at a local level. The DCLG issued a Consultation Paper in January this year with detailed comments requested by the 15th February 2007. The results of the Consultation Paper were issued at the beginning of April and the Government has now laid new regulations bringing the new arrangements into force with effect from the 8th May 2008. This means that with effect from the new Civic Year any complaints of Members' misconduct under the Code of Conduct will no longer be assessed by the national Standards Board for England. Instead all complaints in relation to Sefton Councillors and Sefton Parish Councillors will need to be assessed and dealt with by the Council's own Standards Committee.

4.0 Procedure

4.1 In order to avoid conflicts of interest the Government proposes that the initial assessment of complaints and any subsequent review of the initial decision must be carried out by separate Sub-Committees, both Chaired by an Independent Chairman. The full hearing of any complaint however may be heard by Members who were involved with either the initial assessment or the review of that decision.

4.2 In future the Standards Committee will be able to refer an allegation it receives to the Monitoring Officer who will be required to investigate the complaint and make a report or recommendation to the Standards Committee. In certain circumstances the Committee can actually direct the Monitoring Officer to tackle the problem on a more practical basis, such as, the provision of training or mediation. During the course of the investigation the Monitoring Officer may refer the case back to the Standards Committee if new evidence comes to light suggesting the matter is more or less serious than appeared initially or the Member has died or become seriously ill and

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the Monitoring Officer is of the opinion that it is not appropriate to continue with the investigation.

- 4.3 Standards Committees will now be hearing more serious cases. Accordingly the maximum sanction which a Standards Committee can impose will be increased from three months to six months suspension or partial suspension from Office. In the most serious cases the Standards Committee will be able to refer the complaint to the Standards Board/Adjudication Panel.

5.0 Standards Board Role

The Standards Board itself will be undertaking a more strategic role providing guidance and support to Standards Committees themselves and to Monitoring Officers. They will also have a role in monitoring performance to ensure consistency of standards across the country. Monitoring will involve Authorities completing periodic online returns and producing an annual report for the Standards Board. If an Authority fails to carry out their duties within reasonable timescales etc the Standards Board can direct that their functions are suspended until further notice.

6.0 Joint Working

Standards Committees will also be able to work jointly with a view to making efficient use of common resources and aid the sharing of information, expertise, advice and experience. It is for each Standards Committee to decide individually which of its functions it would like to operate jointly with any other Standards Committee, for example, some Committees may choose to operate jointly only for the initial assessment of allegations, whilst others may prefer to extend the arrangements to cover the hearings and determinations.

7.0 Size of Standards Committee

- 7.1 Unfortunately the regulations have come in at very short notice leaving the Authority little time to properly prepare. There is an urgent need to review the composition and increase the size of the Standards Committee so that it may properly undertake this new role. Currently the membership of the Standards Committee is three Elected Members (1-1-1), one Parish Representative and two Independent Members. The Authority needs to move to a position where the composition of the Standards Committee is six Elected Members (2-2-2), two Parish Representatives and three Independent Members. In order to recruit a permanent Independent Member the Authority must advertise the post, invite applications and approve the appointment at Full Council. Realistically this would mean a third Independent Member could not be appointed before July Council. The requirement for two Parish Council Representatives comes into effect on the

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8th May and arrangements have been put in hand to seek an additional nomination from the Sefton Area Partnership of Local Councils.

- 7.2 Unfortunately it will not be possible to increase the full membership of the Committee to six at May Council due to the statutory requirement that Independent Members must comprise at least 25% of the Committee. It is therefore recommended that the Authority moves to four Elected Members from May Council (to include a Cabinet Member) with a further two Members appointed as Shadow Members to take full membership of the Committee with effect from July Council. This proposal will allow training for all Members to take place as complaints may well come in within the two months period between May 8th and July 10th.
- 7.3 The proposal is that the 11 Members of the Committee will form a panel from which membership will be drawn for the Sub-Committees.
- 7.4 The importance of the new role of the Standards Committee cannot be underestimated. It is important that any nominated Members appreciate the new profile of the role and are prepared to attend training sessions on the new arrangements.

8.0 Terms of Reference

There is a need to establish two new Sub-Committees with new terms of reference and to revise the terms of the Standards Committee itself. The Hearings Sub-Committee will now be repealed. Proposed revised terms of reference are attached at Annex 1 for the Assessment Sub-Committee, Review Sub-Committee and Standards Committee itself.

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STANDARDS COMMITTEE

1. To make recommendations to the Council on the adoption, implementation, maintenance and review of a local Code of Conduct for Members and Officers.
2. To consider the reports of the Ethical Standards Officer or Monitoring Officer in relation to a complaint that a Borough Council or Parish Council Member has broken the Code of Conduct and to determine any appropriate action, including a full hearing of the matter.
3. To determine the effective training of Councillors in matters of conduct and advice to individual Councillors on issues relating to the treatment of personal interests and on the propriety of conduct generally.
4. To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have personal and/or prejudicial interests.
5. To determine the appropriate action on matters referred to it by the Standards Board for England other than specific complaints arising from the Code of Conduct.
6. To determine the appropriate action on matters referred to this Committee by the Monitoring Officer including disciplinary matters in relation to the conduct of individual Councillors.
7. To ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.
8. To have oversight of the Council Constitution.
9. To make recommendations to Council on the Members' Allowances Scheme having regard to the report of the Independent Remuneration Panel on the level of Members' Allowances.
10. To deal with any appropriate matter referred to it from other Committees.
11. To make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act, 2000 in excess of £1,000.
12. Overview of complaints handling and Ombudsman investigations.

ASSESSMENT SUB-COMMITTEE

1. To receive and determine whether to refer for investigation, or other appropriate action, any written complaints regarding alleged misconduct and breach of the Code of Conduct by any Borough Councillor or Parish Council Member.

REVIEW SUB-COMMITTEE

1. To further review and re-consider the decision of the Assessment Sub-Committee in relation to any decision not to refer an allegation for investigation, or any other action, which was considered appropriate by the Sub-Committee, and to determine the matter.

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Agenda Item 10

REPORT TO: Cabinet Member – Environmental
Cabinet
Council

DATE: 9 April 2008
17 April 2008
8 May 2008

SUBJECT: Appointment Of Proper Officers For Certain Public Health
Functions

WARDS AFFECTED: All Wards

REPORT OF: W T Milburn
Environmental Protection Director

CONTACT OFFICER: David Packard
0151 934 2100

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To seek Cabinet Member- Environmental approval to changes to the list of Proper Officers designated to undertake certain public health functions within the Borough.

To seek the formal delegation of authority to approve the list of Proper Officers for public health functions to the Environmental Protection Director.

REASON WHY DECISION REQUIRED:

Formal authorisation of Proper Officers is necessary for them to undertake their specified functions under public health legislation. The authority to approve the list is currently delegated to the Cabinet Member – Environmental.

The increased frequency of requested changes to the Proper Officers list and the non controversial nature of the appointments makes a change in delegation of the authority to approve the list from the Cabinet Member – Environmental to the Environmental Protection Director a more appropriate approach for future approvals. Cabinet is required to formally change the delegation of authority in the Councils constitution to allow this to occur.

RECOMMENDATION(S):

That the Cabinet Member – Environmental:

- 1, Approves and signs the list of Proper Officers identified in Annex A
- 2, Recommends to Cabinet and Council that they agree a change to the Councils Constitution to allow the Environmental Protection Director to approve the Proper Officer list in the future.

That Cabinet and Council:

Agree to appropriately amend part C of the Councils Constitution (Cabinet Member – Environmental) relating to the delegated powers of the Environmental Protection Director to appoint officers, to also allow him to approve the Proper Officer list for public health functions under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations

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1988, the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.

KEY DECISION: No

FORWARD PLAN: Not applicable

IMPLEMENTATION DATE: Following the Council meeting.

ALTERNATIVE OPTIONS:
None

IMPLICATIONS:

Budget/Policy Framework: None

Financial: None

Legal: Formal authorisation of Proper Officers is required under the legislative procedures they undertake.

Risk Assessment: Not to designate Proper Officers to undertake the specified public health functions would significantly harm the Council's ability to address a range of public health issues.

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS
NONE

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
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Constitution of Sefton Council

BACKGROUND:

1. The Cabinet Member – Environmental will recall previously authorizing a list of NHS persons recommended for appointment as Proper Officers to fulfill certain public health functions for the benefit of the population of Sefton.
2. The Cheshire and Merseyside Health Protection Agency review the arrangements for the provision of Public Health Proper Officer functions and again request that further appointment of a range of Proper Officers is made to allow adequate cover arrangements, including out of hours call-out, across Cheshire and Merseyside.
3. These arrangements provide a required service to Sefton ensuring medical public health assistance and cover is provided to the local authority at all times.
4. It is recommended that the list of officers, attached as Annex A, be appointed as Proper Officers in respect of certain public health functions under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.
5. As the nature of cover arrangements for the Cheshire and Merseyside has evolved regular amendments to the list are being requested by the Health Protection Agency. A greater number of appointed officers allows for more flexible and comprehensive cover by the health services and is desirable.
6. As the requests for amendment to the approved list is becoming more frequent and commonplace it is recommended that the authority to appoint proper officers for the purpose of the public health functions under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951 be delegated to the Environmental Protection Director.
7. The recommended change does however require a formal change to the Councils constitution. The Cabinet Member – Environmental is asked to endorse this change and recommend that Cabinet and Council agree to change the scheme of delegation in Part C of the Constitution appropriately.

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REPLY SLIP ONE

CHESHIRE & MERSEYSIDE
LIST OF PROPER OFFICERS: MARCH 2008
FOR THE FOLLOWING STATUTORY POWERS:

Public Health (Control of Disease) Act, 1984;
Public Health (Infectious Diseases) Regulations 1988

HPU Consultant Staff	
Dr John Reid Consultant in Health Protection/Director	Mrs Carol Kerr Nurse Consultant in Health Protection
Dr Jörg Hoffmann Locum Consultant in Health Protection	Dr Nicholas Phin Consultant in Health Protection
Dr Evdokia Dardamissis Consultant in Health Protection	Dr Alexander Stewart Consultant in Health Protection
Dr Sam Ghebrehewet Consultant in Health Protection	Dr Hilary Thurston Consultant in Health Protection
Dr Richard Jarvis Consultant in Health Protection	Dr Roberto Vivancos Consultant in Health Protection

On behalf of[name of] Council, I confirm that the above have been appointed Proper Officers for the purpose of the legislation specified above under Delegated Powers (granted to [insert specified officer] under the Scheme/Schedule of Delegations approved on [date]).

Signed:	
Please print name:	
Job Title:	Date:
On behalf of: <i>(please state Local Authority)</i>	

Please return by **25th April 2008** to Cathy Lowe, Unit Administrator,
Cheshire & Merseyside HPU at the address on the covering letter

R E P L Y S L I P T W O

CHESHIRE & MERSEYSIDE
LIST OF PROPER OFFICERS: MARCH 2008
FOR THE FOLLOWING STATUTORY POWERS:

Public Health (Control of Disease) Act, 1984;
Public Health (Infectious Diseases) Regulations 1988
Section 47 of National Assistance Act 1948 and Amendment 1951

Primary Care Trust Consultant Staff	
Dr Rita Robertson Director of Public Health Warrington PCT	Dr Janet Atherton Director of Public Health Sefton PCT
Dr Diana Forrest Director of Public Health Knowsley PCT	Dr Guy Hayhurst Consultant in Public Health Central & Eastern Cheshire PCT
Dr Dympna Edwards Deputy Director of Public Health Halton & St Helens PCT	Dr Marioth Manche Deputy Director of Public Health Warrington PCT
Dr Chris Birt Consultant in Public Health Sefton PCT	Dr Leslie Klein Associate Director of Clinical Effectiveness Central & Eastern Cheshire PCT
Dr Daniel Seddon Public Health Consultant C&M Specialist Commissioning Team	Dr Emer Coffey Consultant in Public Health Liverpool PCT

On behalf of[name of] Council, I confirm that the above have been appointed Proper Officers for the purpose of the legislation specified above under Delegated Powers granted to [insert specified officer] under the Scheme/Schedule of Delegations approved on [date]).

Signed:	
Please print name:	
Job Title:	Date:
On behalf of: <i>(please state Local Authority)</i>	

Please return by **25th April 2008** to Cathy Lowe, Unit Administrator,
Cheshire & Merseyside HPU at the address on the covering letter

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Agenda Item 11

REPORT TO: COUNCIL

DATE: 8 May 2008

SUBJECT: Local Area Agreement 2008-2011

WARDS AFFECTED: All

REPORT OF: Graham Haywood, Chief Executive

CONTACT OFFICER: Estelle Rowe, Assistant Chief Executive (Performance)
0151 934 4039

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To request delegated authority from the Council for the Cabinet to finalise the detail of Sefton's new Local Area Agreement 2008 -2011

REASON WHY DECISION REQUIRED:

The Local Government and Public Involvement in Health Act 2007 specifies that the Local Area Agreement (LAA) must be approved by the Council. The LAA is scheduled to be completed by June 2008. Due to the lack of available meetings, it will not be possible for the Council to approve the LAA prior to its submission to the Government.

RECOMMENDATION (S):

Council is recommended to delegate authority to the Cabinet to finalise the detail of, and approve, the Local Area Agreement 2008 - 2011

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE: Following expiry of the call in of the minutes of this meeting.

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ALTERNATIVE OPTIONS:

There are no alternative options, as the timetable of meetings prevents the Council from signing off the Local Area Agreement prior to its submission to the Government.

IMPLICATIONS:**Budget/Policy Framework:**

The Local Area Agreement is a key-planning document to which the Council and relevant stakeholders must have regard.

Financial:

There are no direct financial implications arising from this decision.

<u>CAPITAL EXPENDITURE</u>	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS:

Legal Director.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

LAA Operational and draft Statutory guidance – DCLG 2007

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1. Background:

- 1.1 As Council is aware, as part of the Local Government and Public Involvement in Health Act, the Council now has a statutory duty to prepare a Local Area Agreement (LAA). The Council and its partners must negotiate with Government a set of (up to) 35 indicators from the new National Indicator set, plus 16 statutory indicators concerning Children and Young People.

2. Process of signing off the Local Area Agreement

- 2.1 The new LAA is currently in preparation - with the Cabinet, Scrutiny Committees, the Sefton Borough Partnership and the Government Office North West all involved in consultation and discussion. The new LAA takes effect from April 1st 2008, although in reality the document will not be completed until June 2008.
- 2.2 The Local Government and Public Involvement in Health Act 2007 specifies that the LAA must be approved by the Council. Due to the lack of available meetings, it will not be possible for the Council to approve the LAA prior to its submission to the Government. Therefore it is asked to delegate authority to the Cabinet to finalise the detail of, and approve, the Local Area Agreement 2008 – 2011.

3. Recommendation

Council is recommended to delegate authority to the Cabinet to finalise the detail of, and approve, the Local Area Agreement 2008 – 2011.

REPORT OF THE LEGAL DIRECTOR – MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY)

I wish to report that the Chair of the Relevant Scrutiny and Review Committee has given consent, under Rule 17 of the Scrutiny Procedure Rules, to the following issues being dealt with, on the basis that the decisions could not be reasonably deferred and therefore not subject to call-in.

CABINET - 20 MARCH 2008

309 PROPOSED COURTYARD EXTENSION AT HILLSIDE HIGH SCHOOL, BOOTLE

Further to Minute No. 204 of the Cabinet meeting held on 13 December 2007, the Cabinet considered the report of the Technical Services Director on proposals to increase the scope of works of the courtyard extension project at Hillside High School by the provision of two additional classrooms and storage facilities.

RESOLVED: That

- (1) approval be given to an increase of £230,854 in the Capital Programme Provision for this scheme. The additional funding to be provided from Specific Capital Resources;
- (2) the Technical Services Director be authorised to instruct the additional works in the sum of £204,334; and
- (3) it be noted that the Chair of the Scrutiny and Review Committee (Performance and Corporate Services) had given his consent, under Rule 17 of the Scrutiny Procedure Rules, for the resolution not to be subject to call-in on the basis that any delay in instructing the additional work will impact upon the existing works programme and result in additional disruption and prolongation costs.

310 PROPOSED NEW RIMROSE HOPE C.E. PRIMARY SCHOOL, SEAFORTH - TENDERS

Further to Minute No. 151 of the Cabinet meeting held on 1 November 2007, the Cabinet considered the report of the Technical Services Director on the final outcome of the tendering process for the construction of the new Rimrose Hope CE Primary School, Seaforth.

RESOLVED: That

- (1) the total funding provision for the scheme be increased to £6,450,911. The necessary additional funding to be provided from unallocated Modernisation resources;

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- (2) approval be given to the acceptance of the agreed Target Cost, subject to the Maximum Construction Cost not exceeding £5,394,100;
- (3) the Legal Director be requested to enter into a formal contract with the successful contractor;
- (4) in the event that a Target Cost cannot be agreed, the Technical Services Director be authorised to seek to replace Morgan Ashurst in their Preferred Contractor status with the tenderer assessed to have submitted the next most advantageous tender; and
- (5) it be noted that the Chair of the Scrutiny and Review Committee (Performance and Corporate Services) has given his consent, under Rule 17 of the Scrutiny Procedure Rules, for the resolution not to be subject to call-in on the basis that any delay will prevent expenditure from being made in accordance with the phasing requirements and prevent commencement and completion of works in accordance with the required programme.

311. PROPOSED SINGLE SITING OF THOMAS GRAY PRIMARY SCHOOL, BOOTLE - TENDERS

The Cabinet considered the report of the Technical Services Director on the outcome of the tendering process for the single siting of the existing Thomas Gray Junior and Primary Schools on the existing primary school site.

RESOLVED: That

- (1) the tender received from E.J. Horrocks Ltd of Prescot in the sum of £2,083,981 be accepted;
- (2) the Legal Director be requested to enter into a formal contract with the successful contractor; and
- (3) it be noted that the Chair of the Scrutiny and Review Committee (Performance and Corporate Services) has given his consent, under Rule 17 of the Scrutiny Procedure Rules, for the resolution not to be subject to call-in on the basis that any delay will prevent expenditure from being made in accordance with the phasing requirements and prevent commencement and completion of works in accordance with the required programme.

C.J. Elwood
Legal Director