

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 16th December, 2010 at 6.30 pm at the Town Hall, Bootle** to transact the business set out on the agenda overleaf.

Yours sincerely,

A handwritten signature in black ink that reads "M. Carney".

Chief Executive

Town Hall,  
Southport

8 December 2010

Please contact Steve Pearce, Head of Committee and Member Services  
on 0151 934 2046 or e-mail [steve.pearce@sefton.gov.uk](mailto:steve.pearce@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 21 October 2010

**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 Annual Report 2009 -10**

(Pages 11 -  
20)

The Independent Chair of the Standards Committee, Mr Neil Edwards, will attend and present the attached report to the Council

**8. Sefton City Learning Centres - Capital Redevelopment Funding**

(Pages 21 -  
26)

Report of the Strategic Director - Children, Schools and Families

9. **Strategic Asset Management Property Intervention Fund** (Pages 27 -  
Report of the Strategic Director - Communities 34)
10. **Flood Risk Management** (Pages 35 -  
Report of the Environmental and Technical Services Director 38)
11. **Protocol for Lifting the Moratorium on the Siting of  
Mobile Phone Masts on Council Land** (Pages 39 -  
Report of the Environmental and Technical Services Director 50)
12. **Draft Revised Statement of Licensing Policy - Licensing  
Act 2003** (Pages 51 -  
Report of the Environmental and Technical Services Director 82)
13. **Transformation Programme and Budget Options**  
Report of the Chief Executive (to follow)
14. **Membership of Committees 2010/11**  
To consider any changes to the Membership of any  
committees etc.

## COUNCIL

### MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 21ST OCTOBER, 2010

PRESENT: The Mayor (Councillor M Fearn) (in the Chair)  
The Deputy Mayor (Councillor Cummins) (Vice Chair)

Councillors Barber, Blackburn, Booth, Bradshaw, Brady, Brennan, Brodie - Browne, Byrne, Byrom, Carr, K. Cluskey, L. Cluskey, Cuthbertson, Dodd, Doran, Dorgan, P. Dowd, Dutton, Fairclough, Lord Fearn, Fenton, Friel, Gibson, Glover, Gustafson, Hands, Hardy, Hough, Howe, Hubbard, Ibbs, Jones, Kelly, Kerrigan, Larkin, Maher, Mahon, C Mainey, S Mainey, McGinnity, McGuire, Mclvor, Moncur, Papworth, Parry, Pearson, Porter, Preece, Preston, B Rimmer, D Rimmer, Robertson, Sumner, Tattersall, Tonkiss, Tweed, Sir Ron Watson, Weavers and Webster

#### 38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Dowd, Griffiths, Hill, Shaw and Veidman.

#### 39. DECLARATIONS OF INTEREST

No declarations of interest were made.

#### 40. MAYOR'S COMMUNICATIONS

##### North West in Bloom Awards 2010

The Mayor reported that at the North West in Bloom Awards Ceremonies held on 20 and 21 October 2010 at the Floral Hall, Southport, the following awards were given to the Borough of Sefton:

##### Regional Awards:

- |                     |  |
|---------------------|--|
| Southport           | - Judge's Discretionary Environmental Award for Local Authorities  |
| Southport           | - Silver Gilt Award for Best Large Coastal Category and Southport Flower Show Trophy for the same category |
| Crosby and Waterloo | - Silver Gilt Award for Small Coastal Resort category  |

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Wesley Street - Commendation Award  
Traders Association,  
Southport

## Neighbourhood Awards:

Best Large Neighbourhood Trophy and Best in Show Trophy - Maghull Station

Level 5 - 'Outstanding'

- Maghull Station
- Formby Parish Council

Level 4 - 'Thriving'

- Peel Road Residents, Bootle
- Tree View Court, Maghull
- Central Square, Maghull
- Maghull Gateway
- Churchtown Village
- Birkdale Village
- Birkdale Station
- Bedford Park, Birkdale
- Wesley Street Traders, Southport

Level 3 - 'Developing'

- Deyes Lane, Maghull
- Church Ward, Seaforth
- Leeds Liverpool Canal, Maghull

On behalf of the Council, the Mayor congratulated all of the organisations and individuals concerned upon their success in winning the above mentioned awards.

## 'Fairtrade Status

The Mayor reported that Sefton had been awarded Fairtrade Borough status by the Fairtrade Foundation and would join 500 other Towns, Cities and Boroughs in Britain which have been awarded this accolade. The award is not to the Council, but to the people of Sefton; and it recognises that a significant number of businesses, outlets, schools, faith groups, voluntary organisations, and the general public, provide, or buy, or use Fairtrade goods.

## Remembrance Sunday

The Mayor reported that this year's Remembrance Sunday would be held on 14 November 2010 and many Services would take place across Sefton.

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This year the Mayor will attend the Service at Southport, the Deputy Mayor will attend the Service at Bootle and Councillor Webster will be the Mayoral representative at Waterloo.

## Gdansk Stilt Walkers and International Day

The Mayor reported that on 10-12 September 2010, the Borough was visited by the Stilt Walkers from our twin town of Gdansk. The visit was hosted by the Anglo Polish Society and Civic and Mayoral Services. The culmination of the visit was their taking part, rather spectacularly, in the Southport International Festival on Sunday 12 September 2010.

The Mayor indicated that she would like to take this opportunity to publicly record her appreciation to the Leisure and Tourism Department for the manner in which they execute their role, as she was regularly approached by members of the public, both local and visiting, who wished to state how impressed they are with Sefton's approach to attracting and hosting visitors. Sefton has earned a marvellous and well deserved reputation which can only benefit the Borough as a whole.

## Mayoral Ball

The Mayor reported that her Charity Ball would be held on 11 February 2011 in the Floral Hall Southport. The theme for the evening would be '*A Night on the Ocean Waves*' to hopefully invoke the evocative elegance of a cruise liner and tickets would be on sale from next month at a cost of £45 per person."

## **41. MINUTES**

RESOLVED:

That the Minutes of the Council meeting held on 2 September 2010 be approved as a correct record.

## PUBLIC SESSION

## **42. MATTERS RAISED BY THE PUBLIC**

The Mayor reported that following the decision taken by the Cabinet Member - Children's Services on 5 October 2010, to approve the commencement of the statutory consultation process relating to the proposal to close St. Wilfrid's Catholic High School with effect from 31 August 2011 (Minute No. 44 refers), a public petition with 3,591 signatures had been submitted requesting the Council to "reconsider the proposals to close St. Wilfrid's High School, Litherland and commit to explore all other options including the amalgamation with Savio High School".

In accordance with the Council's Petition Scheme, Mr. E. Bernard, the lead petitioner, presented the petition to the Council and gave a statement on the content of the petition.

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It was then moved by Councillor Robertson, seconded by Councillor Brodie-Browne and

RESOLVED:

That the petition be referred to the Cabinet Member - Children's Services for consideration as part of the statutory consultation process on the proposal to close St. Wilfrid's Catholic High School.

## COUNCIL BUSINESS SESSION

### **43. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL**

The Mayor reported that Members of the Council had not submitted any questions.

### **44. MEMBERSHIP OF COMMITTEES 2010/11**

Councillor Blackburn proposed the following changes.

#### Members ICT Steering Group

Councillor Hands to replace Councillor Dodd as a Member of the Steering Group.

#### Overview and Scrutiny Committee (Health and Social Care)

Councillor McGuire to replace Councillor Larkin as the Vice Chair of the Committee.

Councillor Ibbs proposed the following change:

#### Planning Committee

Councillor Barber to replace Councillor Mclvor as the Substitute Member for Councillor Jones on the Committee.

RESOLVED:

That the proposed changes detailed above be approved.

### **45. NOTICE OF MOTION BY COUNCILLORS P DOWD AND FAIRCLOUGH**

It was moved by Councillor P. Dowd, seconded by Councillor Fairclough:

*"This Council recognises the importance of and support by the people of Sefton for the Thornton Switch Island Link Road.*



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*It also recognises that the delay by the Coalition Government in supporting the investment in the road is damaging to Sefton and recognises that decisions are made by Ministers and not by Civil Servants.*

*This Council calls upon the Coalition Government to reaffirm support for the building of the link road given by the last Labour Government."*

An amendment was then moved by Councillor Robertson and seconded by Councillor Parry that the motion be amended by the deletion of all of text from the word 'by' in line one of the second paragraph and the substitution of the following text:

*"In taking the project forward is frustrating to all who have campaigned for the road to be built.*

*Council notes that the project was given the status of "Programme Entry" by the previous Government. In line with this Sefton Council has continued to develop and promote the Link Road and is happy to reaffirm its support for the project.*

*Council calls on the Government to do all it can to try to find the funding to move the project forward despite the previous Government signalling that the road was at significant risk in February 2010."*

During the debate, on a show of hands, it was agreed by 39 votes to 21 that the amendment be put to the vote.

The requisite number of Members having then signified their wish that the voting on the amendment 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 AMENDMENT:

Councillors Barber, Blackburn, Booth, Brodie-Browne, Byrne, Cuthbertson, Dodd, Doran, Dorgan, Dutton, Lord Fearn, Fenton, Gibson, Glover, Hands, Hough, Howe, Hubbard, Ibbs, Jones, Larkin, C. Mainey, S. Mainey, McGuire, McIvor, Papworth, Parry, Pearson, Porter, Preece, Preston, B. Rimmer, D. Rimmer, Robertson, Sumner, Tattersall, Tonkiss, Sir Ron Watson and Weavers.

#### AGAINST THE AMENDMENT:

Councillors Bradshaw, Brady, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, P. Dowd, Fairclough, Friel, Gustafson, Hardy, Kelly, Kerrigan, Maher, Mahon, McGinnity, Moncur, Tweed and Webster.

#### ABSTENTION:

Councillor M. Fearn.

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The amendment was carried by 39 votes to 21 with 1 abstention.

A further amendment was then moved by Councillor Moncur and seconded by Councillor Maher that the Substantive Motion be amended by the deletion of all the text from the word 'despite' in the second line of the final paragraph.

The requisite number of Members having signified their wish that the voting on the amendment 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 AMENDMENT:

Councillors Bradshaw, Brady, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, P. Dowd, Fairclough, Friel, Gustafson, Hardy, Kelly, Kerrigan, Maher, Mahon, McGinnity, Moncur, Tweed and Webster.

## AGAINST THE AMENDMENT:

Councillors Barber, Blackburn, Booth, Byrne, Cuthbertson, Dodd, Doran, Dorgan, Dutton, M. Fearn, Lord Fearn, Fenton, Gibson, Glover, Hands, Hough, Howe, Hubbard, Ibbs, Jones, Larkin, C. Mainey, S. Mainey, McGuire, McIvor, Papworth, Parry, Pearson, Porter, Preece, Preston, B. Rimmer, D. Rimmer, Robertson, Sumner, Tattersall, Tonkiss, Sir Ron Watson and Weavers.

The amendment was lost by 39 votes to 21.

Following further debate, on a show of hands, the Mayor declared that the Substantive Motion was carried by 39 votes in support of the Motion, no votes against and 22 abstentions and it was

## RESOLVED:

This Council recognises the importance of and support by the people of Sefton for the Thornton Switch Island Link Road.

It also recognises that the delay in taking the project forward is frustrating to all who have campaigned for the road to be built.

Council notes that the project was given the status of 'Programme Entry' by the previous Government. In line with this, Sefton Council has continued to develop and promote the Link Road and is happy to reaffirm its support for the project.

Council calls on the Government to do all it can to try to find the funding to move the project forward despite the previous Government signalling that the road was at significant risk in February 2010.

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**Meeting:** Council  
**Date of Meeting:** 16 December 2010  
**Title of Report:** Standards Committee Annual Report 2009/10

**Report of:**

David McCullough  
Acting Head of Corporate Legal  
Services

**Contact Officer:**  
(Telephone No.) 0151 934 2032

This report contains	Yes	No
<b>CONFIDENTIAL</b> Information/		√
<b>EXEMPT</b> 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 <b>DELEGATED?</b>	√	

**1.0 Summary**

To present the annual report of Sefton Council Standards Committee

**2.0 Recommendation(s)**

That the Council notes the annual report of the Standards Committee.

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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

<u>CAPITAL EXPENDITURE</u>	<b>2009/ 2010</b> £	<b>2010/ 2011</b> £	<b>2011/ 2012</b> £	<b>2012/ 2013</b> £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
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

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

## **3.0 Background**

- 3.1 At its meeting held on the 28 May 2009, the Standards Committee resolved that the Monitoring Officer produce an annual report on the work of the Committee. The annual report for 2009/10 was approved by the Standards Committee on 16 July 2010 and it is now presented to full Council for consideration.
- 3.2 Mr N. Edwards, the Independent Chair of the Standards Committee will attend the Council Meeting to outline the content of the report.

# Agenda Item 7

## THE ANNUAL REPORT OF THE STANDARDS COMMITTEE FOR 2009/10

### **1.0 Introduction from the Chair**

**1.1** On behalf of the Members of the Standards Committee it gives me great pleasure to introduce the 2009/10 annual report to the Council. In doing so I feel it appropriate to express my thanks to Members of the Committee, the Monitoring Officer and his staff for their support and wise counsel during the year.

### **2.0 Composition and Terms of Reference**

**2.1** The Local Government Act 2000 required all Local Authorities to establish a Standards Committee tasked with promoting and maintaining high standards of conduct among Members and to assist Members to observe the Code of Conduct. Article 9 of the Council's Constitution sets out the composition role and functions of the Committee.

**2.2** With effect from May 2009 the Committee has also been responsible for dealing with complaints against Elected Members and has the power to impose a range of sanctions in respect of those Members who have been found to have been in breach of the Members Code of Conduct.

**2.3** The Committee is also responsible for issues in relation to the Parish and Town Councils within Sefton and accordingly the Standards Committee must include representatives from Parish Councillors. In addition at least a quarter of the membership must be Independent Members appointed by the Council to serve on the Committee.

**2.4** The Local Government Act 2000 was amended in 2008 so as to make it a legal requirement that the Committee is chaired by an Independent Member.

### **3.0 Members of the Standards Committee**

**3.1** The Standards Committee must be composed of six Councillors, three Independent Members and two Parish Council Representatives. The Members of the Standards Committee for 2009/10 were as follows:-

**Sefton Borough Council Representatives** – Cllrs Bigley, Brady, Fairclough (Cabinet Member) M. Fearn, Hill, and Papworth

**Independent Members** – Mr N Edwards (Chair), Mr JR Fraser, Mr E Davies

**Parish Council Members** - Mrs B O'Brien and Mr D Warren

**3.2** During 2009/10 the Standards Committee met on the following occasions:-

28<sup>th</sup> May 2009  
 9<sup>th</sup> September 2009  
 17<sup>th</sup> September 2009  
 19<sup>th</sup> November 2009  
 15<sup>th</sup> December 2009  
 28<sup>th</sup> January 2010  
 25<sup>th</sup> March 2010

**4.0 Local Standards Framework**

**4.1** As from May last year the Council's Standards Committee became responsible for dealing with complaints in respect of allegations that there had been a breach of the Code of Conduct. This was previously the responsibility of the Standards Board for England who in future will adopt a more strategic role responsible for training and guidance and monitoring the outcome of complaints and investigations undertaken by Local Authorities.

**4.2** Each complaint received by the Standards Committee must be assessed to see whether it falls within the Committee's jurisdiction. Three Sub-Committees have been established for dealing with the potential stages involved in a complaint as follows:-

**4.2.1 Initial Assessment Sub-Committee** – receives and determines whether to refer for investigation or other appropriate action any written complaint.

**4.2.2 Review Sub-Committee** – further reviews and re-considers the decision of the Initial Assessment Committee upon appeal.

**4.2.3 Hearings Sub-Committee** – hears the outcome of any investigation into an alleged breach of the Code and determines any appropriate sanction.

**4.3** At their meeting on the 14 July 2008 the Standards Committee agreed to adopt and publicise the assessment criteria for the local assessment of complaints. The adopted criteria are set out in full at **Annex A**.

**4.4** In the year 2009/10, the Initial Assessment Sub-Committee has met on one occasion to consider a local complaint. The Hearing considered a complaint and determined as follows:-

NO.	BREACH	DECISIONS
SAC 11	<ul style="list-style-type: none"> <li>▪ Failing to treat others with respect</li> <li>▪ Bringing their office or Authority into disrepute (Allegations against Parish Councillors)</li> </ul>	No action

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## **5.0 Independent Members**

Two Independent Members were appointed to the Sub-Committee following a recruitment and selection process. The Council subsequently agreed the recommendation that Mr E Davies, from Formby, and Mr JR Fraser, from Ainsdale, be appointed as Independent Members of the Standards Committee for a three year term of office until May 2011. The Independent Members Chair any meetings of the Sub-Committee.

## **6.0 Training**

**6.1** Training and development is an important function of the Standards Committee. During 2009/10 training and development opportunities were provided on the following dates:-

6.1.1 New Members Induction – 13<sup>th</sup> May 2010, 14<sup>th</sup> May 2010, 25<sup>th</sup> may 2010 and 3<sup>rd</sup> June 2010

## **7.0 Summary**

7.1 The Standards Committee is a non-political body whose Members are required to act in an impartial manner, using their experience and sound judgement to determine complaints laid against Elected Members. The Committee is not a battle-ground for party political disputes.

7.2 This annual report is recommended to the Council.

**Neil Edwards**  
**Independent Chair**  
**Standards Committee**



## SEFTON COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

These criteria are intended to reflect local circumstances and priorities and are simple, clear and open. They are to ensure fairness for the complainant and the subject member.

### 1.0 Circumstances where the Initial Assessment Sub-Committee may decide to take no further action

Where the complaint:

- (1) does not have enough information to satisfy the sub-committee that the complaint should be referred for investigation or other action.
- (2) is about someone who is no longer a member of the Council or the Parish Council.
- (3) has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances
- (4) or one substantially similar, has already been the subject of an investigation or other action relating to the Code of Conduct or has been the subject of an investigation by other regulatory authorities.
- (5) is believed to be either:
  - (a) relatively minor
  - (b) tit-for-tat
  - (c) politically motivated
  - (d) malicious
  - (e) not sufficiently serious to warrant further action
- (6) is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter or
- (7) where the subject member has apologised and/or admitted making an error and the matter would not warrant a more serious sanction
- (8) where it is apparent that the subject Member is relatively inexperienced as a Member
- (9) where it appears that even if the allegations were fully investigated and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the matter is relatively minor. The Standards Committee will take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious. It will not refer a complaint for investigation where it considers that the public interest in investigating the complaint is outweighed by the cost and resources that would be likely to be involved.

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## **2.0 Circumstances where the Standards Committee may decide to refer the complaint to the Monitoring Officer for local investigation**

Where the complaint is sufficiently serious to justify the cost of an investigation and it is in the public interest to investigate.

## **3.0 Circumstances where the Standards Committee may decide to refer the allegation to the Monitoring Officer for other positive action**

(1) Where the complaint:

(i) could be dealt with more effectively by:

- (a) requesting an apology
- (b) mediation
- (c) training
- (d) reviewing procedures and protocols

(ii) is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority which could be dealt with by:

- (a) mediation
- (b) training
- (c) reviewing procedures and protocols

(2) Where it is not in the interests of good governance to undertake or complete an investigation into a complaint.

### **Notes**

(a) The Initial Assessment Sub-Committee must consult the Monitoring Officer before reaching a decision to take other action. It is to be noted that the purpose of this approach is not to determine whether there has been a breach of the Code.

(b) If members decide to refer the complaint to the Monitoring Officer for another form of positive action the following must be considered:

- *What is being proposed.*
- *Why it is being proposed.*
- *Why the Member should co-operate*
- *What the Sub-Committee hopes to achieve*

(c) A complaint referred for positive action will not state whether the member breached the Code but that the decision made was an alternative to investigation and that no conclusion was reached on whether the subject member failed to comply with the Code. There will be no opportunity to undertake an investigation into the complaint and it will not be referred back to the Standards Committee even if this action is perceived to have failed.

## **4.0 Circumstances where the Standards Committee may decide to refer the complaint to the Standards Board for England (SBE)**

(1) Where the status of the member or members or the number of members about whom the complaint is made would make it difficult to deal with the complaint eg

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a complaint against the Leader of the Council or senior opposition group members or a Cabinet Member or a Standards Committee Member.

- (2) Where the status of the complainant or complainants would make it difficult to deal with the complaint eg a complaint from the Chief Executive or Legal Director or other senior officer or a Group Leader or Cabinet Member or Standards Committee Member.
- (3) Where a large number of key people are conflicted out and there is a risk of successful judicial review.
- (4) Where there is a potential conflict of interest of the monitoring officer or other officers and suitable alternative arrangements cannot be put in place to address the conflict.
- (5) Where the complaint is so serious or complex, or it involves so many members that it cannot be handled locally.
- (6) Where the complaint requires substantial amounts of evidence beyond that available from the authority's documents, its members or officers.
- (7) Where there is substantial governance dysfunction in the Council or its Standards Committee.
- (8) Where the complaint relates to long-term or systemic member/officer bullying which could be more effectively investigated by someone outside the authority.
- (9) Where the complaint raises significant or unresolved legal issues on which a national ruling would be helpful.
- (10) Where the public might perceive the Council to have an interest in the outcome of a case eg, if the Council could be liable to be judicially reviewed if the complaint is upheld.
- (11) Where there are exceptional circumstances which would prevent the authority or its standards committee investigating the complaint competently, fairly and in a reasonable period of time, or meaning that it would be unreasonable for local provision to be made for an investigation.

## **5.0 Timescales**

The Initial Assessment Sub-Committee will, unless there are exceptional circumstances, reach a decision applying the criteria above within 20 working days of receipt of the complaint.

## **6.0 Attendance**

The subject Member will not be notified that a complaint has been made until the matter has been determined by the Initial Assessment Sub-Committee. Neither the complainant nor the subject Member may attend the Initial Assessment Sub-Committee.

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# Agenda Item 8

**REPORT TO:** Cabinet Member, Children's Services  
Cabinet  
Council

**DATE:** 7 December 2010  
16 December 2010  
16 December 2010

**SUBJECT:** Sefton City Learning Centres: Capital Redevelopment  
Funding

**WARDS  
AFFECTED:** All Wards

**REPORT OF:** Peter Morgan  
Strategic Director - Children, Schools & Families

**CONTACT  
OFFICER:** Chris Dalziel (0151 934 3337)

**EXEMPT/  
CONFIDENTIAL:** NO

**PURPOSE/SUMMARY:**

The purpose of this report is to seek approval for the proposed expenditure of this grant.

**REASON WHY DECISION REQUIRED:**

The Cabinet Member, Children, Schools & Families, has delegated powers to approve the proposed expenditure and to refer this to Cabinet for inclusion in the Children, Schools & Families Capital Programme 2010/11.

**RECOMMENDATION(S):**

The Cabinet Member is recommended to:-

- i). approve the proposed expenditure, to be funded entirely from specific resources, and
- ii). refer the expenditure to Cabinet and Council for inclusion in the Children, Schools & Families Capital Programme 2010/11.

The Cabinet and Council are recommended to approve the proposed expenditure, to be funded entirely from specific resources and include the expenditure with the Children, Schools & Families Capital Programme 2010/11.

**KEY DECISION:** No.

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**FORWARD PLAN:** Not appropriate.

**IMPLEMENTATION DATE:** Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

**ALTERNATIVE OPTIONS:**

Not appropriate.

**IMPLICATIONS:**

**Budget/Policy Framework:** None.

**Financial:** There are no financial implications for the Council’s general capital resources and all proposals will be funded from the City Learning Centres (CLCs) capital grant 2010/11 as detailed below and from the same grant in 2009/10.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure	150,000	150,000		
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
CLC Capital Redevelopment Funding	150,000	150,000		
<b><u>REVENUE IMPLICATIONS</u></b>				
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 arising from this report.

**Risk Assessment:** There are no risks associated with this report as all funding is from specific resources.

**Asset Management:** Not appropriate.

## CONSULTATION UNDERTAKEN/VIEWS

FD566 - The Head of Corporate Finance and Information Services has been consulted and has no comments on the report.

## 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	✓		

## LINKS TO ENSURING INTEGRATION:

The proposals will contribute towards creating highly effective, inclusive learning environments for all age groups.

## IMPACT UPON CHILDREN, SCHOOLS & FAMILIES TARGETS AND PRIORITIES:

The proposals will have a positive impact on the following targets:-

- Educational achievement and training;
- Making a positive contribution;
- Statutory education targets;

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

Report to Cabinet Member and Cabinet – 4/20 May 2010: Sefton CLC: Capital Redevelopment Funding.

# Agenda Item 8

## **SEFTON CITY LEARNING CENTRES: CAPITAL REDEVELOPMENT FUNDING**

### **1. Background**

- 1.1 Members will recall that Sefton MBC was allocated a Capital Redevelopment Grant of £300,000 in 2009/10 and again in 2010/11 to allow for the continued development of the two City Learning Centres (CLCs) based at Ainsdale Hope CE High School and Savio Salesian College.
- 1.2 Although a report in May 2010 detailed proposed expenditure of the 2009/10 allocation this was never fully actioned due to the uncertain future of the CLCs which will cease to function in December 2010. A total of £261,081 from the 2009/10 allocation remains unspent.
- 1.3 Representations were made to Partnerships for Schools (PfS) to request that this funding be carried forward into the current financial year and a response to this request was received on 24 November 2010. PfS have confirmed that the £261,081 can be carried forward into 2010/11 but must be expended by 31 March 2011. The total funding available in 2010/11 is therefore £561,081.
- 1.4 The 2010/11 capital redevelopment grant of £300,000 was released to the local authority by Becta (British Education, Communication, Technology Agency) following submission and approval of an Annual Performance Agreement (APA), which detailed the local priorities for supporting the use of technology in teaching and learning.
- 1.5 The Annual Performance Agreement (APA) focussed on the effective use of technology to promote equality, aspiration, motivation and achievement through enhancing the quality of teaching and learning in a range of settings and in response to the Every Child Matters agenda.
- 1.6 The CLC capital redevelopment grant is limited to structural changes to the building, computer hardware and related software and training bought as a single package and software, including upgrades, (but not subscriptions). It must not be used to pay for consumables, staffing or other non-CLC purposes. In addition, this money must not be shared out amongst partner schools. The 2010/11 funding, which is ring-fenced must be expended by 31 August 2011.

### **2. Proposal**

- 2.1 Following dialogue with Becta, it is agreed that the local authority can spend CLC capital redevelopment funding on portable or semi-portable ICT equipment which is used to support outreach work in schools but not to provide static equipment or infrastructure upgrades for the school which could not conceivably be returned to the local authority at some future



# Agenda Item 8

date. Ownership of this hardware or software would remain with the Local Authority and not the target schools.

- 2.2 It is proposed that the CLC Capital Redevelopment funding is used to purchase a range of innovative ICT equipment that can be used to support schools in transforming teaching and learning across all national curriculum stages.
- 2.3 It is anticipated that the proposed investment will encourage wider access and use of technology for Sefton schools delivering Foundation Stage, Primary and Secondary curriculum and Further Education.
- 2.4 The Local Authority will engage with schools through SASH (Sefton Association of Secondary Heads) and SAPH (Sefton Association of Primary Heads) groups to agree an appropriate portfolio of ICT equipment that will support all schools to improve their use of technology.
- 2.5 The Local Authority will also engage with schools through SASH (Sefton Association of Secondary Heads) and SAPH (Sefton Association of Primary Heads) groups to agree a mechanism for allocation of ICT equipment.

### **3. Recommendations**

- 3.1 The Cabinet Member is recommended to:-
  - i). approve the proposed expenditure, to be funded entirely from specific resources, and
  - ii). refer the expenditure to Cabinet for inclusion in the Children, Schools & Families Capital Programme 2010/11.

The Cabinet and Council are recommended to approve the proposed expenditure, to be funded entirely from specific resources and include the expenditure with the Children, Schools & Families Capital Programme 2010/11.

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# Agenda Item 9

**REPORT TO:** Cabinet  
Council

**DATE:** 25<sup>th</sup> November 2010  
16<sup>th</sup> December 2010

**SUBJECT:** Strategic Asset Management Property Intervention Fund

**WARDS  
AFFECTED:** All

**REPORT OF:** Bill Milburn  
Strategic Director (Communities)

**CONTACT  
OFFICER:** Mike Martin – Tele: 0151 934 3506  
David Street – Tele: 0151 934 2751

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval for the inclusion of a Strategic Asset Management Property Intervention provision within the Capital Programme, funded from the proceeds of asset disposals, to address on-going property management issues.

**REASON WHY DECISION REQUIRED:**

Cabinet approval is required to recommend to Council the establishment of a Strategic Asset Management Property Intervention provision within the Capital Programme, and the changes in the Scheme of Delegation within the Constitution as described in this report.

**RECOMMENDATION(S):**

It is recommended that Cabinet:-

1. Recommend to Council the establishment of a £500,000 Strategic Asset Management Property Intervention provision within the Capital Programme to be funded and maintained from capital receipts derived from asset disposals.
2. Recommend to Council the amendment of Part 3 of the Council Constitution (Responsibility for Functions) in order to give the management responsibility for the Strategic Asset Management Property Intervention provision to the Strategic Director - Communities, in conjunction with the Head of Corporate Finance and ICT.

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**It is recommended that Council give approval to:-**

- 1) The establishment of a £500,000 Strategic Asset Management Property Intervention provision within the Capital Programme to be funded and maintained from capital receipts derived from asset disposals.
- 2) The amendment of Part 3 of the Council Constitution (Responsibility for Functions) in order to give the management responsibility for the Strategic Asset Management Property Intervention provision to the Strategic Director - Communities, in conjunction with the Head of Corporate Finance and ICT.

**KEY DECISION:** None

**FORWARD PLAN:** None

**IMPLEMENTATION DATE:** Immediately following Council

**ALTERNATIVE OPTIONS:**

Cabinet/Council could choose not to accept the recommendations which would mean that all routine property intervention issues of the nature described in the report would need to be reported to Cabinet and Council in order to be included within the Capital Programme, which could lead to inordinate delays in the commencement of work, particularly if the requirement is of an emergency nature.

**IMPLICATIONS:**

**Budget/Policy Framework:** None

**Financial:**

The proposal is to establish a £500,000 provision within the Capital Programme from the current year's proceeds of asset disposals and to maintain that provision at that level as it is utilised by top slicing future capital receipts going forward.

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<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N No	When?			
How will the service be funded post expiry?	.			

**Legal:**

The recommended protocol will require a change to the Scheme of Delegation within the Council's Constitution.

**Risk Assessment:**

The fund will enable the Council to manage its property risks more effectively.

**Asset Management:**

The fund will assist the Council in managing its property portfolio in a more effective manner by enabling interventions that will either reduce risk or maximise opportunities to create additional value or minimise revenue expenditure

**CONSULTATION UNDERTAKEN/VIEWS**

FD 562 - The Interim Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report.  
Legal Dept, Strategic Asset Management Group

# Agenda Item 9

## 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

Asset Management Report 2010.

## **1.0 Background**

- 1.1 Members will recall that up to 2009/10 a New Starts Capital Programme (NSCP) was agreed as part of the budget setting process, funded primarily from specific allocations and approvals from central Government, with the addition of agreed prudential borrowing identified within the Council's Medium Term Financial Plan. The NSCP was also supported by any anticipated proceeds from asset disposals expected during the year. As a reflection of the Council's financial position, a New Starts Capital Programme was not approved for the current year and a number of Capital provisions for addressing routine property interventions were deleted from the 2009/10 budget.
- 1.2 The absence of this funding from the Capital Programme means that there is no provision to facilitate works (interventions) that frequently arise within the Council's asset holdings, given the size of the portfolio and diverse cross-section of property types. Examples include health and safety matters (including urgent demolitions), compliance with urgent Disability Discrimination Act issues and progressing "invest to save" opportunities (including accommodation relocations). Consequently, the only way to address such issues is to take individual and specific reports to both Cabinet & Council to have each emerging issue added to the Capital Programme, this has the potential to lead to delays in the commencement of works, which is particularly problematic if the requirement is of an urgent or emergency nature.
- 1.3 There is a growing appreciation of the impact that the "Credit Crunch" and subsequent recession has had on property asset values in the UK and Sefton has not been immune to these impacts. The value of Council assets has been diminished and surplus assets that would have sold readily in the recent past struggle to achieve more than opportunistic or speculative enquiries. However, there is still a market for certain assets, typically existing buildings in need of renovation or small development sites in good residential locations that need minimal investment in infrastructure. It is this type of asset that is likely to form part of a limited asset disposal programme over the next few years.

## **2.0 Proposal**

- 2.1 The Strategic Asset Management Group (SAMG) has formulated a proposal to recommend to Cabinet and Council that will, if accepted, help improve asset management arrangements and allow the types of issues outlined above to be routinely progressed without constant referral to both Cabinet and Council for inclusion in the Capital Programme. The proposal involves the establishment of a Property Interventions provision within the Capital Programme, funded initially from the proceeds of asset disposals received since 1 April 2010. It is recommended that this provision be established in the sum of £500,000 and maintained at this level as it is utilised by top slicing further capital receipts at the end of each financial year.

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- 2.2 It is difficult to accurately predict the level of use of such a fund and it is possible that in some years it will be fully expended and in other years that it will carry over a substantial proportion into the following financial year. If asset receipts are not generated within any year then the Property Intervention fund will not be “topped up”.
- 2.3 It is recommended that the Property Intervention provision be managed by the Strategic Director (Communities) in his capacity as Chair of SAMG and that he, in conjunction with the Head of Corporate Finance and IS, be given delegated authority by Council to authorise allocations from the provision as and when required.
- 2.4 In order to ensure effective governance of this funding it is proposed that a report on the previous year’s utilisation of the Property Intervention provision will be presented to Cabinet at the beginning of each Municipal Year.
- 2.5 Members are aware that in the current economic climate with reduced activity and low values the Council may be ill advised to seek to dispose of its major assets. Nevertheless, some activity does continue which would allow the establishment of the Property Intervention fund without seeking base budget growth. Should Members agree to the recommendations of this report, the balance of asset receipts received, after generating/maintaining the Property Intervention fund will, as in the past, be utilised to repay existing borrowings with the benefit of reducing revenue costs.
- 2.6 Members will be kept fully informed as the economic climate improves and the prospect of generating significant income from asset disposals returns, in order that they may decide whether to utilise such returns for investments in specific facilities or Capital New Starts.

## **3.0 Recommendations**

- 3.1 It is recommended that Cabinet:-

Recommend to Council the establishment of a £500,000 Strategic Asset Management Property Intervention provision within the Capital Programme to be funded and maintained from capital receipts derived from asset disposals.

Recommend to Council that the management responsibility for the Strategic Asset Management Property Intervention provision be delegated to the Strategic Director (Communities) in conjunction with the Head of Corporate Finance and IS and that the Constitution be amended accordingly.

- 3.2 It is recommended that Council agree:-

The establishment of a £500,000 Strategic Asset Management Property Intervention provision within the Capital Programme to be funded and maintained from capital receipts derived from asset disposals; and



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the amendment of Part 3 of the Council Constitution (Responsibility for Functions) in order to give the management responsibility for the Strategic Asset Management Property Intervention provision to the Strategic Director - Communities, in conjunction with the Head of Corporate Finance and ICT.

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# Agenda Item 10

**REPORT TO:** Cabinet  
Council

**DATE:** 25 November 2010  
16 December 2010

**SUBJECT:** Flood Risk Management

**WARDS  
AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental and Technical Services Director

**CONTACT  
OFFICER:** Graham Lymbery – Project Leader - Coastal Defence  
0151 934 2959

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

The purpose of this report is to request inclusion of the projects detailed below in the Capital programme.

**REASON WHY DECISION REQUIRED:** Part 4 of the Council's Constitution states that before capital expenditure is incurred, individual schemes should be submitted for approval.

**RECOMMENDATION(S):**

(1) Cabinet is requested to submit a recommendation to the Council that the following schemes be included in the Capital Programme to be fully funded from ring-fenced Environment Agency grant and a revenue contribution from within the Council's existing Land Drainage Works Budget:

- (i) Claremont Avenue Maghull Land Drainage investigation - £35,000
- (ii) Thornton and Lunt Land Drainage Investigation - £39,000
- (iii) Dobbs Gutter Flood Alleviation Study - £41,000
- (iv) Surface Water Management Plan - £120,000 (including £20k Revenue contribution)

(2) That Members note the grant application to the Environment Agency for the Moss Lane, Lydiate Flood Alleviation Scheme (£245,000) and that this be the subject of a further report following the outcome of the bid.

**Council is requested to approve the recommendation set out in (1) above**

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**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Following the Council meeting

**ALTERNATIVE OPTIONS:**

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:** There are no additional capital or revenue financial implications for the Council arising from these projects. All are fully covered by ringfenced Environment Agency Grants with the addition of a £20,000 revenue contribution towards the SWMP project from within the Council's existing Land Drainage Works Budget.

	2010/11 £	2011/12 £	2012/13 £	2013/14 £
<b><u>CAPITAL EXPENDITURE</u></b>				
Gross Increase in Capital Expenditure	215,000			
Funded by:				
Sefton Capital Resources (revenue contribution)				
Specific Capital Resources	215,000			
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y	When?			
How will the service be funded post expiry?	N/a – these are one off grant funded projects.			

**Legal:**

**Risk Assessment:**

**Asset Management:** The schemes have been considered by the Strategic Asset Management Group.

**CONSULTATION UNDERTAKEN/VIEWS**

**FD 523** - The Acting Finance and Information Services Director has been consulted and his comments have been incorporated into this report.

**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**

# Agenda Item 10

## 1. Background

1.1 The following schemes have received ringfenced grant-aid approval from the Environment Agency:

- i) **Claremont Avenue Maghull Land Drainage investigation £35,000**
- ii) **Thornton and Lunt Land Drainage Investigation £39,000**
- iii) **Dobbs Gutter Flood Alleviation Study £41,000**

These schemes will improve our understanding of flood risk in these areas, will set out how best to manage this and develop a business case for the Council to apply for further grant-aid from the Environment Agency.

- iv) **Surface Water Management Plan £120,000 (£100,000 ringfenced grant-aid plus £20,000 from the Council's 2010/11 Land Drainage Works Budget. )**

This project will document our understanding of flood risk from surface water and set out how best to manage this risk.

1.2 The following scheme will be the subject of a grant application to the Environment Agency:

- Moss Lane Lydiate, Flood Alleviation Scheme £245,000**

This scheme will reduce the flood risk currently experienced at this location.

## 2. Financial Implications

2.1 There are no additional capital or revenue financial implications arising from these projects as all are Grant-aided from the Environment Agency plus £20,000 from within the Council's Land Drainage Works Revenue Budget. Following completion of these investigations ,no further expenditure will be incurred on individual projects other than preparation of applications for further grant-aid approval from the Environment Agency.

# Agenda Item 11

**REPORT TO:** Council

**DATE:** 16th December 2010

**SUBJECT:** Protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environment and Technical Services Director  
Tel: 0151 934 4018

**CONTACT OFFICER:** David Street – Asset & Property Manager, Technical Services  
Tel: 0151 934 2751

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek Council's authority to amend the Constitution to enable the Area Committees to decide and authorise the use of Council land for the siting of telephone transmission masts within their Wards.

**REASON WHY DECISION REQUIRED:**

On 28<sup>th</sup> October, Cabinet resolved that the revised protocol be approved and that decision-making should be devolved to the Area Committees and that a report be submitted to Council to amend the constitution to permit the Area Committees to take the decision to authorise the use of Council land for the siting of telephone transmission masts.

**RECOMMENDATION(S):**

That Council: -

1. Note the Cabinet resolution and the revised protocol and;
2. Approve the amendment of Part 3 of the Council Constitution (Responsibility for Functions) by the inclusion of the following text:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

1. Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee in accordance with the Council's protocol.”

**KEY DECISION** Yes

**FORWARD PLAN:** Yes

**IMPLEMENTATION DATE:** Following the Council Meeting

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**ALTERNATIVE OPTIONS:** It has been consistently reported that there are options to apply different parameters to the protocol, but to extend and complicate the process significantly could deter applications through the protocol because the requirements could become too onerous or the process become too time consuming. Ultimately, this would defeat the original intention of the protocol which is to provide sites that are more suitable and acceptable than those which are available by right, i.e. on the highway.

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:** There are no direct financial implications arising out of this report. There will be some costs associated with evaluating proposals to site masts on Council owned land, but it is anticipated that these will be covered by any licence fees which will be charged to the mobile phone operators. The fees received will be used to cover the costs of implementing the protocol and evaluating specific requests therefore there should be no net cost to the Council.

**Legal:** The protocol as outlined in the report complies with legal requirements and recommended best practice.

**Risk Assessment:** The protocol incorporates risk assessments based on industry best practice

**Asset Management:** The proposals have been developed in accordance with good asset management practice.

**CONSULTATION UNDERTAKEN/VIEWS**

FD 570 – The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report  
 LD 0002/10 - the Acting Head of Corporate Legal Services has been consulted and his comments have been incorporated into this report.

**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**

Revised Protocol for the Evaluation of Requests to lift the Moratorium on the Siting of Mobile Phone Masts on Council Land; Cabinet report dated 28<sup>th</sup> October 2010



## Background

1. Full Council on 22 October 2009 in considering the moratorium on the siting of telephone masts on Council land:

RESOLVED: That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phone masts on Council land and report this back to the Cabinet for approval.

2. Cabinet at its meeting on 28<sup>th</sup> October

RESOLVED: that

1. approval be given to the revised protocol set out in the report and to the delegation of decision making on the use of Council land for the siting of telephone transmission masts to the relevant Area Committee; and
2. The Council be recommended to amend Part 3 of the Council Constitution (Responsibility for Functions) by the inclusion of the following text:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

1. Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee, in accordance with the Council’s protocol.”

## **2.0 Revision to the Masts Protocol**

- 2.1 The protocol document has been revised to enable the Area Committees to participate at an early stage in the site selection and consultation procedure and decide any application within their Wards.

## **3.0 Changes to Council Constitution**

- 3.1 Council is requested to consider and approve the specific revision to Part 3 of the Council Constitution (Responsibility for Functions) to enable the Area Committees to take the decision to permit telephone transmission masts to be sited on Council owned land as follows:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

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1. "Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee, in accordance with the Council's protocol."

## **4.0 Recommendation**

4.1 If Council agrees to the proposed amendment to the Constitution then the protocol can be implemented with immediate effect.

## **Protocol for the evaluation of requests to lift the Moratorium on the siting of Mobile Phone Masts on Council Land (by Area Committee)**

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### **Overview**

There are now nearly 74 million mobile connections in the UK. In the past decade, mobile phones have transformed the way that people communicate - both in their business and in their personal lives.

However, mobile phones cannot work without a network of base stations in places where people want to use them. The majority of people in the UK live and work in towns and cities, and this is why the operators need to ensure that there is an efficient network service in those areas to allow people to use their phones when and where they want. To get a good signal you need to be near a base station. Base stations can only carry a maximum of around 120 calls at the same time.

Mobile phone users in the UK area are increasingly demanding better coverage, more capacity in the networks to stop calls from being lost, and more services to be available on their phones. Mobile operators are responding to that customer demand.

The Government has given telecommunications operators' legal rights to use public highway land for telecommunications development. On other Council land, the Council can decide, as landowner, whether or not to allow telecommunications development. The Council has decided to consider whether to allow telecommunications development on its land, where it may be better for local people and the environment than alternative locations not owned by the Council, This is especially important if the alternatives include undesirable permitted development, over which the Council would have no control. ***Decisions to allow development on Council land will be considered on a site-by-site basis, and will involve consultation locally by the mobile phone operators and be approved by the Area Committee in which a relevant site is located.***

### **Health risks**

Health risks, and even the fear of health risks, are proper considerations for the Council. But the Government's advice on Telecommunications, Revised Planning Policy Guidance Note 8 (PPG8, 22 August 2001), states:

"However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development meets the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

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Therefore, where mobile phone mast developments meet the ICNIRP guidelines, the Council has no sustainable health reason to refuse planning permission. Unreasonable refusal decisions can be overturned on appeal.

The Stewart Report, published in 2000, remains the key piece of research in relation to health issues. This study had concluded that on the basis of current evidence, there was no risk to health from mobile phone technology but that in the absence of more detailed research that a precautionary principle should be adopted to the siting of mobile phone masts.

It is understood that an update of the Stewart Report was published in 2005 with the same conclusions and that some 25 other studies have also been published since 2000 which support the conclusions of the original Stewart Report.

***The precautionary principle will be adopted for the siting of mobile phone masts on Council land and all equipment must have a 'Declaration of Conformity with ICNIRP Public Exposure Guidelines ("ICNIRP Declaration")' [copy attached] and not be allowed within 100m of homes, schools, leisure centres, offices or other sensitive locations.***

## **Planning Considerations**

The relaxation or lifting of the Council's moratorium on the use of Council-owned land for the siting of telecommunications masts would not, in any way, fetter or otherwise influence the Council's powers as Local Planning Authority to determine planning applications or applications for prior approval.

National planning policy issued by the former Office of the Deputy Prime Minister (now Communities and Local Government) sets the context for the consideration of all telecommunications proposals in England and is presently contained in Planning Policy Guidance note 8 (PPG 8) which was issued in its current form in August 2001

PPG8 gives guidance on planning for telecommunications development - including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires

The mobile phone operator's annual rollout programme is available on the Council's website via the following link:

<http://seftonmaps.sefton.gov.uk/SeftonMaps/html/SeftonMaps.html?theme=Telecoms Rollout>

Mast or site sharing and co-location can help reduce the impact on the environment and often provides the most cost effective solution for the operators. Under all of the UK Governments' planning guidance operators are encouraged to explore the possibility of using an existing mast or structure before seeking to put up a new one, wherever it represents the best environmental option. They have all developed prescriptive planning policy in this area.

Siting and appearance are key considerations for Planning and even when planning approval is not required Planning Officers will be consulted on all proposals to locate masts on Council land.

## **Requirements of the Mobile Phone Operators**

The mobile phone operators - 3, O2, Orange, T Mobile and Vodafone - are implementing the 'Ten Commitments' to improve transparency of the process of building mobile phone networks, provide more information to the public and local authorities, and increase the role of the public in the siting of radio base stations. The Ten Commitments to best siting practice were launched by the operators in 2001 to supplement Government planning regulations, in an effort to strengthen links with the community through open dialogue. They were developed in consultation with other stakeholders and have received support from the Local Government Association and activist groups such as Mast Action UK. The Ten Commitments now form part of the English and Welsh Governments' Codes of Best Practice for mobile telecoms developments.

The operators are implementing ten best siting practice commitments to:

- 1 develop, with other stakeholders, clear standards and procedures to deliver significantly improved consultation with local communities
- 2 participate in obligatory pre-rollout and pre-application consultation with local planning authorities
- 3 publish clear, transparent and accountable criteria and cross-industry agreement on site sharing, against which progress will be published regularly
- 4 establish professional development workshops on technological developments within telecommunications for local authority officers and elected members
- 5 deliver, with the Government, a database of information available to the public on radio base stations
- 6 assess all radio base stations for international (ICNIRP) compliance for public exposure, and produce a programme for ICNIRP compliance for all radio base stations as recommended by the Independent Expert Group on Mobile Phones
- 7 provide, as part of planning applications for radio base stations, a certification of compliance with ICNIRP public exposure guidelines
- 8 provide specific staff resources to respond to complaints and enquiries about radio base stations, within ten working days
- 9 begin financially supporting the Government's independent scientific research programme on mobile communications health issues
- 10 develop standard supporting documentation for all planning submissions whether full planning or prior approval

# Agenda Item 11

## Procedure for Evaluating Requests to site Mobile Phone Masts on Council Land

- A **Mobile Phone Operators to Identify Annual Requirements** – annual review letter to Planning Director
- B **Operators to Identify Sites on Council Land** – which comply with the 100m exclusion zone requirement.
- C **Meeting with Council Officers** - to identify annual schedule of sites which will include sites on and off Council land. Operators will be encouraged to share sites, and to select locations and equipment which minimise the number of masts required.
- D **Report to relevant Area Committee for approval of Sites on Council Land** – subject to consultation showing general public support, and planning approval if required.
- E **Operators to Develop Consultation Strategy** – to be agreed by the Planning Director together with technical details of requirements and rationale for site selection. Again officers will encourage shared sites and minimising the number of sites required. See Site Selection and Planning Model Flow Chart attached.
- F **Operators to undertake Community Consultation** – which as a minimum will comprise letters to Ward Councillors, Area Committees and Parish Councils (if appropriate); consultation letter to residents and site notices.
- G **Operators to evaluate consultation responses** – using the ‘traffic light’ model attached.
- H **Refer back to Area Committee** – all sites scoring red on the traffic light model and amber sites where there is significant public concern arising out of the consultation. Also provide for referring back to Area Committee alternative sites which may be proposed as part of the consultation process.
- I **Operator to submit Planning Application-** planning applications to be considered in the usual manner.
- J **Council to enter into agreement with Operator** – for the location of mobile phone mast on standard terms subject to Area Committee approval as above, planning approval as required and ICNIRP Declaration for the equipment.

ICNIRP DECLARATION

ENGLAND

(Operator logo)

Declaration of Conformity with ICNIRP Public Exposure Guidelines ("ICNIRP Declaration")

(Operator name)
(Operator address)

Declares that the proposed equipment and installation as detailed in the attached planning / GPDO application at:

(Address).....
.....
.....

is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), as expressed in EU Council Recommendation of 12 July 1999 \* "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

\* Reference: 1999/519/EC

Date: .....

Signed: .....

Name: .....

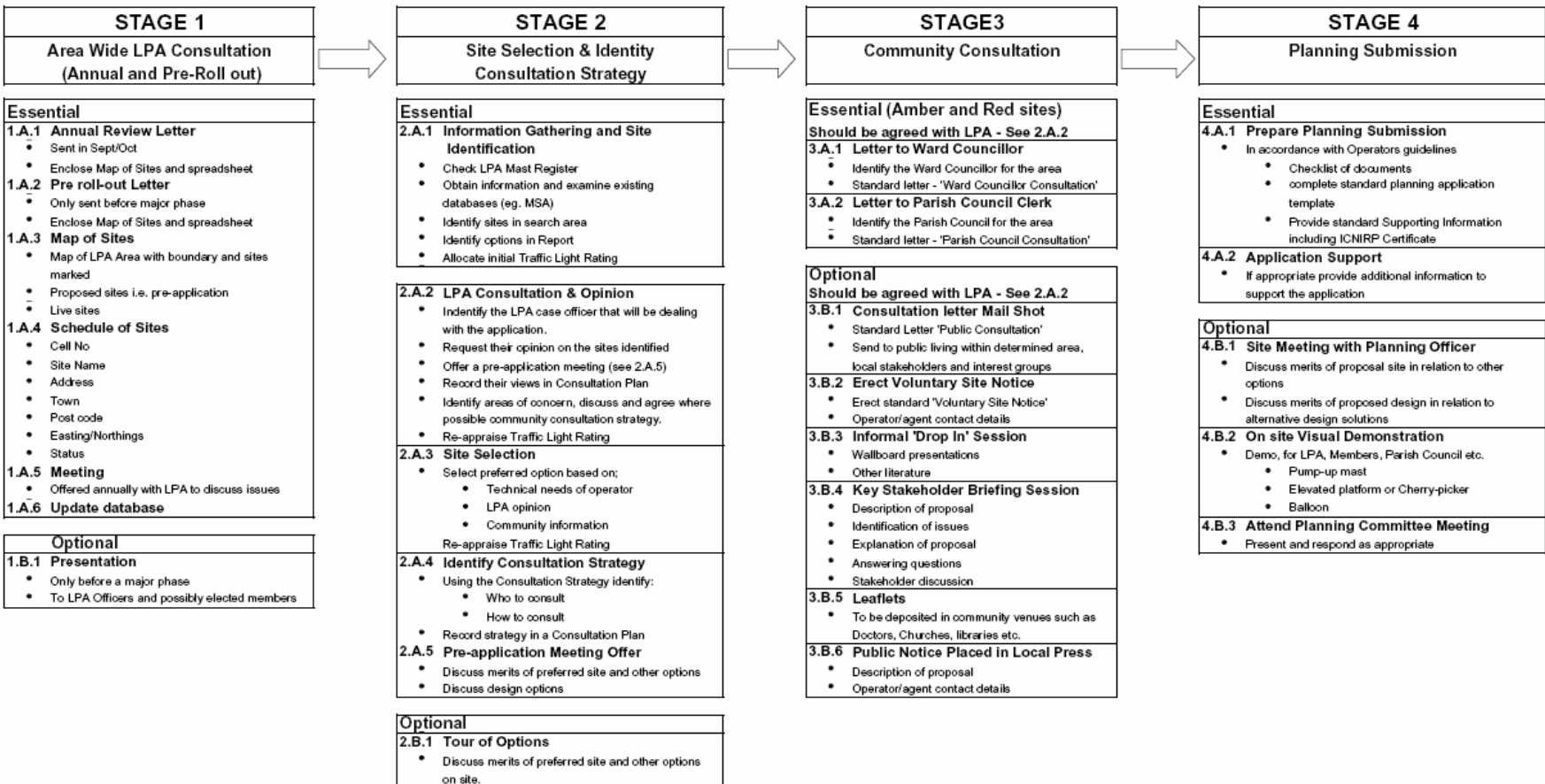
Position: .....

(Footer - operator name and registered number / office)

October 2002 Version 3.0

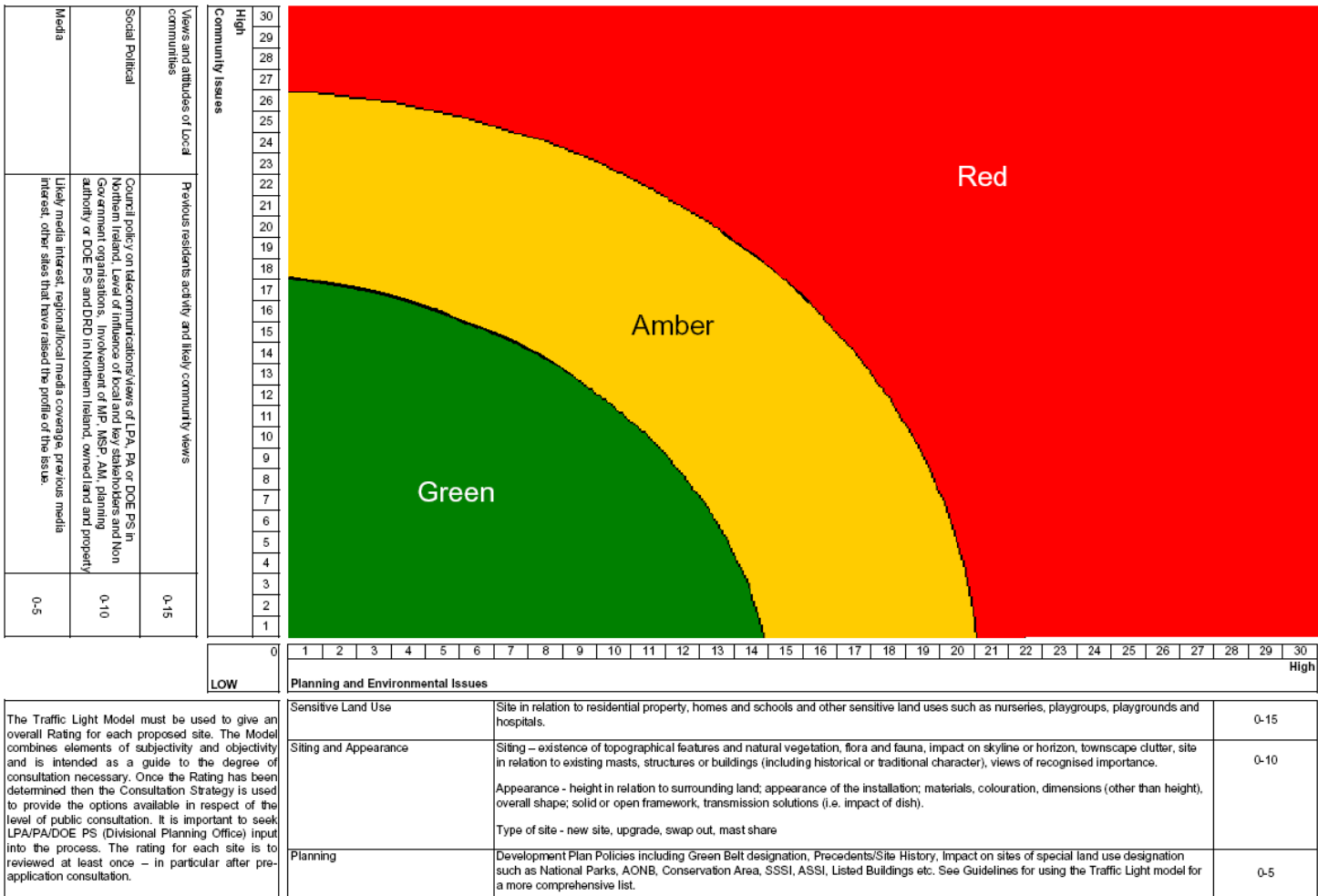
UK

### SITE SELECTION & PLANNING MODEL





TRAFFIC LIGHT RATING MODEL FOR PUBLIC CONSULTATION



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
High																													
Planning and Environmental Issues																													
Sensitive Land Use		Site in relation to residential property, homes and schools and other sensitive land uses such as nurseries, playgroups, playgrounds and hospitals.																									0-15		
Siting and Appearance		Siting – existence of topographical features and natural vegetation, flora and fauna, impact on skyline or horizon, townscape clutter, site in relation to existing masts, structures or buildings (including historical or traditional character), views of recognised importance. Appearance - height in relation to surrounding land; appearance of the installation; materials, colouration, dimensions (other than height), overall shape; solid or open framework, transmission solutions (i.e. impact of dish). Type of site - new site, upgrade, swap out, mast share																									0-10		
Planning		Development Plan Policies including Green Belt designation, Precedents/Site History, Impact on sites of special land use designation such as National Parks, AONB, Conservation Area, SSSI, ASSI, Listed Buildings etc. See Guidelines for using the Traffic Light model for a more comprehensive list.																									0-5		
LOW																													

The Traffic Light Model must be used to give an overall Rating for each proposed site. The Model combines elements of subjectivity and objectivity and is intended as a guide to the degree of consultation necessary. Once the Rating has been determined then the Consultation Strategy is used to provide the options available in respect of the level of public consultation. It is important to seek LPA/PA/DOE PS (Divisional Planning Office) input into the process. The rating for each site is to be reviewed at least once – in particular after pre-application consultation.

# Agenda Item 11

# Agenda Item 12

**REPORT TO:** Licensing and Regulatory Committee  
Council

**DATE:** 25/10/2010  
16/12/2010

**SUBJECT:** Draft Revised Statement of Licensing Policy – Licensing Act 2003

**WARDS AFFECTED:** All

**REPORT OF:** P.J. Moore,  
Environmental & Technical Services Director

**CONTACT OFFICER:** K.T. Coady,  
Senior Licensing Officer,  
0151 934 2946

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek Council approval of the revised Statement of Licensing Policy.

**REASON WHY DECISION REQUIRED:**

The Licensing Act 2003 requires all Licensing Authorities to prepare and publish a 'Statement of Principles' that they propose to apply in exercising their functions under the Act every three years. The current Policy came into force on 7<sup>th</sup> January 2008.

**RECOMMENDATION(S):**

That the Licensing and Regulatory Committee:

- 1) Consider and agree the final draft of the revised Statement of Licensing Policy, attached at Annex 1; and
- 2) Refer the agreed revised Statement of Licensing Policy to full Council for approval.

**That the Council approve the revised Statement of Licensing Policy, as attached at Annex 1, to come into force on 7<sup>th</sup> January 2011.**

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** 07/01/2011

# Agenda Item 12

## ALTERNATIVE OPTIONS:

Publication of the Statement is a legal obligation and therefore there are no alternative options.

## IMPLICATIONS:

### Budget/Policy Framework:

### Financial:

No financial implications arising from this Report.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton Capital Resources	–	–	–	–
Specific Capital Resources	–	–	–	–
<b><u>REVENUE IMPLICATIONS</u></b>	–	–	–	–
Gross Increase in Revenue Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton funded Resources	–	–	–	–
Funded from External Resources	–	–	–	–
Does the External Funding have an expiry date? Y/N N	When?			
How will the service be funded post expiry?				

## CORPORATE OBJECTIVE MONITORING:

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
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		√	

**Legal:** None

**Risk Assessment:** None

**Asset Management:** None

#### **Consultation Undertaken/Views**

- Statutory consultation has been undertaken – see paragraph 3 of this report.

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

- *Licensing Act 2003 – Statement of Licensing Policy 2011* - Report to Licensing and Regulatory Committee, 18th January 2010.
- *Draft revised statement of Licensing Policy – Licensing Act 2003* - Report to Licensing and Regulatory Committee, 7th June 2010.
- Existing Statement of Licensing Policy.
- The Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.

# Agenda Item 12

## Background

1. Members will recall that Section 5 of the Licensing Act 2003 (“the LA03”) requires the Licensing Authority to prepare and publish a statement of its licensing policy (“the Policy”) every three years. During this three year period, the Policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the chief officer of police, on whether the statutory four licensing objectives are being met.
2. The existing Policy has been kept under review since coming into force on 7<sup>th</sup> January 2008 and no revision has been deemed necessary to date. However, the Policy requires formal revision during 2010 in order for it to take effect from 7<sup>th</sup> January 2011 (when the new three year cycle will commence).
3. Before determining its Policy, for any three year period, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
  - a) the Chief Officer of Police for the area;
  - b) the Fire Authority for the area;
  - c) persons/bodies representative of local holders of premises licences;
  - d) persons/bodies representative of local holders of club premises certificates;
  - e) persons/bodies representative of local holders of personal licences;  
and
  - f) persons/bodies representative of businesses and residents in its area.
4. At their Meeting on 18<sup>th</sup> January 2010 Members endorsed the timetable for the production of the revised Policy, the details of which can be summarised as follows:

### May /June 2010

- First draft presented to Members for comment.
- Agree revised draft for outside consultation.

### July / August 2010

- Outside consultations to take place.
- Revise Policy (as necessary) as a result of consultations.

## September/November 2010

- Present updated Policy to Licensing & Registration Committee for comments and any final amendments.
- Submit to full Council for agreement.

## December 2010

- Publish revised Policy (to come into effect from 7<sup>th</sup> January 2011).
6. At their Meeting on 7<sup>th</sup> June 2010 the Licensing and Regulatory Committee agreed the form and the scope of the consultation to take place on the revised Policy.

### **The Revised Statement of Licensing Policy**

7. This consultation took place between 28<sup>th</sup> June 2010 and 19<sup>th</sup> September 2010. A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 2 to this report.
8. As a result of the consultation, and changes to legislation, further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 7<sup>th</sup> June 2010, these are indicated below.
9. In response to feedback from the consultation Paragraph 1.11 amended, to now read as follows:

*Sefton's Safer and Stronger Communities Partnership, as part of its legal responsibilities under the Police and Justice Act 2006, determines which crime, disorder, anti-social behaviour, substance misuse, environmental crime and offending issues affect local communities the most. Nationally, crime figures suggest that victims of violent crime believed their attacker was under the influence of alcohol in 47% of incidents, increasing to 62% when they did not know the attacker; violent crime within Sefton reflects this national picture.*

10. Due to imposition of new mandatory conditions regarding age verification policies, (imposed as of 1<sup>st</sup> October 2010) first sentence of Paragraph 3.14 removed and "With regard to the mandatory condition concerning age verification policies" added to new first sentence; to now read:

*With regard to the mandatory condition concerning age verification policies, the Authority recommends that the following documents should be used as proof of age:*

- *Passport;*

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- *'Photocard' Driving Licence; or,*
- *Any PASS (Proof of Age Standards Scheme) card (details from [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)).*

11. In response to feedback from the consultation new Paragraph 4.7 added, to read as follows:

*Sefton's Safer and Stronger Communities Partnership has developed interventions including the Best Bar None campaign (promoting responsible management of licensed premises) and separate campaigns promoting responsible drinking for events such as Football World Cup and Christmas, and the Authority commends their use to Licensees.*

12. Existing Paragraph 4.7 re-numbered to 4.8 accordingly.





**SEFTON METROPOLITAN BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING POLICY STATEMENT**

**Draft V.2**

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7.0 Children	
8.0 Licensing Conditions	
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10.00 Enforcement	

## **ANNEXES**

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

- Annex 1 - Map of Sefton
- Annex 2 - Contact details for responsible authorities
- Annex 3 - Crime and Disorder
- Annex 4 - Public Safety
- Annex 5 - Public Nuisance
- Annex 6 - Children

## 1.0 GENERAL STATEMENT

- 1.1 Sefton Metropolitan Borough Council (“the Council”) is the Licensing Authority (“the Authority”), under the Licensing Act 2003 (“the Act”), responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in respect of the retail sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.2 The Act requires that the Council publish a statement of licensing policy. Accordingly this policy statement has been prepared and published in compliance with the requirements of Section 5 of the Act and with regard to guidance issued under Section 182 of that Act. In drawing up this policy the Council has also had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.
- 1.3 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 or to seek a review of a licence or certificate where the Act allows them to do so.
- 1.4 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

- 1.5 Sefton is one of the five Metropolitan Boroughs that make up Merseyside. It is located north of Liverpool on the west coast of England and stretches 22 miles north from Bootle to Southport. The location of Sefton is shown by the map provided at Annex 1.
- 1.6 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.
- 1.7 Sefton has a resident population of 283,000 (2001 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.
- 1.8 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.

- Southport at the north of the Borough is a Victorian seaside/holiday resort which has a mix of residential and commercial premises at and near its centre, including private houses, apartments, hotels, retail outlets and licensed /entertainment premises.
  - Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises.
- 1.9 The Unitary Development 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.
- 1.10 There have been a number of studies in recent times relating to the night-time economy, particularly in relation to the “classic” resort status of Southport, these have helped shape Sefton’s vision for developing a sustainable pattern of licensing, as expressed in 1.14 below.
- 1.11 Sefton’s Safer and Stronger Communities Partnership, as part of its legal responsibilities under the Police and Justice Act 2006, determines which crime, disorder, anti-social behaviour, substance misuse, environmental crime and offending issues effect local communities the most. Nationally, crime figures suggest that victims of violent crime believed their attacker was under the influence of alcohol in 47% of incidents, increasing to 62% when they did not know the attacker; violent crime within Sefton reflects this national picture.
- 1.12 Noise has been a problem in certain areas and from certain premises, with complaints about licensed premises tending to relate to poorly constructed or poorly managed premises. Complaints are also received about noise and disturbance from people going to or leaving licensed premises, this is mainly in the areas of greatest concentration of licensed premises or from premises located in residential areas.
- 1.13 Trains and buses do not operate all night and whilst there are up to 2000 licensed taxis and private hire vehicles in the borough, problems can arise at times of high demand with insufficient transport readily available for the large numbers of potential customers.

### Sefton’s Licensing Vision

- 1.14 Sefton’s vision for future licensable activities can be summarised as follows:

*“In undertaking its licensing functions, under the Licensing Act 2003, Sefton Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the Borough.*

*Sefton Council wishes to see a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular, Sefton wishes to see a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.*

*To achieve this, the Licensing Authority will seek to give licence holders sufficient freedom and flexibility to enable them to satisfy the requirements of their customers. In return Licence holders will be required to operate their undertakings in a socially responsible way, taking the lead role for preventing crime, disorder, disturbance arising from their undertaking and protecting the health, safety and well-being of employees, customers and all others who may be affected by their undertaking.*

***To make Sefton a great place in which to live, work, learn, visit and do business”***

## **2.0 SCOPE**

2.1 This Policy Statement covers the following ‘licensable activities’:

- The licensing of individuals for the retail sale of alcohol (Personal Licence);
- The licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (Premises Licence);
- The supply of alcohol or the provision of regulated entertainment to certain clubs (Club Premises Certificate);
- The permitting of certain licensable activities on a temporary basis (Temporary Event Notice)

2.2 In this regard the policy covers new applications, renewals, transfers, variations and minor variations of Licences and also includes the review of Licences and Certificates, which could lead to revocation.

2.3 It should be noted that incomplete applications will be returned to the applicant and the period for determination will not commence until a valid application has been submitted.

### Personal Licences

2.4 A Personal Licence is granted to an individual and authorises the supply of alcohol in accordance with a Premises Licence.

2.5 An applicant has to demonstrate that they have an appropriate licensing qualification, are aged over 18 years and do not have a relevant or foreign criminal conviction.

2.6 A Licence will last for ten years (subject to certain provisions of the Act regarding, for example, surrender and forfeiture of the Licence); it can subsequently be renewed for further periods of ten years.

2.7 Further information on this type of Licence can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

## Premises Licences and Club Premises Certificates

- 2.8 A Premises Licence / Club Premises Certificate is required for any premises where it is intended that a licensable activity should take place.
- 2.9 The Act states that the following persons may apply for a Premises Licence in respect of any premises:
- A person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates;
  - Any person who makes the application pursuant to:
    - i) any statutory function discharged by that person which relates to those licensable activities, or
    - ii) any function discharged by that person by virtue of Her Majesty's prerogative,
    - iii) a recognised club,
    - iv) a charity,
    - v) the proprietor of an educational institution,
    - vi) a health service body,
    - vii) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital,
    - viii) a chief officer of police of a police force in England and Wales;
    - ix) a person of such other description as may be prescribed.
  - An individual may not apply for a premises licence if s/he is not aged 18 or over.
- 2.10 The grant of a Club Premises Certificate means that a club is entitled to certain benefits, which include the authority to supply alcohol to its members and sell it to guests without the need for any member or employee to hold a personal licence, and the absence of a requirement to specify a designated premises supervisor. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.
- 2.11 Unless requested by the applicant, the Licence / Certificate will not be time limited.
- 2.12 Further information on this type of Licence / Certificate can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

## Temporary Event Notices

- 2.13 Section 100 of the Act states that the organiser of a Temporary Event must give the Authority and the Police notice of the event.
- 2.14 The Act states that such a Notice may be served (up to) 10 working days prior to a permitted Temporary Event. However in a significant number of cases this would not allow enough time for the organiser to liaise, with Merseyside Fire Authority,

Merseyside Police and the relevant Council Officers, to ensure that the event passes off safely with the minimum of disturbance to local residents. The Guidance issued under S182 of the Act encourages the publication locally of a preferred notice period, in Sefton the preferred notice period for service of a Temporary Event Notice is 28 days prior to the permitted Temporary Event.

- 2.15 Further information on Temporary Event Notices can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

### **3.0 LICENSING OBJECTIVES**

- 3.1 In carrying out its licensing functions the Authority will promote the Licensing Objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

- 3.2 To achieve these objectives the Authority will use a full range of measures including its planning, transport and crime and disorder policies and powers. The Authority will work in partnership with Merseyside Police, Merseyside Fire Authority, local businesses, community representatives and local people in meeting these objectives.

- 3.3 It will be a matter for individual applicants to address the Licensing Objectives in their Operating Schedule, within the context of the nature of the location, type of premises, nature and type of entertainment provided, operational procedures and the needs of the local community.

- 3.4 Applicants will need to provide evidence to the Authority that suitable and sufficient measures, as detailed in their Schedule, will be implemented and maintained relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as where a special event or promotion is planned, which is intended or likely, to attract larger audiences.

#### Prevention of Crime & Disorder

- 3.5 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Crime and Disorder objective, applicants should consider the following matters in particular:

- The capability of the person in charge to ensure effective and responsible management of the premises;
- The training given to staff in crime prevention measures;

- Procedures for risk assessing promotions and events, such as ‘happy hours’ in relation to crime and disorder, and the plans to minimise such risks;
  - Adoption of best practice in relation to safer clubbing etc;
  - Physical security features installed in the premises (i.e. location and standard of CCTV equipment, toughened drinking glasses etc);
  - Measures to prevent the supply of illegal drugs, including search and entry policies;
  - Employment of SIA licensed door supervisors;
  - Participation in an appropriate crime prevention scheme (e.g. ‘pubwatch’);
  - Measures to be taken for the prevention of violence and disorder;
  - The presence, or access to, sufficient transport facilities to ensure that customers can leave the premises safely and swiftly;
  - Weapon detection and search facilities
- 3.6 Annex 3 gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

### Public Safety

- 3.7 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Safety objective, applicants should consider the following matters in particular:
- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
  - The age, design and layout of the premises, including the means of escape;
  - The nature of the licensable activities provided, in particular the sale of alcohol;
  - Hours of operation;
  - Customer profile (age, disability etc);
  - The necessary Health and Safety and Fire risk assessments for the premises, and other measures to reduce risk to public safety;
  - The number of people employed or engaged to secure the safety of all persons attending the premises or event;



- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;
- Implementation of appropriate crowd management measures

3.8 Annex 4 to this Policy gives some further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

### Prevention of Public Nuisance

3.9 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Nuisance objective, applicants should consider the following matters in particular:

- The type of activity, its frequency and the number and nature of customers likely to attend;
- Measures taken, or proposed, to prevent noise and/or vibration escaping from the premises given its location and proximity to residential and other noise sensitive premises. This would include music, plant noise and human voice, whether amplified or not;
- Measures taken to prevent the transmission of sound and/or vibration to adjoining properties;
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services;
- The proposed hours of operation for all, or parts, of the premises;
- Measures taken to prevent cooking odours and other smells escaping from the premises;
- Means of access to and egress from the premises, including customer entrances and exits on principal pedestrian routes;
- Whether routes to and from the premises pass residential premises;
- Whether the premises would result in increased refuse storage, disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure the collection and disposal of litter and waste outside the premises;

# Agenda Item 12

- Measures to be taken to reduce drunkenness on the premises;
  - If appropriate, a 'wind down' period between the end of the licensable activities and closure of the premises;
- 3.10 If sound leakage from the premises is identified by the applicant, or any responsible authority, the Authority will expect this to be addressed in practical ways, such as:
- Keeping doors and windows closed and providing adequate mechanical ventilation, or if necessary, air conditioning;
  - Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
  - Installing soundproofing measures to contain sound and vibration
- 3.11 In premises where customers leave late at night, or early in the morning, the Authority will expect the applicant to have included, in the Operating Schedule, such practical steps as:
- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors;
  - At appropriate time making loud speaker announcements to the same effect;
  - Instructing door staff to ask customers leaving the premises to do so quietly;
  - Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
  - Improving availability of licensed taxis or private hire vehicles to take customers from the premises;
  - Refusing entry to people known to regularly leave in a noisy manner;
  - The supervision of any queues so as to keep noise and disturbance to a minimum
- 3.12 Annex 5 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

## Protection of Children from Harm

- 3.13 It is not possible to anticipate every issue of concern that could arise with regard to each individual premises in respect of children, however, when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the protection of children from harm objective, applicants should, in particular, consider how they will prevent children from:

- Acquiring or consuming alcohol;
  - Being exposed to drugs, drug taking or drug dealing;
  - Being exposed to gambling;
  - Being exposed to entertainment of an adult or sexual nature;
  - Being exposed to incidents of violence or disorder;
  - Being exposed to excessive noise.
- 3.14 With regard to the mandatory condition concerning age verification policies, the Authority recommends that the following documents should be used as proof of age:
- Passport;
  - 'Photocard' Driving Licence; or,
  - Any PASS (Proof of Age Standards Scheme) card (details from [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)).
- 3.15 The Authority will normally require persons working with children, in respect of premises holding under 18 regulated entertainment, to undergo an enhanced Criminal Records Bureau check before they are appointed.
- 3.16 Annex 6 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

#### **4.0 LINKS TO OTHER POLICIES**

- 4.1 The Authority will ensure proper integration of this and other related policies and strategies, including its cultural, economic development, local crime prevention, planning, race equality, transport, tourism and town centre management strategies, through consultation, ongoing communication and reporting arrangements between the Licensing and Regulatory Committee, the Licensing Unit and other relevant bodies.
- 4.2 All licensing activities will be undertaken in compliance with the Authority's Race Equality Scheme which recognises its responsibilities under the Race Relations Act 1976.
- 4.3 This Policy Statement also recognises the Disability Discrimination Act 1995 and the Authority will have regard to this legislation when determining applications.
- 4.4 The Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to promote the prevention of crime and disorder and it will also have regard to these duties when determining applications.

- 4.5 The Authority recognises the need and wider cultural benefits of encouraging and promoting a broad range of entertainment, particularly live music, dance and theatre and will seek to avoid measures that unnecessarily deter the provision of such entertainment. Working with the Sefton Cultural Strategy Group, the Authority will seek to monitor the impact of licensing on the provision of regulated entertainment, particularly live music, dance and theatre.
- 4.6 The Authority recognises the impact of irresponsible consumption of alcohol on crime, disorder and health and will expect Licensees to ensure that alcoholic drinks are packaged, presented and sold in a socially responsible way. In this context the Authority commends the use of the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks and the Home Office Guide entitled “Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries”.
- 4.7 Sefton’s Safer and Stronger Communities Partnership has developed interventions including the Best Bar None campaign (promoting responsible management of licensed premises) and separate campaigns promoting responsible drinking for events such as Football World Cup and Christmas, and the Authority commends their use to Licensees.
- 4.8 The Authority also encourages Licensees to give consideration to the National Alcohol Harm Reduction Strategy and the Sefton Alcohol Harm Reduction Strategy, in particular the contribution they can make to reducing the harm caused by irresponsible consumption of alcohol.

## **5.0 THE LICENSING PROCESS**

- 5.1 In determining a licence application the overriding principle adopted by the Authority will be that each application will be determined on its merits.
- 5.2 The decisions taken by the Authority will be focused on matters within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 5.3 In addressing this matter, the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
- 5.4 Whilst recognising that licensing law is a key aspect in the general control of anti-social behaviour and forms part of the holistic management of the evening and night-time economy, in taking its decisions the Authority will take into account the fact that it is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the Licence, Certificate or Permission concerned.
- 5.5 The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are

kept separate. The Planning Committee will be kept regularly apprised of the situation regarding licensed premises within the Borough to enable the Committee to have regard to such matters when taking decisions to avoid any unnecessary overlap.

- 5.6 There may be circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 5.7 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.

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5.8 The delegation of decisions and functions will be as follows:

<b>Matter to be Dealt With</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for a personal licence	If a Police objection	If no objections made
Application for personal licence with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for a provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Application to disapply designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Application to review premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous, vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All Cases	
Application for minor variation		All cases

5.9 Applicants for grants or variations of Premises Licences / Club Premises Certificates are required by the Act to copy details of their applications to the following “responsible authorities”, who may make representations about the application or ask the Authority to review a Premises Licence / Club Premises Certificate:

- The chief officer of police;
- The local fire authority;

- The local enforcement agency for the Health and Safety at Work Etc Act 1974 (the local authority or the Health and Safety Executive as appropriate to each particular premises);
  - The local authority with responsibility for environmental health;
  - The local planning authority;
  - The body responsible for the protection of children from harm;
  - The local weights and measures authority; and,
  - Any other licensing authority in whose area part of the premises are situated.
- 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 in Annex 2.
- 5.11 The Licensing Authority will notify those residential and business properties with curtilages abutting those premises applying for a Premises Licence or a Club Premises Certificate, the Variation of a Premises Licence or Club Premises Certificate, or any premises subject to a review. Whilst this is not a statutory requirement, the Licensing Authority is of the belief that it is important to ensure that the community are fully aware of licensing applications made in their area and as such this will ensure that local people have a voice in licensing decisions. All Councillors will be notified of any such applications received.
- 5.12 In respect of minor variations the overall test for Officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.

### Hearings

- 5.13 A hearing will be arranged to deal with any application which cannot be dealt with under delegated powers or resolved by agreement between applicants and 'interested parties' and/or 'responsible authorities'.

### Review of licences

- 5.14 Following the grant of a Premises Licence or Club Premises Certificate a 'responsible authority' or 'interested party' may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. As members of the Licensing Authority, and as 'interested parties', Councillors may apply for a review of a licence if problems at a specific premises, which justify intervention, are brought to their attention. Similarly Council Officers who are designated as 'responsible authorities' may request a review of the licence in a similar manner.
- 5.15 The Authority considers that "interested parties" and "responsible authorities" will give licence holders sufficient warning of any concerns they may have with regard

to problems identified at the premises and the need for improvement. The Authority therefore expects licence holders to respond to such warnings and implement the necessary remedial action. A failure to respond to such warning could lead to a decision by “interested parties”/”responsible authorities” to request a review of the licence.

- 5.16 In all cases where a representation for a review is made it must relate to a particular premises for which a Licence/Certificate is in force and must be relevant to the promotion of the four Licensing Objectives.
- 5.17 Requests for reviews may be rejected where, in the view of the Authority, the complaint is not relevant (to the Licensing Objectives), is vexatious, frivolous or repetitious.
- 5.18 Where a review has been accepted by the Authority and where a statement from a proposed witness is served on the Authority and all other relevant parties at least 14 days prior to the date notified for the hearing of a review, that witness statement shall be taken as fact unless written notice requiring the attendance of that witness is given to the party putting forward the witness, and to the Authority, at least five working days prior to any review hearing.

## **6.0 LICENSING HOURS**

- 6.1 The Authority will not prescribe general licensing hours and in determining licensing hours the Authority will not limit opening hours without consideration of the circumstances and individual merits of each application.
- 6.2 The Authority recognises that national guidance states that longer licensing hours may encourage a natural and gradual dispersal of customers which can in turn reduce the impact of disorder and disturbance that may arise when large concentrations of customers simultaneously leave premises located in the same vicinity. The Authority also notes that providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 6.3 The Authority will consider in each case the applicability of such guidance, having regard to the evidence. It will also take into account, where relevant and appropriate:
  - a) Any evidence that longer hours may lead to public nuisance later at night, particularly where residents are affected;
  - b) Any evidence of policing difficulties late at night;
  - c) Any evidence of difficulties experienced in late night street cleaning;
  - d) Any evidence that premises licensed for longer hours are in fact closing, or likely to close, at the same hour so producing peaks of disturbance later at night;
  - e) Any evidence that those drinking longer are creating disorder later at night



- 6.4 In general the Authority will seek to ensure that nuisance is minimised to local residents and will demand stricter conditions with regard to noise and nuisance control in areas of denser residential accommodation.
- 6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the hours they intend to open unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 6.6 Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the Community.

## **7.0 CHILDREN**

- 7.1 The Authority can only attach conditions where an objection is upheld following a hearing. Licensing covers a wide variety of types of premises and activity. The Authority will not seek to limit access of children to any premises unless such access is specifically prohibited by the Act or it is otherwise considered necessary for the prevention of physical, moral or psychological harm. Each application and the circumstances obtaining to each application will be considered on its own merits.
- 7.2 The Authority would be most likely to take such action in relation to premises where there have been convictions for members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking; a known association with drug taking or dealing; a strong element of gambling on the premises; where entertainment of an adult or sexual nature is commonly provided; or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 7.3 Where it is considered necessary, for the prevention of physical, moral or psychological harm, to limit the access of children, the following options, or combination of options may be imposed:
- Limitations on the hours when children may be present;
  - Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;
  - Limitations on the parts of premises to which children might be given access;
  - Age limitations (below 18);
  - Requirements for accompanying adults; and
  - Full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- 7.4 The Authority will not impose conditions requiring the admission of children to any premises. The Authority believes that where no licensing restriction is necessary, the admission or otherwise of children to a premises should remain a matter for the discretion of the individual licensee or club.

- 7.5 The provision of entertainment to children will require the presence of sufficient adults to control the access, egress and safety of the children. Where regulated entertainment is provided for children, or large numbers of children may be expected, conditions may be imposed to require an appropriate ratio of adult staff to be present, to control access egress and safety of the children.
- 7.6 Where a licence relates to the exhibition of films, the Authority will expect that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. In exceptional cases the Authority may vary the age-restriction applied to a film to be exhibited within its area.

## **8.0 LICENSING CONDITIONS**

- 8.1 As indicated in Paragraph 7.1 above, the Authority can only attach conditions where an objection is upheld following a hearing. In these instances only those conditions necessary to meet the Licensing Objectives will be imposed. The Authority will avoid the imposition of disproportionate and overburdensome conditions where there is no need for them.
- 8.2 The Authority will seek to avoid any duplication with other regulatory regimes. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (for example, health and safety at work and fire safety legislation). However, the Authority will expect licencees to maintain compliance with those other regulatory regimes and would encourage licencees to adopt best practice wherever possible.
- 8.3 To ensure consistency the Authority will maintain pools of conditions, from which appropriate and proportionate conditions, tailored to the individual style and characteristics of the premises and events to which an application relates, may be drawn when necessary in particular circumstances. Conditions will, so far as possible, reflect local crime prevention strategies.

## **9.0 CUMULATIVE IMPACT**

- 9.1 In determining an application the Licensing Committee will not give consideration to the need, i.e. the commercial demand, for such premises.
- 9.2 However, in the interests of public safety the Authority will consider representations, where supported by evidence, that the cumulative effect of existing licences, new licences, or variations to existing licences, is leading to an over concentration of premises in an area, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 9.3 Where satisfied that the cumulative effect of licensed premises, within an area, gives rise or will give rise to exceptional problems of public disorder and nuisance, in the surrounding vicinity, the Authority may consider it appropriate to adopt a “Special Policy” of refusing new licences, or relevant variations to existing licences, in that area.

- 9.4 In the event that the Authority becomes satisfied, after considering available evidence, and following consultation in accordance with Section 5(3) of the Act, that it is appropriate and necessary to have a cumulative impact “special policy”, it will indicate that it is adopting such a policy in this Statement. Any “special policy” will be kept under review to ensure that the evidence underpinning it is still current and relevant.
- 9.5 The effect of adopting a policy of this kind is to create a rebuttable presumption that applications for new Premises Licences, Club Premises Certificates or variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Therefore such a policy would still allow for the circumstances of each application to be considered properly and for licences that are unlikely to add significantly to saturation to be approved.
- 9.6 It should be noted that the absence of such a policy does not prevent any responsible authority or interested party making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## **10.0 ENFORCEMENT**

- 10.1 Enforcement action will be taken in accordance with the Authority’s Licensing Enforcement Policy, will follow the Hampton principles and will be targeted, proportionate and transparent. The inspection of premises will be undertaken, when necessary, on a risk assessment and targeted basis, ensuring that resources are concentrated on high risk and problem premises and activities and again these will recognize the Hampton principles.
- 10.2 The Authority has established protocols on enforcement issues with the local Police, to provide for a more efficient deployment of Local Authority staff and Police Officers who are commonly engaged in enforcing Licensing Law and the inspection of licensed premises. In particular, these protocols provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of those low-risk premises that are well run.

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**Annex 2**

Ref	Respondent	Comments	Appraisal	Response
001	Mrs Thomas, XXXXX Southport.	<p>States that there are <i>too many people of all ages dying on Southport's streets</i> and that <i>people do not feel safe when alcohol related incidents occur.</i></p> <p>Wants the Policy reviewing in order to save lives, hospital costs etc.</p>	Public health is not currently included as a licensing objective therefore unable to include public health requirements / provisions.	No change to Policy possible.
002	Mrs Carole A. Lewis, XXXXX, Southport.	<p><u>Public House Opening times</u> Only allow 11.00 to 14.00 during daytime. Only allow 18.00 to 22.30 (Sun to Thu) with 23.00 finish on Fri and Sat for evenings. No under 16s to be allowed in premises.</p> <p><u>Nightclubs</u> Should be able to open when they like during early evening but no happy hours or special offers on alcoholic drinks. Closing times 1am Sun to Thu, 2am Fri and Sat.</p> <p><u>Off Licences</u> Same hours as public houses (as above), strictly no under 18 sales.</p> <p><u>Supermarkets and small shops</u> Should only be allowed to sell alcohol at "proper retail prices", no special offers allowed and no sales to under 18s.</p> <p><u>Restaurants and cafes</u> Strictly no alcohol served to under 18s.</p>	<p>Not allowed to set "standard" licensing hours; primary legislation allows for under 16s to be on premises (unless there is a reason not to for individual premises).</p> <p>Not allowed to set "standard" licensing hours; happy hours etc covered by Mandatory Conditions imposed under primary legislation.</p> <p>Not allowed to set "standard" licensing hours; under 18 provisions are covered within primary legislation.</p> <p>The Authority cannot set minimum pricing for alcohol; under 18 provisions are covered within primary legislation.</p> <p>Goes against primary legislation allowing service of alcohol in circs where it is sold or supplied in premises which are being used for the service of table meals (S.153 (2)).</p>	No change to Policy needed.

**Annex 2**

<b>Ref</b>	<b>Respondent</b>	<b>Comments</b>	<b>Appraisal</b>	<b>Response</b>
<b>003</b>	Mr P Devereux. Hon. Secretary. Park Golf Club. Park Road West. Southport.	Raise minimum age to buy alcohol to 21 years	Would require change in primary legislation; unable to change via Licensing Policy.	No change in Policy possible.
<b>004</b>	Mrs Marion Birtwistle. Via email	Wishes Authority to keep a check on the number of alcohol licences given out in Southport. States that it is a small town with <i>far too many bars causing an influx of young people, drinking along Lord Street in the evenings at the weekends.</i>  The opening and closing hours should be reduced and bars should be responsible for seeing that no one is standing on the street outside their premises with a drink.	Cannot use need as a reason to refuse licences, only the effect of the Licence on the promotion of the Licensing objectives, and only on receipt of relevant representations.  Can only reduce hours / impose Conditions if offered by Licence holder or via a successful Review application.	No change in Policy possible.
<b>005</b>	Mick Hanratty. Sefton's Safer and Stronger Communities Partnership, Bootle Town Hall, Oriel Road, Bootle.	Wishes some wording to be added to the Policy outlining the work of the Partnership and how it affects crime and disorder.	Appropriate to add wording of this nature.	Paragraph 1.11 amended, new Paragraph 4.7 included.
<b>006</b>	Diane Humphreys, Senior Planner, Development Control, Magdalen House, Trinity Road, Bootle.	No comments to make on the revised Licensing Policy Statement	Not applicable.	No change required.
<b>007</b>	Constable Steve Woods, Merseyside Police, Marsh Lane Police Station, Marsh Lane, Bootle.	No comments to make, happy with content of the revised Licensing Policy Statement	Not applicable.	No change required.

**Annex 2**

<b>Ref</b>	<b>Respondent</b>	<b>Comments</b>	<b>Appraisal</b>	<b>Response</b>
<b>008</b>	Mr John Fairhurst, XXXXX Southport.	Local residents should be informed of licensing applications.  <i>States that a licence should be granted only if the premises have been soundproofed.</i>	This has already been included in the revised Policy at Paragraph 5.11.  Every application has to be considered on their own merits, cannot impose blanket conditions.	No change required.  No change in Policy possible.
<b>009</b>	Cllr Gaskin, Formby Parish Council, Formby.	States that the Policy is <i>very comprehensive</i> but requests that the Parish Council be forwarded lists of any licensing applications applicable to the Formby area.	No requirement in legislation to do so, could lead to charges of the LA "canvassing for objections".  Considered and rejected by the Licensing Act Working Group, Overview and Scrutiny (Regeneration and Environmental Services) Committee, in their Report entitled "Community Involvement". The Report's conclusions were agreed by L & R in November 2009.	No change required.
<b>010</b>	Mr Barry Rooney, Via email.	States that <i>2am should be last orders.</i>  <i>Indicates that pub and club owners should pick up the tab for the police, medics and everyone else affected as a result of some youngsters being allowed to drink themselves silly.</i>	Not allowed to set "standard" licensing hours.  Unable to currently charge "late night levy" for operators.	No change in Policy possible.
<b>011</b>	Ms Doris Pennington, XXXXX Southport	States that it is <i>becoming unpleasant to go out because of the licensing laws allowing the Clubs to stay open to all hours of the night</i> and therefore the Authority should	Not allowed to set "standard" licensing hours.	No change in Policy possible.

Annex 2

Ref	Respondent	Comments	Appraisal	Response
		<i>bring back the closing times of 2 - 2.30am.</i>		
012	Mr Ian Hamilton Fazey OBE Waterloo Residents Association, XXXXX Waterloo	<p>Wishes the Authority to <i>go farther and agree to implement the 'strong recommendations' of the Act regarding Licensing Forums and regular open public meetings.</i></p> <p>States that <i>licensing policy should seek to shape the behaviour of licensees towards reduction of harm to health, as well as the social and environmental problems associated with their industry.</i></p> <p>Wants the Authority to <i>consider making it a condition of a licence that all licence holders should be required to enter the 'Best Bar None' scheme so as to try and achieve universal improvement in staff training and standards. In addition a similar stance might also be taken to revive the 'Pub Watch' scheme.</i></p> <p>Suggests that <i>licence holders contribute to a special community and environmental fund on an annual basis. Contributions would be weighted according to the type of licence involved. The fund would be used at the discretion of the Licensing Forum to provide, for example, street furniture to deter pavement parking, taxi marshalling, cleaning up 'morning after' litter and mess in the streets, public</i></p>	<p>These matters were discussed at L &amp; R on 22/02/10 where it was agreed that Area Committees where the best Forums for such matters.</p> <p>Public health is not currently included as a licensing objective therefore unable to include public health requirements / provisions.</p> <p>Not allowed to impose "standard conditions". Conditions can only be imposed as a result of upheld representations or if offered up by the applicant. However Best Bar None has been commended to applicants in new Paragraph 4.7, whilst Pubwatch is commended at existing Paragraph 3.5.</p> <p>Unable to currently charge "late night levy" for operators.</p>	<p>No change in Policy possible.</p> <p>No change in Policy possible.</p> <p>Best Bar None commended to applicants within new Paragraph 4.7.</p> <p>No change in Policy possible.</p>



Annex 2

Ref	Respondent	Comments	Appraisal	Response
		<i>car park security, as well as contributing to the considerable costs of policing the night-time economy.</i>		

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