

METROPOLITAN BOROUGH OF SEFTON

COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to

be held on **Thursday 8th July, 2010 at 6.30 pm at the Town Hall, Southport** 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

30 June 2010

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

This page is intentionally left blank.

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 of Previous Meetings

(Pages 5 - 36)

Minutes of the Special Council meeting held on 13 May 2010, Annual Council meeting held on 20 May 2010 and the Extraordinary Council meeting held on 24 June 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 Chief Executive 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. Overview and Scrutiny Annual Report 2009/10

(Pages 37 - 56)

Report attached. The Chairs of the four Overview and Scrutiny Committees' will present the report to Council.

8. Housing Capital Programme 2010/11

(Pages 57 - 64)

Report of the Neighbourhoods and Investment Programmes Director

- 9. Carbon Reduction Commitment Scheme** (Pages 65 - 74)
 Joint report of the Neighbourhoods and Investment Programmes Director and the Interim Head of Corporate Finance and ICT Strategy
- 10. Sex Establishment Licence - Sexual Entertainment Venue** (Pages 75 - 88)
 Report of the Environmental and Technical Services Director
- 11. Moor Park Conservation Area Article 4(2) Direction** (Pages 89 - 100)
 Report of the Planning and Economic Development Director
- 12. Dog Fouling And Enforcement** (Pages 101 - 116)
 Report of the Leisure and Tourism Director
- 13. Membership of Committees 2010/11**
 To consider any changes to the Membership of any committees etc.
- 14. Matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency) of the Constitution** (Pages 117 - 118)
 Report of the Interim Head of Corporate Legal Services
- 15. Strategic Budget Review and Budget 2010/11 - Part 1**
 Report of the Chief Executive to follow
- 16. Exclusion of Press and Public**
 To consider passing the following resolution:

 That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 3 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.
- 17. Strategic Budget Review and Budget 2010/11 - Part 2**
 Report of the Chief Executive to follow

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

COUNCIL

SPECIAL MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 13TH MAY, 2010

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

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

105. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pearson, Preece and Webster.

106. DECLARATIONS OF INTEREST

Member	Minute	Reason	Action
Councillor Brennan	123 - Gardner Avenue Allotments	Prejudicial - he had a plot on the allotment site and knows some of the parties referred to in the Ombudsman's Report	Left the room during the consideration of the item.
Councillor Brodie-Browne	123 - Gardner Avenue Allotments	Personal - he has a plot on an allotment site within Sefton	Took part in the consideration of the item and voted thereon
Councillor Hardy	123 - Gardner Avenue Allotments	Personal - the partner of one of her distant relatives has a plot on the allotment site	Took part in the consideration of the item and voted thereon
Councillor Maher	123 - Gardner Avenue Allotments	Personal - the partner of one of his distant relatives had a plot	Took part in the consideration of the item and

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

		on the allotment site	voted thereon
Councillor Veidman	123 - Gardner Avenue Allotments	Prejudicial - he knows some of the parties referred to in the Ombudsman's Report	Left the room during the consideration of the item.

107. MINUTES

RESOLVED:

That the Minutes of the Council meeting held on 25 March 2010 be approved as a correct record.

108. MAYOR'S COMMUNICATIONS

Former Councillor Connie McCarthy

The Mayor reported on the sad death of former Councillor Connie McCarthy. Mrs McCarthy passed away on May 2010, and her funeral took place on 7 May 2010. Mrs. McCarthy served Manor Ward from 1999.

The Council then stood in silence for one minute as a mark of respect for Mrs McCarthy.

Election of New Councillors

The Mayor congratulated all of the Councillors who were re-elected to office following the Local Government Elections held on 6 May 2010, and extended a warm welcome to the 8 new Councillors who were elected to office, namely Councillors Anthony Carr, Linda Cluskey, Sean Dorgan, Denise Dutton, Bruce Hubbard, John Kelly, David McIvor and Haydn Preece.

The Mayor also expressed the gratitude of the Council to the three former Councillors who were not re-elected to office, for their dedicated service to the Borough of Sefton

Mons Visit

The Mayor reported that a delegation from the twin town of Mons had visited Sefton last month where discussions took place to formulate a 5 year Twinning plan. The discussions also covered Mons' bid for the European Capital of Culture in 2015, which had subsequently been approved. The delegation also took the opportunity to visit Southport Theatre and Convention Centre and the new Crosby Lakeside Adventure Centre.

COUNCIL- THURSDAY 13TH MAY, 2010

The Mayor expressed his thanks to all Council Departments who assisted in making our visitors most welcome and for making the visit a most productive one for both parties.

Southport Football Club

The Mayor on behalf of the Council extended congratulations to Southport Football Club for their recent success in becoming Champions of the Blue Square Bet North League for 2009/10 and their promotion to the Blue Square Bet Premier League. He also reported that the Club had won the Lancashire Junior Cup for 2009/10.

PUBLIC SESSION

109. MATTERS RAISED BY THE PUBLIC

The Mayor reported that members of the public had not submitted any petitions or questions.

COUNCIL BUSINESS SESSION

110. ELECTION RETURNS - 6 MAY 2010

The Council considered the report of the Assistant Chief Executive and Returning Officer on the results of the Council Elections held on 6 May 2010.

It was moved by Councillor Robertson, seconded by Councillor Brodie==Browne and

RESOLVED:

That the report be noted.

111. APPOINTMENT OF THE LEADER OF THE COUNCIL

It was moved by Councillor Blackburn, seconded by Councillor Brodie-Browne and

RESOLVED:

That Councillor Robertson as the Leader of the Liberal Democrat Group (the largest political group on the Council) be appointed as the Leader of the Council for a period of four years or until such time as his term of office expires.

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

112. APPOINTMENT OF THE CABINET 2010/11

The Council considered the report of the Leader of the Council on the proposed membership of the Cabinet and their Portfolios, and the appointment of the Spokespersons, Deputy Executive Leader and Deputy Leader.

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

RESOLVED: That

- (1) Councillor P. Dowd as Leader of the Labour Group, (the second largest political group on the Council) be appointed as the Deputy Executive Leader for a four year term of office or until such time as his term of office expires;
- (2) Councillor Parry as the Leader of the Conservative Group, (the third largest political group on the Council) be appointed as the Deputy Leader for a four year term of office or until such time as her term of office expires; and
- (3) the Cabinet and Spokespersons comprising the Members indicated below be appointed for a four year term of office or until such time as their term of office expires.

CABINET (10)

(Lib Dem 4 / Lab 4 / Con 2)

Portfolio	<u>Member</u>
Leader	Cllr. Robertson
Cabinet Member - Children's Services	Cllr. Moncur
Cabinet Member - Communities	Cllr. P. Dowd
Cabinet Member - Corporate Services	Cllr. Parry
Cabinet Member - Environmental	Cllr. Tattersall
Cabinet Member - Health and Social Care	Cllr. Porter
Cabinet Member - Leisure and Tourism	Cllr. Booth
Cabinet Member - Performance and Governance	Cllr. Brodie-Browne
Cabinet Member - Regeneration	Cllr. Maher
Cabinet Member - Technical Services	Cllr. Fairclough

CABINET URGENT BUSINESS COMMITTEE (3)

The 3 Party Leaders or their nominees (who must be Cabinet Members).

Councillors Robertson, P. Dowd and Parry

CABINET MEMBER - CHILDREN'S SERVICES

<u>Member</u>	<u>Substitute</u>
Cllr. Moncur	Cllr. P. Dowd

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Cuthbertson	Cllr. Doran
Cllr. Preece	Cllr. Howe

The Education Added Members - Mr. A. Bell and 1 Vacancy (Church Diocesan Representatives); Mrs. S. Cain and 1 Vacancy (Parent Governor Representatives) are invited to attend the Cabinet Member - Children's Services Meetings.

Mr. R. Gregson (Sefton Governors Forum) is also invited to attend the meetings.

CABINET MEMBER - COMMUNITIES

<u>Member</u>	<u>Substitute</u>
Cllr. P. Dowd	Cllr. Moncur

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Doran	Cllr. Cuthbertson
Cllr. C. Mainey	Cllr. Hands

CABINET MEMBER - CORPORATE SERVICES

<u>Member</u>	<u>Substitute</u>
Cllr. Parry	Cllr. Porter

<u>Spokespersons</u>	<u>Substitute</u>
Cllr . Shaw	Cllr. McGuire
Cllr. Veidman	Cllr. McGinnity

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

CABINET MEMBER - ENVIRONMENTAL

<u>Member</u>	<u>Substitute</u>
Cllr. Tattersall	Cllr. Booth

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Dutton	Cllr. Ibbs
Cllr. Hardy	Cllr. Friel

CABINET MEMBER – HEALTH AND SOCIAL CARE

<u>Member</u>	<u>Substitute</u>
Cllr. Porter	Cllr. Parry

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Brennan	Cllr. Friel
Cllr. D. Rimmer	Cllr. Preston

CABINET MEMBER - LEISURE AND TOURISM

<u>Member</u>	<u>Substitute</u>
Cllr. Booth	Cllr. Robertson

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Cummins	Cllr. Webster
Cllr. Griffiths	Cllr. Glover

CABINET MEMBER - PERFORMANCE AND GOVERNANCE

<u>Member</u>	<u>Substitute</u>
Cllr. Brodie-Browne	Cllr. Tattersall

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Friel	Cllr. Brennan
Cllr. McIvor	Cllr. Barber

COUNCIL- THURSDAY 13TH MAY, 2010

CABINET MEMBER - REGENERATION

<u>Member</u>	<u>Substitute</u>
Cllr. Maher	Cllr. Fairclough

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Dorgan	Cllr. Pearson
Cllr. Hough	Cllr. Sumner

CABINET MEMBER - TECHNICAL SERVICES

<u>Member</u>	<u>Substitute</u>
Cllr. Fairclough	Cllr. Maher

<u>Spokespersons</u>	<u>Substitute</u>
Cllr. Jones	Cllr. Dorgan
Cllr. Tonkiss	Cllr. Fenton

113. GOVERNANCE REVIEW – PROPOSED REVISIONS TO THE CONSTITUTION TO REFLECT CHANGES TO GEOGRAPHY OF CROSBY AND LINACRE AND DERBY AREA COMMITTEES

The Mayor reported that the report of the Neighbourhoods and Investment Programmes Director had been deferred from consideration at the meeting to enable further consideration to be given to this issue within each political group and as this was an annual constitutional issue, the proposals contained within the report would not be considered until the next Annual Council Meeting.

114. APPOINTMENT OF COMMITTEES AND WORKING GROUPS 2010/11

The Council considered the report of the Chief Executive on the allocation of Committee Places in accordance with the Political Balance Rules and a schedule on the proposed Membership of the Committees and Working Groups for 2010/11.

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

RESOLVED: That

- (1) the allocation of Committee places in accordance with the Political Balance Rules be noted;

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

- (2) the Members, Chairs, Vice-Chairs and Spokespersons for the Overview and Scrutiny Committees set out below be appointed for a period of twelve months until the Special Council Meeting to be held in May 2011, subject to any changes which may be made following the forthcoming review of the Overview and Scrutiny function; and
- (3) the Members, Chairs, Vice-Chairs and Spokespersons for the Committees and Working Groups set out below be appointed for a period of twelve months until the Special Council Meeting to be held in May 2011.

(A) OVERVIEW AND SCRUTINY COMMITTEES

OVERVIEW AND SCRUTINY COMMITTEE (CHILDREN'S SERVICES)

(10)

Plus 4 Education Added Members

(Lib Dem 5/Lab 3/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Hands	Cllr. Tonkiss
2.	Vice-Chair: Cllr. Hough	Cllr. Weavers
3.	Cllr. Bradshaw	Cllr. L. Cluskey
4.	Cllr. Byrom	Cllr. Kerrigan
5.	Cllr. Cummins*	Cllr. Veidman
6.	Cllr. Dorgan	Cllr. Dutton
7.	Cllr. Glover*	Cllr. Sir Ron Watson
8.	Cllr. Hubbard	Cllr. Dodd
9.	Cllr. C. Mainey	Cllr. Blackburn
10	Cllr. S. Mainey	Cllr. Byrne

* Spokesperson

Education Added Members:- Father D. Seddon and 1 Vacancy
(Church Diocesan Representatives);
Mrs. S. Cain and 1 Vacancy.
(Parent Governor Representatives)

OVERVIEW AND SCRUTINY COMMITTEE (HEALTH & SOCIAL CARE)
(10)

(Lib Dem 4/Lab 4/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Hill	Cllr. Dodd
2.	Vice-Chair: Cllr. Larkin	Cllr. Hubbard
3.	Cllr. L. Cluskey	Cllr. Tweed
4.	Cllr. Howe	Cllr. C. Mainey
5.	Cllr. Jones	Cllr. Barber
6.	Cllr. McGinnity	Cllr. Hardy
7.	Cllr. McGuire	Cllr. S. Mainey
8.	Cllr. Pearson*	Cllr. Ibbs
9.	Cllr. Veidman	Cllr. Brennan
10.	Cllr. Webster*	Cllr. Bradshaw

* Spokesperson

OVERVIEW AND SCRUTINY COMMITTEE (PERFORMANCE AND CORPORATE SERVICES) (10)

(Lib Dem 4/Lab 4/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Ibbs	Cllr. Cuthbertson
2.	Vice-Chair: Cllr. Papworth	Cllr. Dorgan
3.	Cllr. Byrne*	Cllr. Hubbard
4.	Cllr. Byrom	Cllr. Veidman
5.	Cllr. Carr	Cllr. M. Dowd
6.	Cllr. Fenton	Cllr. Larkin
7.	Cllr. Gibson	Cllr. Hill
8.	Cllr. Kelly	Cllr. Brady
9.	Cllr. McGinnity*	Cllr. Cummins
10.	Cllr. Weavers	Cllr. Sumner

* Spokesperson

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND ENVIRONMENTAL SERVICES) (10)

(Lib Dem 5/Lab 3/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Papworth	Cllr. Barber
2.	Vice-Chair: Cllr. Pearson	Cllr. Sir Ron Watson
3.	Cllr. K. Cluskey*	Cllr. Kelly
4.	Cllr. Gustafson	Cllr. Webster
5.	Cllr. Hardy	Cllr. Tweed
6.	Cllr. Hubbard	Cllr. B. Rimmer
7.	Cllr. Larkin	Cllr. Preece
8.	Cllr. C. Mainey*	Cllr. Fenton
9.	Cllr. S. Mainey	Cllr. Hill
10.	Cllr. Weavers	Cllr Gibson

* Spokesperson

(B) REGULATORY AND OTHER COMMITTEES

APPEALS COMMITTEE

All Members of the Council (other than Cabinet Members) to form a Panel from which 3 Members are selected to form a politically balanced Committee.

AUDIT AND GOVERNANCE COMMITTEE (10)

(Lib Dem 4/Lab 4/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Brady	Cllr. Tweed
2.	Vice-Chair: Cllr. Friel	Cllr. McGinnity
3.	Cllr. Brennan	Cllr. Mahon
4.	Cllr. Lord Fearn	Cllr. Byrne
5.	Cllr. Maher	Cllr. Fairclough
6.	Cllr. McIvor	Cllr. Sir Ron Watson
7.	Cllr. Parry*	Cllr. Porter
8.	Cllr. Robertson	Cllr. Brodie-Browne
9.	Cllr. Shaw*	Cllr. C. Mainey
10.	Cllr. Tonkiss	Cllr. S. Mainey

* Spokesperson

COUNCIL- THURSDAY 13TH MAY, 2010

Membership is the Leader of the Council and the other 2 Party Group Leaders (or their nominees who should be Cabinet Members) and 7 Non-Executive Members of the Council.

EMPLOYMENT PROCEDURE COMMITTEE

All Members of the Council to form a panel from which a minimum of 3 Members are selected to form a politically balanced Committee. At least one member of the Cabinet to be included on the Committee.

LICENSING AND REGULATORY COMMITTEE (15)

(Lib Dem 6/Lab 5/Con 4)

	<u>Member</u>
1.	Chair: Cllr. McGuire
2.	Vice-Chair Cllr. D. Rimmer
3.	Cllr. Bradshaw
4.	Cllr. Carr
5.	Cllr. Doran
6.	Cllr. Fenton
7.	Cllr. Friel
8.	Cllr. Ibbs
9.	Cllr. Kerrigan
10.	Cllr. Larkin
11.	Cllr. Mahon*
12.	Cllr. Papworth*
13.	Cllr. Preece
14.	Cllr. B. Rimmer
15.	Cllr. Sir Ron Watson

*Spokesperson

LICENSING AND REGULATORY (URGENT REFERRALS) COMMITTEE (3)

(Lib Dem 1/Lab 1/Con 1)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. McGuire	Cllr. D. Rimmer
2.	Cllr. Mahon	Cllr. Friel
3.	Cllr. Papworth	Cllr. Ibbs

LICENSING SUB-COMMITTEE

All Members of the Licensing and Regulatory Committee to form a Panel from which 3 Members are selected to form a Sub-Committee.

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

PAY AND GRADING COMMITTEE (6)

(Lib Dem 2/Lab 2/Con 2) Including Cabinet Member - Corporate Services

	<u>Member</u>
1.	Chair: Cllr. Parry
2.	Vice-Chair: Cllr. McIvor
3.	Cllr. Fairclough
4.	Cllr. D. Rimmer
5.	Cllr. Robertson
6.	Cllr. Tweed

PLANNING COMMITTEE (15)

(Lib Dem 6/Lab 5/Con 4)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Tweed	Cllr. Brady
2.	Vice-Chair: Cllr. Mahon	Cllr. Friel
3.	Cllr. Barber	Cllr. Dorgan
4.	Cllr. Byrne	Cllr. Howe
5.	Cllr. L. Cluskey	Cllr. Kerrigan
6.	Cllr. Cuthbertson	Cllr. Doran
7.	Cllr. Dodd	Cllr. Lord Fearn
8.	Cllr. Glover*	Cllr. Pearson
9.	Cllr. Griffiths	Cllr. Dutton
10.	Cllr. Gustafson	Cllr. Webster
11.	Cllr. Hands	Cllr. Hough
12.	Cllr. Kelly	Cllr. Brennan
13.	Cllr. Preston*	Cllr. McGuire
14.	Cllr. Shaw	Cllr. Blackburn
15.	Cllr. Sumner	Cllr. D. Rimmer

*Spokesperson

PLANNING (URGENT REFERRALS) COMMITTEE (3)

(Lib Dem 1/Lab 1/Con 1)

	<u>Member</u>	<u>Substitute</u>
1.	Chair: Cllr. Tweed	Cllr. Mahon
2.	Cllr. Glover	Cllr. Griffiths
3.	Cllr. Preston	Cllr. Sumner

PLANNING (PETITIONS) COMMITTEE (15)

The Committee comprises of the Members of the Planning Committee.

PLANNING VISITING PANEL (15)

The Committee comprises of the Members of the Planning Committee.

STANDARDS COMMITTEE (6) (plus 3 Independent Members and 2 Parish Council Members)

(Lib Dem 3/Lab 2/Con 1 - including 1 Cabinet Member +)

	<u>Member</u>	<u>Substitute</u>
1.	Cllr. Blackburn	Cllr. Tonkiss
2.	Cllr. Brady	Cllr. Moncur
3.	Cllr. Fairclough+	Cllr. Maher
4	Cllr. Hill	Cllr. D. Rimmer
5	Cllr. Howe	Cllr. Fenton
6	Cllr. Papworth	Cllr. Mclvor

Independent Members:

Chair - Mr N. Edwards	}	3 year term until May 2013
Vice-Chair - Mr. E. Davies	}	
Mr. J.R. Fraser	}	3 year term until May 2011

Parish Council Members:

Mrs B. O'Brien
Mr. D. Warren

ASSESSMENT SUB-COMMITTEE OF STANDARDS COMMITTEE

All Members of the Standards Committee will form a Panel from which one Independent Member and two other Members will be selected to form a Sub-Committee.

HEARINGS SUB-COMMITTEE OF STANDARDS COMMITTEE

All Members of the Standards Committee will form a Panel from which one Independent Member and two other Members will be selected to form a Sub-Committee.

REVIEW SUB-COMMITTEE OF STANDARDS COMMITTEE

All Members of the Standards Committee to form a Panel from which one Independent Member and two other Members will be selected to form a Sub-Committee.

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

(C) LOCAL AREA COMMITTEES

The Members of the Wards included below in the Area of each Committee.

The Chair, Vice-Chair and Local Advisory Members to be appointed by the respective Area Committee.

CROSBY AREA COMMITTEE (12)

Ward	Member
Blundellsands	Cllr. Dorgan
	Cllr. Papworth
	Cllr. Parry
Church	Cllr. Cummins
	Cllr. Veidman
	Cllr. Webster
Manor	Cllr. Barber
	Cllr. Gibson
	Cllr. McGinnity
Victoria	Cllr. Hill
	Cllr. Hough
	Cllr. Tonkiss

FORMBY AREA COMMITTEE (6)

Ward	Member
Harington	Cllr. Cuthbertson
	Cllr. Doran
	Cllr. Dutton
Ravenmeols	Cllr. Griffiths
	Cllr. Ibbs
	Cllr. McIvor

LINACRE AND DERBY AREA COMMITTEE (6)

Ward	Member
Derby	Cllr. Gustafson
	Cllr. Larkin
	Cllr. L. Cluskey
Linacre	Cllr. Fairclough
	Cllr. Friel
	Cllr. Kerrigan

LITHERLAND AND FORD AREA COMMITTEE (6)

Ward	Member
Ford	Cllr. Brady
	Cllr. K. Cluskey
	Cllr. Moncur
Litherland	Cllr. Hardy
	Cllr. Kelly
	Cllr. Tweed

SEFTON EAST PARISHES AREA COMMITTEE (9)

Ward	Member
Molyneux	Cllr. Carr
	Cllr. Howe
	Cllr. Robertson
Park	Cllr. Blackburn
	Cllr. Byrne
	Cllr. Fenton
Sudell	Cllr. Hubbard
	Cllr. C. Mainey
	Cllr. S. Mainey

SOUTHPORT AREA COMMITTEE (20*)

Ward	Member
Ainsdale	Cllr. Jones
	Cllr. Porter
	Cllr. Preece
Birkdale	Cllr. Brodie-Browne
	Cllr. Hands
	Cllr. Shaw
Cambridge	Cllr. Glover
	Cllr. McGuire
	Cllr. Preston
Dukes	Cllr. Byrom
	Cllr. Pearson
	Cllr. Sir Ron Watson
Kew	Cllr. Booth
	* -
	Cllr. Weavers
Meols	Cllr. Dodd
	Cllr. D. Rimmer
	Cllr. Tattersall
Norwood	Cllr. Lord Fearn
	Cllr. B. Rimmer
	Cllr. Sumner

* The Mayor Elect, Councillor M. Fearn (Kew Ward) will not be a Member of the Area Committee during her year of office.

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

ST. OSWALD AND NETHERTON AND ORRELL AREA COMMITTEE (6)

Ward	Member
Netherton and Orrell	Cllr. Bradshaw
	Cllr. Brennan
	Cllr. Maher
St. Oswald	Cllr. M. Dowd
	Cllr. P. Dowd
	Cllr. Mahon

(D) CONSULTATIVE BODIES

INDEPENDENT REMUNERATION PANEL (3 members)

Canon R. Driver		4 year term until May 2013
Mr. S. Dickson	}	
Mrs. S. Lowe	}	4 year term until 23 October 2012

(To advise and make recommendations to the Authority about the allowances to be paid to Elected Members).

JOINT CONSULTATIVE COMMITTEE FOR TEACHING STAFFS

(9 Council Members plus 9 Teacher representatives)

(Lib Dem 4/Lab 3/Con 2)

	<u>Member</u>	<u>Substitute</u>
1.	Cllr. Cuthbertson	Cllr. Ibbs
2.	Cllr. P. Dowd	Cllr. Brennan
3.	Cllr. Lord Fearn	Cllr. Hands
4	Cllr. Fenton	Cllr. Gibson
5	Cllr. Glover	Cllr. Barber
6	Cllr. Hardy	Cllr. Cummins
7	Cllr. Howe	Cllr. Weavers
8	Cllr. Moncur	Cllr. Tweed
9	Cllr. Preece	Cllr. Hough

LOCAL JOINT CONSULTATIVE COMMITTEE (12)

(12 Council Members plus 12 Trade Union Representatives)

(Lib Dem 5/Lab 4/Con 3)

	<u>Member</u>	<u>Substitute</u>
1.	Cllr. Blackburn	Cllr. Hough
2.	Cllr. Brady	Cllr. Friel
3.	Cllr. Brodie-Browne	Cllr. Tattersall
4	Cllr. P. Dowd	Cllr. M. Dowd
5	Cllr. Fairclough	Cllr. Tweed
6	Cllr. Fenton	Cllr. Byrne
7	Cllr. Griffiths	Cllr. Porter
8	Cllr. Mclvor	Cllr. Parry
9	Cllr. Moncur	Cllr. Mahon
10	Cllr. Robertson	Cllr. Booth
11	Cllr. Shaw	Cllr. Larkin
12	Cllr. Sir Ron Watson	Cllr. Dorgan

(E) WORKING/STEERING GROUPS

MEMBERS' DEVELOPMENT STEERING GROUP (6)

(Lib Dem 2/Lab 2/Con 2) including one Cabinet Member*

	<u>Member</u>
1.	Chair: Cllr. Porter*
2.	Cllr. Byrne
3.	Cllr. K. Cluskey
4	Cllr. Ibbs
5	Cllr. Moncur
6	Cllr. Shaw

MEMBERS ICT STEERING GROUP (6)

(Lib Dem 2/Lab 2/Con 2) including Cabinet Member - Corporate Services)

	<u>Member</u>
1.	Chair: Cllr. Parry
2.	Cllr. Dodd
3.	Cllr. Dorgan
4	Cllr. Fairclough
5	Cllr. McGuire
6	Cllr. Moncur

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

(F) MAJOR SERVICE REVIEW GOVERNANCE BODIES

STRATEGIC SERVICE PARTNERSHIP BOARD

Leader of the Council (Councillor Robertson) and the representatives on the Finance and Information Services Operational Board and the Technical Services Operational Board (Councillors Parry and Fairclough).

FINANCE AND INFORMATION SERVICES OPERATIONAL BOARD

Cabinet Member - Corporate Services (Councillor Parry).

TECHNICAL SERVICES OPERATIONAL BOARD

Cabinet Member - Technical Services (Councillor Fairclough).

115. TERMS OF REFERENCE FOR COMMITTEES AND WORKING GROUPS 2010/11

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

RESOLVED:

That the terms of reference of the Committees and Working Groups as set out in Part 3 of the Council Constitution be approved.

116. APPOINTMENT OF REPRESENTATIVES ON MERSEYSIDE JOINT AUTHORITIES 2010/11

The Council considered a schedule on the proposed representation on the Merseyside Joint Authorities for 2010/11.

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

RESOLVED:

That the following Members be appointed to serve on the following Merseyside Joint Authorities in 2010/11:

<u>Joint Authority</u>	<u>Representative</u>
Merseyside Fire and Rescue Authority	Councillors Barber (Con), Blackburn (LD), Byrom (Lab) and Mahon (Lab)
Merseyside Integrated Transport Authority	Councillors Dodd (LD), M. Dowd (Lab), Griffiths (Con), and Sumner (LD)
Merseyside Waste Disposal Authority	Councillors K. Cluskey (Lab) and Tattersall (LD)

COUNCIL- THURSDAY 13TH MAY, 2010

Merseyside Police Authority Councillors Howe (LD) and Kerrigan (Lab)
(Nominations only -
appointed by the Merseyside
Police Authority
Appointments Committee).

117. APPOINTMENT OF REPRESENTATIVES ON SEFTON BOROUGH PARTNERSHIP 2010/11

The Council considered a schedule on the proposed representation on the Strategic Board and Thematic Partnerships/Groups of the Sefton Borough Partnerships for 2010/11.

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

RESOLVED: That

- (1) the following Members be appointed to serve on the Strategic Board of the Sefton Borough Partnership in 2010/11:

Leader of the Council (Councillor Robertson) and the Leaders of Other Political Groups (Councillors P. Dowd and Parry) plus the following representatives which are subject to approval by the appropriate Joint Authority:

- Representative from Merseyside Fire and Rescue Authority (Councillor Barber)
- Representative from Merseyside Integrated Transport Authority (Councillor Dodd)
- Representative from Merseyside Police Authority (Councillor Howe)
- Representative from Merseyside Waste Disposal Authority (Councillor K. Cluskey)

- (2) the following members set out below be appointed to serve on the Thematic Partnerships/Groups of the Sefton Borough Partnership in 2010/11:

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

<u>Thematic Partnership</u>	<u>Number of Representatives</u>	<u>Member</u>	<u>Substitutes</u>
Children and Young People	1	Cabinet Member - Children's Services (Cllr. Moncur)	Cllr. Cummins
Economic Development and Sustainability	4	Cabinet Member - Environmental (Cllr. Tattersall) Cabinet Member - Leisure and Tourism (Cllr. Booth) Cabinet Member - Regeneration (Cllr. Maher) Cabinet Member - Technical Services (Cllr. Fairclough)	Cllr. Weavers Cllr. Brodie-Browne Cllr. K. Cluskey Cllr. Veidman
Healthier Communities and Older People	1	Cabinet Member - Health and Social Care (Cllr. Porter)	Cllr. D. Rimmer
Neighbourhood Regeneration Thematic Group	6	Cabinet Member - Communities (Cllr. P. Dowd) Cabinet Member - Regeneration (Cllr. Maher) Cabinet Member - Technical Services (Cllr. Fairclough) Cllr. Hardy Cllr. Mahon Cllr. C. Mainey	Cllr. Moncur Cllr. K. Cluskey Cllr. Veidman Cllr. Tweed Cllr. Brennan Cllr. Hough
Safer and Stronger Communities Partnership	1	Cabinet Member - Communities (Cllr. P. Dowd)	Cllr. Kerrigan

Related
Groups/
Partnerships

Sefton Compact Working Group	2	Cabinet Member - Communities (Cllr. P. Dowd) Cllr. C. Maaney	Cllr. Kerrigan Cllr. Hough
Public Engagement and Consultation Panel	3	Cabinet Member - Performance and Governance) (Cllr. Brodie- Browne) Cllr. Friel Cllr. Mclvor	- - -

118. DELEGATION OF POWERS IN RESPECT OF THE DISCRETION TO GRANT EQUITY RE-LOCATION LOANS IN THE HOUSING MARKET RENEWAL AREA

Further to Minute No. 350 of the Cabinet Meeting held on 15 April 2010, the Council considered the report of the Neighbourhoods and Investment Programmes Director seeking delegated powers and duties in relation to the provision of loans to facilitate re-housing as part of the Newheartlands Housing Market Renewal Programme.

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

RESOLVED:

That Part 3 (Responsibility for Functions) of the Council Constitution be amended by the addition of the following:

REGENERATION

Neighbourhoods and Investment Programme Director

Power to deal with all matters relating to the provision of loans to facilitate re-housing as part of the Newheartlands Housing Market Renewal Programme.

Subject to:

1. an approved budget for such financial assistance being available, and
2. the power to amend the criteria used when making awards of financial assistance provided that such decisions and the grounds

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

for them are reported promptly to the Cabinet Member - Regeneration.

119. ENFORCED SALES PROCEDURE AND PROPERTY AT 24 LANDER ROAD, LITHERLAND

Further to Minute No. 349 of the Cabinet Meeting held on 15 April 2010, the Council considered the report of the Neighbourhoods and Investment Programmes Director seeking approval to the implementation of a new Enforced Sales Procedure.

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

RESOLVED:

That the Council Constitution be amended to enable the Cabinet Member - Regeneration to have delegated powers to authorise the use of the Enforced Sales Procedure.

120. STATUTORY DUTY TO RESPOND TO PETITIONS

Further to Minute No. 333 of the Cabinet meeting held on 15 April 2010, the Council considered the report of the Assistant Chief Executive seeking approval to the implementation of a Petitions Scheme as required by Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009.

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

RESOLVED: That

- (1) the Petition Scheme attached at Appendix 1 of the report be approved for implementation; and
- (2) consequential amendments be made to the Council Constitution to ensure consistency with the petitions scheme.

121. CONSTITUTION - SENIOR MANAGEMENT STRUCTURE

Further to Minute No. 331 of the Cabinet Meeting held on 15 April 2010, the Council considered the report of the Interim Head of Corporate Legal Services on proposed amendments to the Council Constitution to reflect the new Senior Management structure and the statutory requirements with regard to a designated Scrutiny Officer and the terms of reference of the Standards Committee.

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

COUNCIL- THURSDAY 13TH MAY, 2010

RESOLVED: That

- (1) approval be given to the amended Delegations to Officers and consequential minor changes to Portfolios, set out in the report;
- (2) the Assistant Chief Executive be formally appointed as the Council's "Scrutiny Officer" as required by Section 31 of the Local Democracy, Economic Development and Construction Act 2009; and
- (3) the terms of reference of the Standards Committee be amended pursuant to Section 202 of the Local Government and Public Involvement in Health Act 2007.

122. DATES OF COUNCIL MEETINGS 2010/11

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

RESOLVED:

That it be noted that the Council meetings scheduled to be held during the Municipal Year 2010/11 are as follows:

- 20 May 2010 (Annual Meeting)
- 8 July 2010
- 2 September 2010
- 21 October 2010
- 16 December 2010
- 13 January 2011
- 3 March 2011 (Budget Meeting)
- 24 March 2011.

123. GARDNER AVENUE ALLOTMENTS

Further to Minute No. 330 of the Cabinet Meeting held on 15 April 2010 the Council considered the report of the Interim Head of Corporate Legal Services which incorporated the Further Report of the Local Government Ombudsman following her investigation into two complaints arising from incidents at the Gardner Avenue Allotment Site, Bootle.

The Council also considered two sets of correspondence submitted by the complainants "Mrs. B. and Mr. C." referred to in the report from the Local Government Ombudsman.

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

Agenda Item 3

COUNCIL- THURSDAY 13TH MAY, 2010

RESOLVED:

That the decision of the Cabinet of 15 April 2010 (Minute No. 330) to not accept the action recommended by the Ombudsman in her Further Report dated 25 February 2010 be confirmed and endorsed and the Chief Executive be authorised to write to the Ombudsman to inform her of the Council's decision.

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

The Council received a report of the Interim Head of Corporate Legal Services setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure (Rules Call-In and Urgency).

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

COUNCIL

ANNUAL MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 20TH MAY, 2010

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

Councillors Booth, Bradshaw, Brady, Brodie -
Browne, Byrne, Byrom, Carr, K. Cluskey,
L. Cluskey, Cuthbertson, Dodd, Doran, Dorgan,
P Dowd, Fairclough, Lord Fearn, Friel, Gibson,
Glover, Hands, Hill, Howe, Hubbard, Ibbs, Kelly,
Maher, C Mainey, S Mainey, McGuire, Mclvor,
Moncur, Papworth, Parry, Preece, Preston,
D Rimmer, Robertson, Shaw, Sumner, Tattersall,
Tonkiss, Tweed, Veidman, Sir Ron Watson,
Weavers and Webster

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barber, Blackburn, Brennan, M. Dowd, Dutton, Fenton, Griffiths, Gustafson, Hardy, Hough, Jones, Kerrigan, Larkin, Mahon, McGinnity, Pearson, Porter and B. Rimmer.

2. ELECTION OF MAYOR

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

RESOLVED: That

- (1) Maureen Fearn JP, a Councillor of the Borough, be elected Mayor of the Borough for the ensuing Municipal Year and until the acceptance of office by her successor; and
- (2) the Council do place upon record its sincere appreciation of her services in the capacity as Deputy Mayor during the Municipal Year 2009/10.

Councillor M. Fearn then made a Declaration of Acceptance of Office and took the Chair for the meeting.

Agenda Item 3

COUNCIL- THURSDAY 20TH MAY, 2010

3. ELECTION OF DEPUTY MAYOR

It was moved by Councillor P. Dowd, seconded by Councillor Maher and unanimously

RESOLVED:

That Paul Paschal Cummins, a Councillor of the Borough, be elected Deputy Mayor of the Borough for the ensuing Municipal Year and until the acceptance of office by his successor.

Councillor Cummins then made a Declaration of Acceptance of Office.

4. VOTE OF THANKS TO RETIRING MAYOR

It was moved by Councillor Ibbs, seconded by Councillor Glover and unanimously

RESOLVED: That

- (1) the Council do hereby place on record its appreciation of the ability, courtesy and impartiality, shown by Councillor Alf Doran in his capacity as Mayor of the Borough and Chairman of the meetings of the Council, during the Municipal Year 2009-2010, and for his attendance at many civic and public functions, both inside and outside of the Borough;
- (2) the Council also desires to extend its thanks to Councillor Gillian Cuthbertson for her support and encouragement given to the Mayor;
- (3) the Council wishes to record its appreciation of the excellent effort and involvement by both Councillor Doran and Councillor Gillian Cuthbertson, in connection with the Mayor of Sefton's Charity Fund;
- (4) the Council further desires to extend its sincere thanks to Councillor Alf Doran and Councillor Cuthbertson for the hospitality extended to Royal Visits, Overseas Visitors, Civic Dignitaries, and Twinning Officials hosted by this Borough;
- (5) the Council also desires to extend its thanks to Councillor Alf Doran and Councillor Gillian Cuthbertson in relation to the successful launch of the scheme for Her Majesty's Armed Forces and Veterans Scheme "Heroes Welcome in Sefton"; and
- (6) a copy of the Resolution be passed under the Corporate Seal and presented to Councillor Alf Doran.

Councillor Doran was then presented with a framed copy of the Vote of Thanks and a Past Mayor's Badge and, Councillor Cuthbertson was presented a Past Mayoress' Pendant as tokens of the Council's

COUNCIL- THURSDAY 20TH MAY, 2010

appreciation of the manner in which they had undertaken their duties in the Office of Mayor during the past twelve months.

Councillor Doran responded to the Vote of Thanks and expressed his appreciation to the former Mayoress, Councillor Cuthbertson, the members of the public, various organisations and Council officers who had supported him during his Year of Office.

This page is intentionally left blank

COUNCIL

EXTRAORDINARY MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 24TH JUNE, 2010

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

Councillors Bradshaw, Brady, Byrom, Carr, K. Cluskey, L. Cluskey, M. Dowd, P. Dowd, Gustafson, Kelly, Kerrigan, Maher, Mahon, McGinnity, Moncur, Tweed, Veidman and Webster

5. APOLOGIES FOR ABSENCE

The Mayor reported that apologies for absence had been received from Councillors Barber, Booth, Brennan, Byrne, Cuthbertson, Dodd, Doran, Dorgan, Dutton, Fairclough, Friel, Glover, Griffiths, Hardy, Hough, Howe, Hubbard, Ibbs, Jones, Larkin, McIvor, Papworth, Parry, Pearson, Porter, Shaw, Sumner and Sir Ron Watson.

Councillor Moncur expressed concern at the high number of apologies submitted by Members of the Council and requested that the procedures for submitting apologies should be properly observed for genuine reasons for absence from meetings and not be used as a means of boycotting attendance at meetings which had been convened in accordance with the procedures set out in the Council Constitution.

6. DECLARATIONS OF INTEREST

No declarations of interest were made.

7. MAYOR'S COMMUNICATIONS

Civic Service

The Mayor reported that her Civic Service would take place at The Church of St. Francis of Assisi, Kew, Southport on Sunday 4 July 2010 at 10.15 am. The Service would be conducted by the Reverend Alex Galbraith and be followed by light refreshments in the Church Hall.

The Mayor indicated that all Members and their families were cordially invited to attend the Service.

Agenda Item 3

COUNCIL- THURSDAY 24TH JUNE, 2010

8. NOTICE OF MOTION

The Mayor reported that five Members (Councillors P. Dowd, K. Cluskey, L. Cluskey, Friel and Maher) had submitted the following motion for consideration by the Council in accordance with Rule 4.1 of the Council and Committee Procedure Rules:

“That in the light of the emergency Budget of 22 June 2010, the Council recognising the potential major implications on the Council’s current and future finances, initiates a major public consultation exercise with the focus on seeking the views of the public in relation to the potential realignment, cessation or maintenance of services.”

At this point, Councillor P. Dowd indicated that he wished to put forward a revised motion for consideration by the Council and with the consent of the Mayor, the meeting was adjourned for a period of twenty minutes to enable the Chief Executive and Monitoring Officer to consider the content and implications of the revised motion.

Following the adjournment, the revised motion was circulated around the Council Chamber to Members of the Council.

In accordance with Rule 15.7 of the Council and Committee Procedure Rules, the Council gave consent without discussion to the consideration of the revised wording, which was not included in the Notice of Motion submitted to the Chief Executive.

It was then moved by Councillor P. Dowd, seconded by Councillor Maher and

RESOLVED:

- 1 That in the light of the emergency Budget of 22 June 2010, the Council recognising the potential major implications on the Council’s current and future finances, and in the light of the Con Dem coalition government exhortations to consult widely, this Council deplores the actions of the local Con Dem coalition in disrespecting the people of Sefton by boycotting the Council meeting on 24 June 2010 which was called to set in process a consultation exercise with the public of Sefton on the proposed massive cuts to the Council’s budget by the Con Dem national coalition Government aided and abetted by the local Con Dem coalition.
- 2 It be noted that the Government:
 - (i) plans to reduce the deficit much further and faster than the previous Labour Government with a consequent threat to recovery and greater damage to public services;
 - (ii) has imposed additional in year cuts to local council programmes costing this Council at least £7m;

- (iii) has chosen to increase VAT, a regressive tax bearing hardest on the least well off;
 - (iv) has frozen child benefit, disability benefit and housing benefit, abolished free swimming and abandoned the free school meals programme which would have helped 500,000 children nationally and thousands of children in Sefton; and
 - (v) in so doing has penalised people on low and middle incomes while doing little to ensure that the well-off bear their fair share.
- 3 This Council calls on the Government to rethink its approach and resolves as part of the consultation process announced by the Government over the spending review to engage with the local community to identify priorities for the protection of local services and the local economy. The Chief Executive is asked to write with immediate effect to the Prime Minister and the Deputy Prime Minister to advise them of this resolution.
- 4 In order to mitigate the damaging effects of the Con Dem budget, Officers of the Council are instructed to bring forth proposals by the next Cabinet meeting that set out mechanisms that could be implemented that will not involve compulsory redundancies and also proposals to minimise the effects of the national cuts on the people of Sefton and in particular the most vulnerable.

(19 Members voted for the motion with none against and one abstention).

This page is intentionally left blank

Overview & Scrutiny



SEFTON COUNCIL OVERVIEW AND SCRUTINY ANNUAL REPORT 2009/10



Overview & Scrutiny



**'Valuing
Improvement'**

www.sefton.gov.uk
scrutiny@sefton.gov.uk

Overview & Scrutiny Management Board 2009/10



Councillor Richard Hands
Chair of the Overview and Scrutiny Management Board

Eight meetings of the Overview & Scrutiny Management Board took place during 2009/10. The Board was consulted on issues such as the Council's Media Protocol, Political conventions, the draft statutory guidance on the Duty to Respond to Petitions and the Performance Management Framework.

The Board also developed protocols for non-Working Group Members attending meetings of Overview & Scrutiny Working Groups, a protocol for dealing with representatives from partner organisations attending meetings of Overview & Scrutiny Committees and the Councillor Call for Action. Regarding this final point, no Calls for Action have been received to date.

Members of the Board met with representatives of the Audit Commission, to discuss the Comprehensive Area Assessment and issues of concern. Members also considered the reporting of improvement targets to Overview & Scrutiny Committees with regard to the Local Area Agreement.

During 2009/10, the Board received regular update briefings on developments regarding the Strategic Budget Review and the Transformation agenda. Members were particularly pleased that the relevant trade unions had worked with the Council in order to achieve considerable savings and that redundancies made during 2009/10 were achieved voluntarily.

Issues surrounding the Council's Key Decision Forward Plan were addressed throughout the year in that the template used was revised, resulting in greater clarity of the information provided. Following comments by Members, further training on Key Decisions was provided to Council Departments on their requirements. The Board also took the decision to submit only relevant Key Decisions to the appropriate Overview & Scrutiny Committee, which has assisted Members in focussing on those decisions under their Committee's remit.

Communication has always been a key consideration for the Management Board and during the year the Board agreed that Cabinet Member reports should be submitted to the relevant Overview & Scrutiny Committee, in order to contribute towards the relationship between the Executive and Overview & Scrutiny Members.

Agenda Item 7

In addition, the Board took the decision to have the Minutes from meetings of the Overview & Scrutiny Management Board circulated to all Members, to encourage communication and good relationships. 2009/10 also saw the production of the first Scrutiny newsletter, outlining the reviews being carried out by Overview & Scrutiny Committees, together with work undertaken in conjunction with partner organisations.

Health Inequalities became a major issue of concern for the Board this year and Members recognised the link between health and general well-being, with other areas of strategic importance, such as employment, education, housing and environment. During the year, Sefton succeeded in a bid to become a Scrutiny Development Area, in a programme organised by the Centre for Public Scrutiny, to raise the profile of overview & scrutiny as a tool to promote community well-being and assist Councils & Partners in addressing health inequalities within their local communities. To support this achievement, the Board has established a cross-cutting Working Group, comprised of the four Chairs of the Overview & Scrutiny Committees, plus an additional 2 Members, to scrutinise health inequalities within the Borough. This work will continue into 2010/11.

Last autumn, the Board initiated a visit to Tameside MBC, which is considered to be a beacon Council in terms of overview & scrutiny, in order to experience the function at Tameside first hand. This proved to be a highly successful visit and prompted various suggestions for improvement at Sefton.

The Overview & Scrutiny Away Day event will be held during June 2010 in order to develop the future function of Overview & Scrutiny at Sefton and 2010/11 may hold many changes in store for scrutiny.

I would like to thank Debbie Campbell, Overview & Scrutiny Officer for all her hard work during the year in supporting the Management Board. She has done a superb job.

I envisage the forthcoming year to be extremely busy for Overview and Scrutiny in coordinating our prioritisation of Council services.

Councillor Richard Hands
June 2010



Performance and Corporate Services



Councillor Les Byrom C.B.E
Chair of the Overview and Scrutiny Committee
Performance and Corporate Services

On behalf of the Members of the Overview & Scrutiny Committee (Performance & Corporate Services) it gives me great pleasure to introduce the 2009/10 Annual Report.

The year has seen the Committee continue to develop its focus on the Communities agenda within the Council and build on the positive working relationships established with both Merseyside Police and Merseyside Fire and Rescue Service.

Both of these key partner agencies now meet with the Committee on a regular basis and engage Elected Members in shaping service provision across the Borough for the benefit of residents. As part of this process the meeting of the Committee held on 6th October 2009 took place at the Merseyside Fire & Rescue Service Headquarters, Bridle Road, Bootle. In conjunction with our ongoing work around the Safer, Stronger Community agenda this relationship will continue to help make Sefton a better, safer place to live.

In a similar vein the Committee has also continued to focus on assessing the performance of both the Council and partner agencies in achieving our Local Area Agreement targets and in ensuring we are all meeting our duties under the new Comprehensive Area Assessment framework.

Throughout the year the Committee has continued to monitor progress on important issues such as the Council's Governance Review, the Transformation Programme and the Performance Management Framework. The Committee has also dealt with issues arising from Notices of Motion to the Council, and a number of "called-in" items.

Equalities Working Group

The Committee has also continued its work in supporting the development of the Equalities Agenda within the Authority and during the year an Equalities Working Group was established to consider the equality of access to services provided to members of the public.

The working group commenced in November 2009 and its final report was submitted to the Committee on 25th May 2010.



Agenda Item 7

Can I thank Cllr Papworth for taking the lead on the Equalities Working Group and Councillors Hardy, Byrne and Shaw for their input into the review.

The Committee has continued to play a key role in supporting the Medium Term Financial Plan, helping to keep the Authority's finances on track and building cross-Party understanding and consensus which helped the Council agree an all-Party budget.

Our corporate responsibilities have also included undertaking a review of the service areas for which we have a responsibility including the Personnel Department and the Legal and Administrative Services Department.

We are also continuing to help develop the Council's Governance Review, shaping the future of the Council as a whole.

The Year Ahead

The Committee will continue to make progress on the following set of priorities over the coming year:

- The continued review and development of the LAA which should help build effective relationships between non-executive members and partner agencies such as Merseyside Police and Merseyside Fire and Rescue Service;
- The continuing review of the Medium Term Financial Plan to ensure our future financial security;
- Continuing our work on the Safer, Stronger Communities agenda within the Authority and the work started in our Perception of Crime Working Group;
- Continuing our work in embedding the Equalities agenda in the Council.

On behalf of the Committee I would like to thank everyone who has contributed to our work over the past year.

Councillor Daren Hardy has been chair of this Committee for several years, having to stand down as a Councillor this year. I pay tribute to his leadership and foresight as committee chair over this time.

And finally, as Chair I would like to express my thanks to all Members and to the Overview & Scrutiny Team for their hard work, commitment and real sense of partnership which has made the Committee such an honour and a pleasure to Chair.

Councillor Leslie Byrom
June 2010



Children's Services



Councillor Richard Hands
Chair of the Overview and Scrutiny Committee
Children's Services

It gives me great pleasure to introduce Sefton Council's Overview and Scrutiny Committee's (Children's Services) Annual Report.

This year, the Committee has continued to fulfil all of its functions in scrutinising and reviewing the Council's activities in relation to the following five positive outcomes for Children and Young People: That Children and Young People in Sefton:-

- Are healthy;
- Are safe;
- Enjoy their learning opportunities;
- Reach their goals;
- Make a positive contribution.

During the course of the year one Working Group and one Focus Group have carried investigations into particular areas of the Children's Services Portfolio. The Committee has also considered numerous reports and pre-scrutinised several key decisions.

The Corporate Parenting Working Group

The above Working Group set about scoping its review towards the end of Summer 2009. Members agreed that there was a requirement to narrow the gap of understanding, in relation to Corporate Parenting, between Members, Officers and Partners.

Working Group Members gathered an immense amount of information to assist them throughout the Review. They met and interviewed Social Workers, Officers from Children's Services, representatives from the Children's Trust Board, the Council's Child Care Solicitor and a representative from Connexions. It became apparent, from those witness interviews, that some fundamental changes were required and Officers addressed some of those issues as they emerged which were welcomed by the Working Group. The Corporate Parenting Board was set up in September 2009 and the Corporate Parenting Strategy was agreed shortly after.

Agenda Item 7

The Review took nine months to complete and this illustrates the complexity of the service area we were reviewing. I think all Members would agree that it was a piece of work that required a great deal of sensitivity whilst arriving at the right conclusions with sound recommendations for the Children and Young People of Sefton.

The Review resulted in 20 recommendations and will be considered by the Corporate Parenting Board, Cabinet Member - Children's Services and the Cabinet. The Committee will monitor the progress of the recommendations through regular update reports from the Strategic Director for Children, Schools and Families.

Youth Centre Visits Focus Group

The Committee agreed, after receiving reports from the Youth Service and Members raising concerns regarding Youth Worker vacancies, that Members would visit staff and young people at Youth Centres across the Borough.

I along with various Members of the Committee found the visits beneficial, it was an excellent way for Members to engage with the young people visiting them and interacting with them in their environment.

The Committee will continue to carry out the visits to Youth Centres in the forthcoming year.

In addition to the above Working Group and Focus Group the Committee carried out its important function of examining services that had received an inadequate rating from Ofsted and challenging the Departments readiness for inspection.

The following topics were identified for review by Members and were the subject of reports to the Committee:

- Sefton Schools Admissions Statistics for 2009/10 Allocations (including Hightown Area);
- Building Schools for the Future: Readiness to Deliver;
- Children's Social Care Information Sharing Protocol;
- Young Carers;
- Funding of the Young Carers Organisation;
- Children's Home Strategy;
- CAA Red Flags (Areas of Concern) and potential Green Flag;
- Fostering Service Working Group Report update;
- Quarterly Briefing – Risk and Performance;



- Annual Report of the Director of Public Health;
- Joint Inspection of Safeguarding and Looked After Children – Preparations;
- Serious Case Reviews;
- Youth Offending Team – Progress made since the Inspection;
- Fostering Strategy.

The Overview and Scrutiny Committee (Children’s Services) has also considered an item, which had been called in – Kirwan House and Springbrook Children’s Home.

Throughout the Year the Committee received reports from the Cabinet Member - Children’s Services, which informed Members of the work he had undertaken.

The Overview and Scrutiny Committee has also been given the opportunity to pre-scrutinise items from the Council’s Key Decision Forward Plan. The Forward Plan is submitted to the Overview and Scrutiny Committee as part of the Work Programme update. The pre-scrutiny process assists the Cabinet and Cabinet Members to make effective decisions by examining issues beforehand and making recommendations prior to a determination being made.

The Year Ahead

The Committee and I look forward to the new Municipal Year and the challenges ahead. We look forward with working as “critical friend” to our Cabinet Member and partners. The Committee will be examining key priorities for the Council and examining areas for us to investigate in order that the services we provide are continually improved to benefit all who live and work in Sefton.

As Chair I would like to thank the Officers who have contributed to this Committee specifically for their assistance and support whilst conducting the reviews. In particular I would like to thank all the people who contributed to the Working Groups and Focus Groups. Also, many thanks to our support officer, Mrs Ruth Harrison and the rest of the Overview and Scrutiny Team.

I would also like to take this opportunity to thank Committee Members for their hard work throughout the year and in particular Councillor Cummins, the Lead Member of the Corporate Parenting Working Group.

Councillor Richard Hands
June 2010

Agenda Item 7

Regeneration and Environmental Services



Councillor Peter Papworth
Chair of the Overview and Scrutiny Committee
Regeneration and Environmental Services

It gives me great pleasure to introduce Sefton Council's Overview and Scrutiny Committee's (Regeneration & Environmental Services) Annual Report.

During this second year of my Chairmanship the Committee has continued to fulfill its functions in scrutinising and reviewing the wide and diverse range of services within the remit of the Regeneration and Environmental Services Portfolio, comprising the responsibilities of four Cabinet Members.

During the course of the year a number of Working Groups have completed in-depth reviews, some of which were carried over from previous years. There has also been considerable activity undertaken during the Overview & Scrutiny Committee meetings.

The Committee has continued to develop the scrutiny role, involving contributions from partner organisations such as Sefton Chamber of Commerce and the Mersey Partnership and we spent some time considering innovative items such as the development of a low carbon economy in response to climate change.

The Committee has also taken steps to engage with the public in specific areas; in April a meeting was held in Hightown, where the Environment Agency gave a detailed presentation in respect of the Alt Crossens Catchment Flood Management Plan. Local organisations and residents were able to attend and contribute to the discussion.

The commitment towards developing the relationship between the work of this Committee and our Cabinet Members and involvement of the Committee Members in the policy development process has also continued and we hope to maintain and develop this even further in the year ahead. To this end, I have attended a number of Cabinet Member meetings (usually by video conference).



Community Involvement - Licensing Act:

This Working Group started as part of the Committee's 2007/08 Work Programme but, being of a particular technical and complex nature, the review took some time to complete and following consultation with all those who had participated in the review the Committee received the final report and recommendations at its meeting on 15th September 2009.

Following its submission to the Committee the report and recommendations were referred to the Public Engagement and Consultation Standards Panel, the Licensing and Regulatory Committee, the Overview and Scrutiny Committee (Performance and Corporate Services) and finally to the Cabinet on 17th December 2009. Having accepted the report the Cabinet subsequently referred one of the recommendations to all of the Council's Area Committees where it was welcomed.

I extend my thanks to the Lead Member, Councillor Cliff Mainey, for the commitment demonstrated in completing this review.

Watercourse Maintenance and Flooding:

The Watercourse Maintenance and Flooding Working Group was another review which had been carried over from the 2007/08 Work Programme. It proved to be very timely with the publication of the Government's response to the Pitt Review in December 2008, and the Flood and Water Management Bill, which identified the new role and responsibilities of local authorities as the lead partner in dealing with local flood risk management.

In January 2009 the then Vice-Chair (Councillor Griffiths) and I visited Carlisle to look at the flood protection works which were then in hand.

During 2008/09 the Working Group undertook site visits, met with partner organisations (including the Environment Agency and United Utilities) and engaged with all the Parish Councils across the Borough. There was also significant contribution from officers within the Council, including the Drainage Services Manager, Planning Department, Coastal Defence Officer and the Emergency Planning Team. Following consultation with all those who participated in the review the final report was submitted to the Committee meeting on 15th September 2009 with a number of recommendations for the Cabinet to consider.

Following consideration of the final report by the Cabinet on 1st October 2009, a further report was submitted to the Cabinet on 17th December 2009, setting out a proposed way forward to address the recommendations arising from the final report and subsequently a 'Sefton Flooding Group' has been established to take forward and monitor progress on the recommendations.

As Lead Member for this Working Group I would like to extend my thanks to the Members of the Working Group for their dedication and knowledge which has contributed to what we consider to be a robust and timely report, and particular

Agenda Item 7

thanks to John Baker, the former Drainage Services Manager (now retired) for sharing his expertise and detailed knowledge, which will be much missed.

Libraries Assets Management:

This Working Group started the first stage of its review during 2008/09 and a final report was taken to the Committee on 14th April 2009. The recommendations from stage 1 included an early continuance into stage 2, and this was included in the Committee's work programme in 2009/10. The thorough work done during stage 1 ensured that stage 2 of the review was conducted in a robust manner.

This year Members visited a number of libraries across the north west to examine examples of innovation and good practice and met on a regular and intensive basis during a six month period. The Working Group collected and considered extensive information regarding the Council's libraries and the areas which they serve. This is reflected in the final report and will provide important background to inform future progress. The recommendations from the review have been approved by the Committee and include a further stage 3 which will form part of the Committee's work programme in 2010/11, with a commitment to reach a conclusion by October 2011.

I would like to extend particular thanks to the Lead Member, Councillor David Pearson, for the work carried out.

Alternate Weekly Refuse and Recycling Service

The Committee established a Working Group (consisting of the whole Committee), which had a small number of meetings, playing an important role in informing the process for negotiating the new contract for the service and in particular, how future recycling will be developed. Members have also received regular updates concerning the progress of the Alternate Weekly Refuse and Recycling Service. These meetings took place whilst I was away ill and I am grateful to those who took part.

The Year Ahead

The Committee will monitor the progress of the recommendations made by these Working Groups through regular update reports during 2010/11. In addition to the Working Groups, the Committee has received numerous reports throughout the year on a variety of issues falling under its remit and has taken a particular interest in the impact of global economic events upon Sefton residents. The Committee has sought to engage with organisations outside of the Council and there was a particularly useful dialogue with the Environment Agency, the Sefton Chamber of Commerce, the Mersey Partnership and the Merseyside Waste Disposal Authority.



Agenda Item 7

This Committee is looking forward to the new Municipal Year, and the challenges that it will bring. We are working to further develop our involvement with Council officers and partners in the policy development process and to strengthen our role as a 'critical friend'. Our main concern continues to be achieving improvement in the delivery of services for the benefit of the people who live and work in Sefton.

We hope to continue the progress we have made towards more dynamic meetings with more face to face discussions and less written reports. (The Committee's June 2010 agenda was only 6 pages!)

I would like to thank all Members of the Committee and officers who have contributed to the work of this Committee throughout the year. Also particular thanks to our Support Officers within the Overview and Scrutiny Team.

Councillor Peter Papworth
June 2010



Agenda Item 7

Health and Social Care



Councillor Anthony Hill
Chair of the Overview & Scrutiny Committee
Health and Social Care

I am delighted to introduce the 2009/10 Annual Report of the Overview and Scrutiny Committee (Health and Social Care).

The Committee met on ten occasions and this Report is presented to the Council and a wider audience beyond, in the hope that the information it contains will contribute to debate and discussion about the provision of health and adult care, social services for Sefton residents and their development, improvement and access.

The Committee received presentations from our health partners including Southport and Ormskirk NHS Trust, Mersey Care NHS Trust, North West Ambulance Services NHS Trust, Aintree University Hospitals NHS Trust and Alder Hey Children's Hospital NHS Trust.

At each meeting the Committee received updates and presentations from Sefton Primary Care Trust (NHS Sefton). These included Swine Flu, Children's Walk in Centre for Southport. Phlebotomy Services, Bowel Cancer Awareness, Healthy Sefton Services, Litherland Town Hall Health Centre, Burns Care, G.P. Practices, Alcohol Awareness, The Lighthouse Project, Dental Provision, the New Chlamydia Website, Primary Health Care in Maghull, Cervical Screening, Admission of Children to Hospital in Critical Cases, Helping People to Stay Warm in Winter and Lifestyle Checks for Residents.

The Committee received reports and heard presentations on a wide range of other issues affecting Sefton residents, including Private Sector Housing Assistance, Affordable Warmth Strategy and Fuel Poverty, Homeopathy, an Active Workforce and the Sefton Public Health Annual Report. Members also considered performance by the various Trusts which offer services to Sefton residents, as requested under the new arrangements required by the Care Quality Commission.

Palliative care and end of life services featured during the year and representatives from NHS Sefton, Jospice and Queenscourt Hospice attended to give presentations on their work.



The Committee wishes to emphasise the importance of, and paid tribute to this service.

The provision of Adult Social Care was served by the attendance of officers from the Council's Health and Social Care Directorate. Their reports and presentations included the Annual Assessment of Adult Social Care, the Quality of Independent Care, Transforming Community Services and the Supporting People Inspection.

Working Groups on Dementia and Access to Social Care Services examined these topics in some depth and made recommendations that were accepted by the Cabinet and the Council.

I would like to thank the Working Groups and particularly the Lead Members Councillors Webster and McGuire for all their hard work. We welcome the establishment of a Cross-cutting Working Group to look at Health Inequalities in Sefton. Members have continued to sit on a Joint Health Scrutiny Committee with Knowsley and Liverpool Members, examining the North Mersey Future-Healthcare Programme.

Members visited Liverpool Women's Hospital, Aintree University Hospitals, Ashworth Hospital and the Hesketh Centre, Southport. These provided the opportunity to see health services in action, to meet and take part in discussions with our health partners and to learn about the development of health services and their development in Sefton and beyond.

The Committee continues to develop strong working relationships with all our health partners. We believe that we are recognised as a "critical friend" and will continue to work with them to monitor and develop health services for the benefit of all Sefton residents.

We benefit from access to our own "in-house" Doctor Janet Atherton, the Director of Sefton Public Health and particularly appreciate the regular attendance at the Committee of representatives of many health organisations and partners including senior officers and members of Hospital and Primary Care Trusts, Sefton C.V.S. Sefton LINKS as well as members of the public.

The attendance of the Cabinet Member - Health and Social Care has been particularly useful when Cabinet Member Reports have been on the Agenda and the regular presence of senior officers from that Directorate has been welcomed as has the attendance of officers from other Council Departments including Finance, Leisure and Environment and Public Protection, as appropriate.

I would like to thank the Members of the Committee for the enthusiastic way that they have contributed to our work. My special appreciation goes to Debbie Campbell, Overview & Scrutiny Officer for her commitment, advice, support and above all her enthusiasm and hard work.

Agenda Item 7

The Year Ahead

The next year will be particularly challenging with likely changes in the way that Scrutiny operates and the financial pressures facing the Council and our health partners. We will continue our work scrutinising necessary, and often challenging health and adult social care services affecting Sefton residents.

Councillor Anthony Hill
June 2010



During 2009/10, the following Members served on the Committees indicated:-

Overview & Scrutiny Management Board

Councillor Hands (Chair)
Councillor Bigley
Councillor Byrom
Councillor Gibson
Councillor D.Hardy
Councillor Hill
Councillor McGuire
Councillor Papworth
Councillor Pearson
Councillor Tweed

Overview & Scrutiny Committee (Children's Services)

Councillor Hands (Chair)
Councillor Gibson (Vice-Chair)
Councillor Bradshaw
Councillor Byrom
Councillor Byrne
Councillor Connell
Councillor Cummins (Spokesperson)
Councillor Cuthbertson
Councillor Dodd
Councillor Hough
Councillor T. Jones (Spokesperson)
Councillor Larkin
Father D. Seddon - Church Diocesan Rep
Mrs S. Cain - Parent Governor Representative

Overview & Scrutiny Committee (Health & Social Care)

Councillor Hill (Chair)
Councillor McGuire (Vice-Chair)
Councillor Barber
Councillor Fenton
Councillor Gustafson
Councillor D. Hardy
Councillor Howe
Councillor Ibbs
Councillor Larkin
Councillor McGinnity (Spokesperson)
Councillor Pearson (Spokesperson)
Councillor Platt
Councillor Webster



Agenda Item 7

Overview & Scrutiny Committee (Performance & Corporate Services)

Councillor Byrom (Chair)
Councillor Tweed (Vice-Chair)
Councillor Bigley
Councillor Byrne (Spokesperson)
Councillor Fenton
Councillor Gibson
Councillor D. Hardy
Councillor Howe
Councillor McGinnity
Councillor Papworth (Spokesperson)
Councillor Storey
Councillor Weavers

Overview & Scrutiny Committee (Regeneration & Environmental Services)

Councillor Papworth (Chair)
Councillor Pearson (Vice-Chair)
Councillor Barber
Councillor Bigley
Councillor Booth
Councillor Cluskey (Spokesperson)
Councillor P. Hardy
Councillor C. Mainey (Spokesperson)
Councillor S. Mainey
Councillor Roberts
Councillor Weavers
Councillor Webster





Nigel Smith © 2006

Bootle Town Hall

Overview & Scrutiny



Contact Details

Town Hall
Lord Street
Southport
PR8 1DA

Tel: 0151 934 2666

Email: scrutiny@sefton.gov.uk

Further information can also be found at:

www.sefton.gov.uk



This page is intentionally left blank

Agenda Item 8

REPORT TO: Cabinet Member - Regeneration
Cabinet
Council

DATE: 9th June 2010
10th June 2010
8th July 2010

SUBJECT: Housing Capital Programme 2010 -2011

**WARDS
AFFECTED:** All

REPORT OF: Alan Lunt – Neighbourhoods and Investment Programmes
Director

**CONTACT
OFFICER:** Jim Ohren – Principal Manager, Housing Strategy
0151 934 3619

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek the approval of Members for the Housing Capital Programme 2010-2011

REASON WHY DECISION REQUIRED:

To enable schemes to be progressed in the current financial year.

RECOMMENDATION(S):

That the Cabinet Member and Cabinet notes and recommends to Council:-

That the housing capital programme detailed at Annex A, which requires the utilisation of £2.225m One Vision Housing capital receipts as a funding resource, together with other capital funding, be approved.

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following the expiry of the call-in period for the minutes of the Cabinet meeting.

Agenda Item 8

ALTERNATIVE OPTIONS:

Not to agree the Capital Programme would delay progress on individual schemes and would have an adverse affect on delivery of the HMRI Programme.

IMPLICATIONS:

Budget/Policy Framework: None

Financial: The proposed schemes can be funded from available resources and have no adverse affect on the Council’s overall position.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure	6.595m			
Funded by:				
Sefton Capital Resources	5.259m			
Specific Capital Resources	1.336m			
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? ¥/N	When?			
How will the service be funded post expiry?	Annual allocations			

Legal: None.

Risk Assessment: None.

Asset Management: None.

CONSULTATION UNDERTAKEN/VIEWS

FD No. 420 – The comments of the Interim Head of Corporate Finance and Information Services have been incorporated in the report.

Interim Head of Legal Services

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

North West: Local Authority Housing Capital Allocations – March 2010

Agenda Item 8

1.0 Background

- 1.1 The mainstream housing capital funds from the Regional Housing Pot for 2010/11 were announced in early April 2010. This report contains details of the 2010/11 housing allocations and an updated housing capital programme.

2.0 Current Position

- 2.1. Sefton's Housing Allocation from the North West Regional Housing Pot for 2010/11 totals £2.188m, compared to the allocation of £4.063m received in 2009/10. This therefore represents a 46% reduction year on year. The reason for this reduced allocation is due in part to the change in the methodology for distribution of the Regional Housing Pot as agreed by 4NW (the Regional Leaders Forum) and relevant Government ministers, and also due to a reduction in the overall size of the Regional Housing Pot. This has reduced from £108.143m to £65.791m. The reduction is due to the (previous) Government's desire to support their pledges around increasing affordable housing. In essence, the budget of the Homes and Communities Agency (the agency which funds affordable housing) has increased at the expense of Regional Housing Pot funding for local government. Like Sefton, other authorities in the North West have suffered a reduction, including Wirral, Liverpool, St.Helens and Halton.

3.0 Capital Programme

- 3.1. Attached at Annex A is the proposed Housing Capital Programme. The programme can be financed by the available resources identified in paragraph 4.1 and has no adverse effect on the Council's overall position.
- 3.2. Particular attention is drawn to:
 - a) The provision for funding Disabled Facilities Grants (DFGs). The DFG is a statutory grant, which must be paid in respect of cases that meet the qualifying criteria to enable improved access for disabled applicants in and around their home. The Government helps to fund this through the provision of a direct grant. In Sefton's case this amounts to £1.336m for 2010/11, a 15% increase over the basic grant provided in 2009/10. Whilst the Government grant is distributed according to assumed need (as measured by numbers of disability benefit claimants within the Borough, for example) and taking into account the Council's annual bid, in practice it may not match actual demand, and hence it is expected that the local authority will supplement the government funding from local capital resources i.e. the local housing capital pot.

For various reasons – particularly the impact of improved grant administration processes resulting in grant approvals flowing through more quickly; rising demand due to demographics and the ageing population it is anticipated that there will be considerable pressure on this budget line. The DFG budget will be actively monitored during the year and, should there be a need to increase further the resources to meet commitments, the issue will be flagged up via the Council's Strategic Asset Management Group. Any opportunities to bid for increased resources from central government will be maximised, as in previous years, although it is not anticipated that these opportunities will arise due to constrained public resources nationally. The demand for Disabled Facilities Grants will be monitored throughout the year and further reports will be brought before Members if it proves to be necessary

- b) Provision for Home Improvement Grants/Loans, such as Home Repairs Assistance loans. These are provided where there is an assessed need for housing repairs in urgent or dangerous situations, and applicants are in receipt of means tested benefits. However, they are non statutory and there is some evidence that take up has fallen due to the fact that in accordance with recently adopted policy, the Council no longer provides grants but provides loans, secured in the form of a legal charge against the property in question and recovered upon sale of the property.
- c) The provision in the programme for funding the procurement of a new ICT system for the 'Homesearch' Choice Based Lettings, run in partnership with One Vision Housing. This will add extra functionality and allow for efficiency savings in the medium to long term.

3.3. Attention is also drawn to the £2.6m contribution to the Council's Housing Market Renewal Programme for 2010/11, which is vital to ensure the Programme continues with its core commitments around strategic acquisitions in identified priority areas in south Sefton. The £2.6m is essential in securing the £9.3m Housing Market Renewal Grant. Any reduction in the Council's contribution will result in the grant being reduced or potentially withdrawn.

4.0 Financial Implications

4.1 The basic Housing Allocation could be supplemented by other related capital resources, as exemplified overleaf, to give a total of £6.595m available to finance the Housing based Capital Programme shown at Annex A.

Agenda Item 8

<u>Resources Available 2010/11</u>	<u>£m</u>
Capital Grant - 2010/11 Allocation	2.188
- 2009/10 B/Fwd	0.584
Disabled Facilities Grant	1.336
Prudential Borrowing	0.262
Capital Receipts (OVH) for HMR (business rates)	0.100
Capital Receipts (OVH - Right to Buy sales)	<u>2.125</u>
Total	<u>6.595</u>

- 4.2 The above table assumes the use of £2.225m One Vision Housing (OVH) Capital Receipts, received as a result of Right to Buy sales. As part of the housing stock transfer agreement, these receipts were to be reinvested in housing in the Borough.
- 4.3 The full year revenue costs of the prudential borrowing of £0.262m, which amount to approximately £23,600 in 2011/12, have been incorporated in the Council's Medium Term Financial Plan.

5.0 Conclusion

- 5.1 Growing demand for Disabled Facilities Grants and the requirement to contribute towards the Housing Market Renewal programme in order to secure additional grant, together with significantly reduced housing capital resources, place pressure on the Council's finite Capital resources. As in previous years, Officers will endeavour to secure additional resources for housing related purposes and will attempt to continue to perform well in securing resources for RSL partners to deliver affordable housing and for the remediation of contaminated land in order to ease pressure on the need for development of Greenfield sites.
- 5.2 The programme, if approved, will however, secure significant additional resources for Sefton in its own right, notably £9.3m Housing Market Renewal Grant and significant private sector investment, delivered by key RSL and developer partners.

Agenda Item 8

ANNEX A

METROPOLITAN BOROUGH OF SEFTON CAPITAL PROGRAMME 2010/11 - 2013/14

HOUSING - GENERAL FUND

1	2	3	4	5	7	8
REF. NO.	PROJECT DESCRIPTION	TOTAL COST	EXPEND TO 31.3.2010	2010/11	2011/12	2012/13 & LATER YEARS
		£'000	£'000		£'000	£'000
	<u>Health and Social Care</u>					
	<u>Disabled Facilities Grants</u>					
1	Previous Years' Approvals	70.52	0.00	70.52	0.00	0.00
2	2009/10 Approvals	3,264.30	1,717.03	1,477.27	70.00	0.00
3	2010/11 Approvals	2,500.00	0.00	1,352.00	1,098.00	50.00
	Total Disabled Facilities Grants	5,834.82	1,717.03	2,899.79	1,168.00	50.00
	<u>General</u>					
4	Piper Solo	150.00	97.67	52.33	0.00	0.00
5	Drug Rehabilitation / Boscoe Hostel	1,280.00	1,217.35	62.65	0.00	0.00
	Total General	1,430.00	1,315.02	114.98	0.00	0.00
	<u>Provn. for new starts - subj. to report</u>					
6	DFG (SCG)	168.00	0.00	0.00	168.00	0.00
	TOTAL HEALTH & SOCIAL CARE	7,432.82	3,032.05	3,014.77	1,336.00	50.00
	REGENERATION (HOUSING) SCHEMES					

Agenda Item 8

<u>Home Improvement Grants</u>						
7	Previous Years' Approvals	13.34	0.00	13.34	0.00	0.00
8	2009/10 Approvals	428.23	337.79	75.44	15.00	0.00
9	2010/11 Approvals	600.00	0.00	491.00	90.00	19.00
10	Grant Administration Fees	297.60	226.14	20.00	51.46	0.00
Total Home Improvement Grants		1,339.17	563.93	599.78	156.46	19.00
<u>General</u>						
11	Energy Efficiency Grants	337.53	324.34	13.19	0.00	0.00
12	Landlord Accreditation / HMO's	35.00	29.78	5.22	0.00	0.00
13	Green Business Project	302.89	266.60	36.29	0.00	0.00
14	Strategic Housing Market Assessment	61.15	51.15	10.00	0.00	0.00
15	Housing Act - Works in Default	35.00	15.57	19.43	0.00	0.00
16	Older Persons Hsg Strat.- extra care provn.	2,890.00	0.00	200.00	2,690.00	0.00
17	Contribution to HMRI 08/09 - 10/11	7,724.00	5,124.00	2,600.00	0.00	0.00
18	Affordable Housing Study	25.00	0.24	24.76	0.00	0.00
19	Gypsy and Traveller Accommodation Provision	12.00	0.00	12.00	0.00	0.00
Site Appraisal and Consultation						
20	Choice based lettings - ICT procurement	50.00	0.00	50.00	0.00	0.00
21	Old Schemes	10.24	0.84	9.40	0.00	0.00
Total General		11,482.81	5,812.52	2,980.29	2,690.00	0.00
TOTAL REGENERATION (HOUSING)						
		12,821.98	6,376.45	3,580.07	2,846.46	19.00
TOTAL HOUSING GF SCHEMES						
		20,254.80	9,408.50	6,594.84	4,182.46	69.00

Agenda Item 9

REPORT TO: Cabinet Member - Environmental
Cabinet Member - Regeneration
Cabinet
Council

DATE: 30 June 2010
7 July 2010
8 July 2010
8 July 2010

SUBJECT: Carbon Reduction Commitment Scheme

**WARDS
AFFECTED:** All

REPORT OF: Alan Lunt - Neighbourhoods and Investment Programmes
Director
John Farrell - Interim Head of Corporate Finance & ICT
Strategy

**CONTACT
OFFICER:** Ian Weller - Energy Team Manager Ext 4221
Kevin McBlain – Financial Management Ext 4049

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek policy decisions on the operation of the Carbon Reduction Scheme, which became legislation from 1 April 2010.

REASON WHY DECISION REQUIRED:

Cabinet has delegated authority to deal with such matters.

RECOMMENDATION(S):

That Cabinet Member – Environmental

1. Notes the report and the intention to bring further reports as the scheme unfolds.

That Cabinet Member - Regeneration

1. Notes the report and the intention to bring further reports as the scheme unfolds.
2. Recommends Cabinet to change the Council's constitution to allow delegated responsibility for operation of the scheme to fall to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a section 151 capacity.

Agenda Item 9

That Cabinet :

1. Agrees to recommend to full Council, a change to the Council's Constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, the Section 151 Officer, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the Scheme to the Department for Energy and Climate Change.
2. Agrees for the first year of Carbon trading (2011/12), to adopt the approach of funding corporately, any penalty or reward arising from the CRC scheme, with a view to allowing Officers time to consider future options for the distribution of penalties and rewards. These would be the subject of a further report to Members at the appropriate time.
3. Agrees to allow Officers scope to explore the skills and support required to enable future market trading of Carbon Allowances.

That the Council:

- 1. Subject to a recommendation from Cabinet, gives approval to change the Council Constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, the Section 151 Officer, to act as the Carbon Reduction Commitment Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the scheme, to the Department for Energy.**

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Immediately following the expiry of the 'call in' period for the minutes of this meeting.

ALTERNATIVE OPTIONS: The Council has no option in joining the scheme, having met the Government's entry criteria, and no legal option to designating a named 'CRC Responsible Person'.

IMPLICATIONS: Not working towards cutting the Council's Carbon Emissions through the CRC Scheme, could lead to the Council facing severe financial and legal penalties, on an increasing scale as the scheme progresses.

Agenda Item 9

Budget/Policy Framework:

Financial: The Council's MTFP already includes £50k to address what is currently considered to be the maximum penalty we could incur in 2011/12 when the scheme's trading regime commences.

<u>CAPITAL EXPENDITURE</u>	2010 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure		50k		
Funded by:				
Sefton funded Resources		50k		
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: The scheme imposes statutory obligations on the Council.

Risk Assessment: There are Financial risks associated with failure to reduce our stated Carbon Emissions, in the form of penalties, as well as risks associated with the trading of carbon allowances through the scheme. Other financial and civil penalties also exist for general non-compliance of the scheme regulations.

There are however, also rewards available through the scheme for good performance but these are dependent upon the Council's measurable reductions in Carbon emissions and its standing in a national League Table.

Asset Management: There will be implications in due course, particularly in relation to the Council's Accommodation Strategy..

CONSULTATION UNDERTAKEN/VIEWS

Legal and Admin Services

Children Schools and Families

Agenda Item 9

Finance Department FD443 – The Interim Head of Corporate Finance and ICT Strategy has been consulted and his comments have been incorporated into this report
Neighbourhoods and Investment Programmes Department

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

Report to Cabinet of 4 February 2010; Carbon Reduction Commitment Energy Efficiency Scheme (CRC).

1. INTRODUCTION

- 1.1 Members may recall a detailed report brought to Cabinet on 4 February 2010, outlining the workings of the Carbon Reduction Commitment Energy Efficiency Scheme (CRC), which became legislation on 1 April 2010.
- 1.2 This further report now seeks to get approval for a constitutional change which is required to enable the Council to operate the Scheme within the law, and to discuss briefly, the treatment of potential 'Penalties' or 'Rewards' arising from it, and to update Members on developments.

2. COMPLIANCE

- 2.1 As mentioned above, the CRC became law from 1 April 2010, and all Organisations who fall under the legislation, must now formally register electronically with the Department for Energy and Climate Change (DECC), for entry into the scheme no later than 01 September 2010 and at the same time, make a first declaration of estimated Carbon emissions for the 2010/11 financial year.
- 2.2 Statute requires that the initial registration and declaration, and all future declarations and reports required to be made under the Scheme, must be co-ordinated and signed off by the 'CRC Responsible Person' (see appendix A detailing the proposed framework). In the Council, this will be the responsible Officer for Finance, and therefore the Head of Corporate Finance and ICT Strategy or Officer acting in a Section 151 capacity, who will need to be given delegated authority to perform this duty.

3. PENALTIES AND REWARDS

- 3.1 The CRC Scheme is intended to work as an incentive to Public and Private Sector Organisations to invest in energy saving initiatives and thereby reduce their Carbon footprint and associated energy costs.
- 3.2 As detailed in the earlier report to Members on 4 February 2010, the Scheme contains a 'Penalty' and 'Reward' structure, whereby 'declared' and 'actual' Carbon emissions are compared, and following consideration of the Council's actions on energy saving measures in the year ('Metrics'), a National League Table will be drawn up.
- 3.3 The proceeds from the purchase of Carbon Allowances are then to be pooled, and redistributed through the ranking system in the CRC League Table. Those who perform well will receive their Carbon Allowance payments back, plus an added reward, whilst those who do less well may end up with a shortfall on their account. It should be noted that rewards and penalties are subject to annual floors and ceilings, with +/-10% in 2011/12 rising to +/-20% in 2012/13 up to +/-50% in 2015/16. Placing in the 'League' Table, however, may be just as much dependent on the performance of others within the scheme, as from our own direct efforts to reduce carbon emissions.

Agenda Item 9

- 3.4 Members will be asked in the future, to consider how the Statutory CRC rewards/penalties should be apportioned within the authority and whether a localised reward and penalty structure should exist in Sefton, allocated to both the Corporate sites and functions (including street lighting), i.e those which are managed under central management, and to those sites which are not managed directly by the Council, for example schools, but which fall within the CRC Scheme.
- 3.5 Officers on the CRC Working Group have discussed some options, which may be worthy of consideration, but these will need time to develop and bring back to Members in the future.

4. A 2010/11 POSSIBLE OPTION WITH REGARD TO PENALTIES AND REWARDS

- 4.1 Officers propose, that for the first year of CRC trading (2011/12), the Council agrees to take no action to distribute penalties or rewards across energy users, and therefore keep and fund them corporately. This is considered as an initial step, to give time for Officers to develop other options for a possible localised system of dealing with penalties and rewards. Further options would then be brought in a later report to Members towards the end of 2011.
- 4.2 Delaying the introduction of a localised system for distributing penalties and rewards gives the Council the opportunity to concentrate on the early practicalities of the statutory scheme, and to focus resources accordingly towards any future finance and carbon saving support that will be required as the scheme accelerates.

5. FUTURE ISSUES

- 5.1 Officers are currently evaluating the levels of resources (both revenue and capital), which are available towards any energy saving measures, and are very mindful that limited resources will need to be used wisely in future to ensure minimum spend for maximum payback from energy measures. Priorities will need to be carefully established as the CRC ratchets-up, and the penalties arising from the scheme rise each year as explained above.
- 5.2 The Carbon data arising from the scheme will be a valuable tool in the future, to enable a clear evaluation of energy performance across the Council's assets. Such data will enable informed decisions to be made on issues to do with future accommodation usage, and the determination of priority spending on energy schemes through the Accommodation Working Group, Technical Services Client and the Strategic Asset Management Group.
- 5.3 Similarly, the Building Schools for the Future team will need to be mindful of the potential scope for energy saving measures in new buildings, all supported and advised by the Corporate Energy Team.
- 5.4 The Energy Team are currently planning to roll out the use of Smart Meters to improve automated reading of energy consumption. As well as improving the

immediacy and accuracy of available data, this investment will assist in efforts to improve the Council's standing in the National League Table.

- 5.5 The Energy Team works with all Council sites to discuss energy issues and to assist with support and advice where carbon and water emissions are not reducing, and indeed the CRC will enable failing sites to be identified and considered for future energy saving measures. However, this is done on a priority basis due to limited staff resource.
- 5.6 Schools are the major carbon producing Council assets, and so a visit and report to the Schools Forum has taken place in June and the Energy Division Manager and the Council's Corporate Finance Department have provided an update on the CRC scheme to schools, who up to now only have a limited knowledge of its existence and operation based on previous communications as the CRC has developed.
- 5.7 Other opportunities may exist to spread knowledge of the CRC system, and these will be considered by the Council's CRC Responsible Officer.

6 FINANCIAL ISSUES

- 6.1 In respect of the Carbon Trading itself, the Council is required to purchase Carbon Allowances in advance, soon after 1 April 2011. The cost of this purchase is likely to be in the region of £450k-£500k, based on initial CO2 estimates for 2010/11, which are required to be registered with DECC by 1 September 2010. The Council's 'actual' CO2 declaration for 2010/11 will be made in July 2011 and the National League Table and distribution of Penalties and/or Rewards will be made in October 2011. At this stage, the Council will receive its money back, adjusted depending on its performance.
- 6.2 Members should note that the floor and ceiling band is +/-10% in 2011/12 and therefore the maximum penalty that the Council could face in 2011/12 is estimated to be £50,000. The floor and ceiling band increases by +/-10% each year between 2012/13 and 2015/16 to a maximum of +/-50%, and therefore based on an equivalent purchase price of £500k, this could mean a maximum penalty in later years of £250k should the Council not improve its Carbon emissions and position in the league table.
- 6.3 The Costs of Carbon Allowances are also expected to rise sharply in the future, as the need to trade on the secondary energy markets for Allowances will arise after the first phase of the scheme comes to an end in 2013/14. It is expected that Carbon Allowances will become scarce over time, and with high demand, this will only increase market prices. Current secondary market prices for carbon are around £24 per tonne, which is twice as much as the initial phase 'fixed price' of £12 per tonne. It is therefore not difficult to see how the costs associated with the scheme may rise sharply in the future.
- 6.4 In respect of the actual mechanism for conducting the purchase and sale of Carbon Allowances, trading strategies will need to be considered in the light of experience and available financial support, most probably through the Corporate

Agenda Item 9

Finance Department's Treasury Group, who have considerable dealings with Financial institutions. However, should the need arise for additional market expertise, this will be brought to Members attention.

7 RECOMMENDATIONS

That Cabinet Member – Environmental

1. Notes the report and the intention to bring further reports as the scheme unfolds.

That Cabinet Member - Regeneration

1. Notes the report and the intention to bring further reports as the scheme unfolds.
2. Recommends Cabinet to change the Council's constitution to allow delegated responsibility for operation of the scheme to fall to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a section 151 capacity.

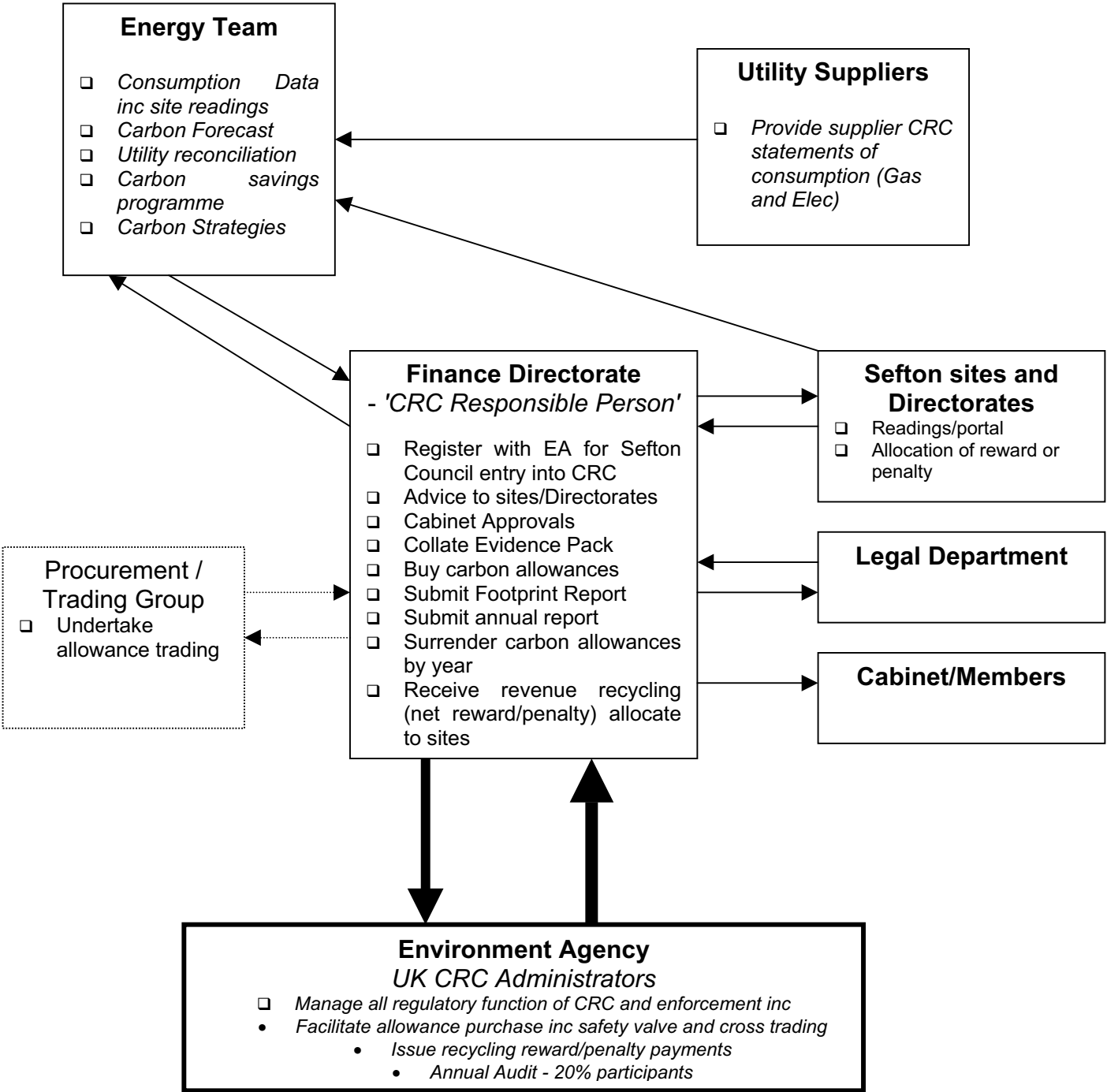
That Cabinet :

1. Agrees to recommend to full Council, a change to the Council's Constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the Scheme to the Department for Energy and Climate Change.
2. Agrees for the first year of Carbon trading (2011/12), to adopt the approach of funding corporately, any penalty or reward arising from the CRC scheme, with a view to allowing Officers time to consider future options for the distribution of penalties and rewards. These would be the subject of a further report to Members at the appropriate time.
3. Agrees to allow Officers scope to explore the skills and support required to enable future market trading of Carbon Allowances.

That the Council:

1. Subject to a recommendation from Cabinet, agrees to change the constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the scheme, to the Department for Energy.

SEFTON COUNCIL - CRC FRAMEWORK



This page is intentionally left blank

Agenda Item 10

REPORT TO: LICENSING & REGULATORY COMMITTEE
CABINET
COUNCIL

DATE: 07/06/2010
10/06/2010
08/07/2010

SUBJECT: SEX ESTABLISHMENT LICENCE – SEXUAL ENTERTAINMENT
VENUE

WARDS AFFECTED: All

REPORT OF: P.J. Moore,
Environmental & Technical Services Director
D. Mackie,
Interim Head Of Corporate Legal Services

CONTACT OFFICER: K.T. Coady,
Senior Licensing Officer,
0151 934 2946
Sue Cain
Senior Solicitor,
0151 934 2288

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Members endorsement of the recommendations to the Council:

- (a) approving the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009;
- (b) the giving of delegated powers to Licensing (Sexual Entertainment Venues) Sub-Committees and to the Environmental & Technical Services Director in respect of certain functions under the Policing and Crime Act, 2009 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982; and
- (c) to seek the approval of Members for proposed conditions and fees in respect of this process.

REASON WHY DECISION REQUIRED:

1. The Policing and Crime Act, 2009 amends Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982, reclassifying lap dancing clubs as “sexual entertainment venues” and giving local authorities the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982. However the powers are not mandatory and will only apply where they have been adopted.
2. To enable the Council to prescribe standard conditions and to charge a fee for this new function.

RECOMMENDATION(S):

That the Licensing and Regulatory Committee:

- (a) Endorses the adoption of Schedule 3 the Local Government (Miscellaneous Provisions) Act,

Agenda Item 10

1982, as amended by Section 27 of the Policing and Crime Act, 2009; and,

- (b) Endorses the recommended delegation of functions to the Licensing (Sexual Entertainment Venues) Sub-Committee; and,
- (c) Endorses the proposed conditions and fees; and,
- (d) Recommends that Cabinet approve the Recommendations, set out in paragraphs (a) – (c), above to Council.

That Cabinet:

- (a) Recommends the adoption of Schedule 3 the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act, 2009; and,
- (b) Recommends the approval of the recommended delegation of functions to the Licensing (Sexual Entertainment Venues) Sub-Committee; and,
- (c) Approves the proposed conditions and fees as set out in paragraph 43 of the report in respect of Sexual Establishment Venues Licences; and,
- (d) Recommends that Council approve the Recommendations set out in paragraphs (a) – (b) above.

That the Council:

- (a) Approves the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009;**
- (b) Adopts the recommended delegation of functions relating to the establishment of a Licensing (Sexual Entertainment Venues) Sub-Committee;**
- (c) Authorises the Licensing and Regulatory Committee to delegate its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009 to Licensing (Sexual Entertainment Venues) Sub-Committees each consisting of three members of the Licensing and Regulatory Committee;**
- (d) Authorises the Assistant Chief Executive to determine the composition (i.e. membership) of any Licensing (Sexual Entertainment Venues) Sub-Committee from within the membership of the Licensing and Regulatory Committee for the purposes of convening meetings of the Licensing (Sexual Entertainment Venues) Sub-Committees;**
- (e) Recommends that Part 3 of the Constitution - Responsibility for Functions (Delegations to Regulatory and Non-Executive Committees) be amended to take account of recommendations (b), (c) and (d) above.**

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: 22/07/2010

ALTERNATIVE OPTIONS:

Not to adopt Schedule 3 of the 1982 Act as amended by Section 27 of the Policing and Crime Act 2009.

Not to prescribe conditions or fees for this new function

Agenda Item 10

IMPLICATIONS:

Budget/Policy Framework:

Financial:

The proposed fees will provide cost recovery for the services provided.

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

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		√	

Agenda Item 10

Legal: None

Risk Assessment: None

Asset Management: None

Consultation Undertaken/Views

- Merseyside Police.
- Legal.

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

- *Certain provisions of the Policing and Crime Bill* – Report to Licensing & Regulatory Committee, 19th January 2009.
- *Proposed response to Home Office consultation – “Regulation of Lap Dancing Clubs – Consultation on Transitional Arrangements”* – Report to Licensing & Regulatory Committee, 26th October 2009.
- Policing and Crime Act 2009.
- *Sexual Entertainment Venues - Guidance for England and Wales* – Home Office.
- *The Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Saving Provisions) (England) Order 2010* – Statutory Instrument No. 722 / 2010.
- *The Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010* – Statutory Instrument No. 723 / 2010.
- Local Government (Miscellaneous Provisions) Act 1982.

Background

1. Members will recall from previous Reports that Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”). Thus bringing the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas, rather than under the Licensing Act 2003 (“the LA03”).
2. A sexual entertainment venue is defined as “*any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.*” The meaning of ‘relevant entertainment’ is defined as “*any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).*” An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
3. The Guidance issued by the Home Office over these matters indicates that whilst local authorities should judge each case on its own merits, it would be expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
 - Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
4. It should be noted that although the definition of relevant entertainment makes reference to a ‘live display of nudity’, the Guidance indicates that the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
5. Paragraph 2A(14) of Schedule 3 sets out the definition of a ‘display of nudity’. In the case of a woman, this means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; this means exposure of his pubic area, genitals or anus.
6. The relevant entertainment must be provided for the financial gain of the ‘organiser’ or ‘entertainer’. The ‘organiser’ means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. The

Agenda Item 10

Guidance states that in most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

7. The Guidance indicates that the 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for the premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.
8. The following are not sexual entertainment venues for the purpose of the 1982 Act:
 - (a) sex shops and sex cinemas;
 - (b) any premises that at the time in question:
 - (i) has not provided relevant entertainment on more than 11 occasions within the previous 12 months;
 - (ii) no such occasion has begun within the period of one month beginning with the end of any previous occasion;
 - (iii) no such occasion has lasted for more than 24 hours; or,
 - (c) premises specified or described in an order made by the relevant national authority.
9. Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the LA03, insofar as they are providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.
10. With regard to the latter point, an applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

Adopting the Provisions

11. As outlined above, Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of

lap dancing clubs and similar venues in their area. However, these powers are not mandatory and will only apply where they have been adopted. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is permitted under the LA03 and will give local people a greater say over the regulation of lap dancing in pubs and similar venues in their area.

12. For the purposes of the 1982 Act the “appropriate authority” is responsible for determining applications for sex establishment licences. The “appropriate authority” means the local authority which has passed a resolution under Section 2 of the 1982 Act to adopt Schedule 3, as amended by the 2009 Act, in their area.
13. Functions under Schedule 3 are the responsibility of full Council. However, under Section 101 of the Local Government Act, 1972, local authorities may arrange for the discharge of these responsibilities by a Committee or Sub-Committee of the appropriate authority. An authority may delegate its functions to those who sit on the Licensing Committee set up to discharge licensing functions under the LA03. It is recommended that the functions are delegated to Sub-Committees. Members should note that when dealing with an application for a Sex Establishment Licence, the members of the Sub-Committee would not be acting as the Licensing Committee under the LA03 but would, instead be exercising their functions under Schedule 3 of the 1982 Act.
14. Section 27 of the 2009 Act which amends Schedule 3 of the 1982 Act came into force on 6 April 2010. By adopting Schedule 3 (as amended by the 2009 Act), the amendments will have effect in the Borough. Members will be aware that the Authority has already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas. The adoption of Schedule 3 (as amended by the 2009 Act) will enhance the Authority’s control of those venues operating as sex establishments, as defined in Schedule 3.
15. Should Schedule 3 (as amended by the 2009 Act) be adopted the Authority must publish notice that they have passed the resolution under Paragraph 2(2) of Schedule 3 of the 2009 Act for two consecutive weeks in a local newspaper. The first publication must not be later than 28 days before the day specified in the resolution as the date when the provisions come into force. The Notice should state the general effect of the adoption.
16. Should Members approve the recommendations set out in this report, it is anticipated that the provisions shall come into force on 22nd July 2010.

Applications

17. In general the Authority has discretion whether or not to grant a licence for the use of any premises, vehicle, vessel or stall to be used as a class of sex establishment.
18. A Licence cannot, however, be granted to:

Agenda Item 10

- a person under 18;
 - a person who has held a licence but has had it revoked within 12 months preceding the date of application;
 - to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
 - to a body corporate which is not incorporated in an EEA State; or
 - a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.
19. When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
20. Paragraph 10 (15) of Schedule 3 of the 1982 Act gives a statutory right to any person to object to an application. However, only objections received within the statutory 28 days can be considered: *R v Birmingham City Council and others, ex parte Quietlynn Ltd and others* (1985) 83 LGR 461.
21. If objections are received then the Authority is under a duty to provide, in general terms, details of the objections to the applicant. However, without the consent of the objector the Authority cannot divulge their name and address.
22. The Authority must give the applicant an opportunity of appearing before the body making the decision before refusing an application.
23. The Authority may refuse an application for the grant or renewal of a licence on one or more of the grounds below:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality; or
 - (ii) the use to which any premises in the vicinity are put; or
 - (iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

24. An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in Paragraph 18 above does not have a right to appeal unless the applicant seeks to show that the ground did not apply to him.
25. Similarly, an applicant whose application for the grant or renewal of a licence is refused on either ground specified in Paragraph 23 (c) or (d) above does not have the right to appeal the decision. In such cases the applicant can only challenge the refusal by way of judicial review.
26. The following may at any time, before the expiration of the period of 21 days following receipt of the application's determination, appeal to the magistrates' court acting for the relevant area:
 - (i) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (ii) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or,
 - (iii) a holder of any such licence whose licence is revoked.

Power to prescribe standard conditions

27. The Authority may make regulations prescribing Standard Conditions to be applicable to licences for sex establishments, i.e terms, conditions and restrictions on or subject to which the licences are in general to be granted, renewed or transferred.
28. These Conditions may regulate:
 - the hours of opening and closing of the sex establishment;
 - displays or advertisements on or in such establishments;
 - the visibility of the interior of sex establishments to passers-by; and,
 - any change from one kind of sex establishment to another kind of sex establishment.
29. These regulations may make different provision for sexual entertainment venues, sex cinemas and sex shops, and as well as for different kinds of sexual entertainment venues, sex cinemas and sex shops.
30. Where these Conditions have been made every Licence granted, renewed or transferred by the Authority will be presumed to have been done so subject to the Standard Conditions being applicable.
31. This Authority already have Standard Conditions prescribed in respect of sex shops (these being approved by the Licensing and Committee on 22nd March 2004), however these are inappropriate for use with regard to sexual entertainment venues.

Agenda Item 10

32. Under the old Public Entertainment Licence regime there were prescribed certain conditions relating to those premises which conducted striptease, lap dancing or similar entertainment under the 1982 Act.
33. These conditions have been updated and adapted in consultation with Merseyside Police and are included in the Annex to this Report.

Transitional arrangements

34. The 'transitional period' will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'.
35. The appointed days will therefore vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.
36. For Sefton, therefore, the proposed 1st appointed day would be 22nd July 2010; the 2nd appointed day would be 22nd January 2011; with 22nd July 2011 being the 3rd appointed day.
37. Under these arrangements any existing lap dancing clubs or similar venues who wish to continue to provide "relevant entertainment" will be required to apply for a new sex establishment licence without the benefit of 'grandfather rights'.
38. It should be noted that there are currently no premises within the Borough providing "relevant entertainment" that would need to "convert" under the transitional arrangements set out by the Home Office.
39. Between the 1st and 2nd appointed day applicants would be able to submit applications to be considered by the local authority. At the end of this period, local authorities would consider all applications received during this period together and would not grant any licences until all the applications have been considered. Consequently applications received after the 2nd appointed day would be considered individually.
40. Licences granted to new applicants would take effect immediately while licences granted to existing operators would take effect on the 3rd appointed day which would be 6 months after the 2nd appointed day, or, if longer, when their application is determined. Existing operators who do not apply for or are not granted a sex establishment licence would be able to provide relevant entertainment under the terms of their premises licence or club premises certificate until the 3rd appointed day.

Fees

41. The 1982 Act states, with regard to fees for this function, that the “*applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority*”.
42. In setting the fees in respect of Sex Establishment (Sex Shop) Licences, under the 1982 Act, the Committee limited Sefton’s fees to those that recover the costs of carrying out the function under the Act; in other words that the service would be cost neutral to the Authority. Costs covering administration (including any hearings and appeals), inspection, and enforcement and will include direct costs and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge. Under the Act the process for the Renewal of a Licence is the same as that followed for the Grant of a Licence hence the fees for both functions are identical.
43. The above process is the same as the new function and consequently it is recommended that the fees be the same, as below:

Grant £1206.00	Renewal £1206.00	Transfer £605.00
--------------------------	----------------------------	----------------------------

Sexual Entertainment Venue Standard Conditions

1. Premises licensed as a Sexual Entertainment Venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sexual Entertainment Venue as defined in Paragraph 2A of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sexual Entertainment Venue.
2. An appropriate room, to be agreed in writing with Sefton Council, shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.
3. No person under the age of 18 years of age shall be admitted to or allowed on the premises whilst licensable activities are taking place.
4. No lewd or indecent conduct or conduct likely to cause a breach of the peace shall be permitted on the premises.
5. Door Supervisors, registered in accordance with the Security Industry Authority, shall be on duty at all times when licensable activities are taking place.
6. The Licence Holder shall provide at least one female Door Supervisor during the same period.
7. Patrolling attendants, registered as Door Supervisors, shall continually monitor all entrances/exits/toilets.
8. Performers shall be aged not less than 18 years.
9. Only the performers shall provide the entertainment, no audience participation shall be permitted.
10. During any lap dancing performance, performers may not:
 - a) touch customers in any way;
 - b) approach closer than 30cms (12") from any part of a patron;
 - c) part their legs;
 - d) climb onto furniture provided for patrons; or,
 - e) simulate sex acts.
11. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).

Agenda Item 10

12. Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in the area surrounding the premises.
13. The Licence Holder shall not display outside the premises, or on any advertising material, photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises and which may be offensive.
14. CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
15. CCTV cameras shall encompass all ingress and egress to the premises and all areas where the licensable activity occurs.
16. CCTV equipment shall be maintained in good working order and recordings kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on request.
17. The CCTV recording equipment and tapes/discs shall be kept in a secure environment under the control of the Licence Holder or other responsible named individual.
18. Appropriate signage representative in respect of the use of CCTV at the premises shall be displayed in conspicuous positions.

This page is intentionally left blank

Agenda Item 11

REPORT TO: Planning Committee
Cabinet
Council

DATE: 2nd June 2010
10th June 2010
8th July 2010

SUBJECT: Moor Park Conservation Area Article 4(2) Direction

**WARDS
AFFECTED:** Manor

REPORT OF: Planning and Economic Development Director

**CONTACT
OFFICER:** Dorothy Bradwell

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Following public consultation to seek confirmation of the Moor Park Article 4(2) Direction, making its effects permanent.

REASON WHY DECISION REQUIRED:

Pursuant to the Council's duty under sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION(S):

That Planning Committee recommend to Cabinet that the Moor Park Article 4(2) Direction be confirmed without modification.

That Cabinet recommend to Council that the Moor Park Article 4(2) Direction be confirmed without modification.

That Council confirm the Moor Park Article 4(2) Direction without modification

KEY DECISION: No

FORWARD PLAN: No

Agenda Item 11

IMPLEMENTATION DATE: With immediate effect

ALTERNATIVE OPTIONS:

There are two alternative options available;

- a) The first is to confirm the direction in a modified state. Any of the householder's permitted development rights that are currently removed could at this stage be reinstated.
- b) Alternatively members could elect not to confirm the direction. The effect of this would be that the restrictions currently in place would lapse and permitted development rights would be reinstated to householders.

IMPLICATIONS:

Budget/Policy Framework:

Financial:

<u>CAPITAL EXPENDITURE</u>	2009 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

Risk Assessment:

Asset Management:

N/A

CONSULTATION UNDERTAKEN/VIEWS

EXTERNAL

1.1 A questionnaire was sent to all properties (copy attached) The questionnaire sought to establish whether there is local support for the measures to remain in place.

1.2 Of the 90 questionnaires sent out, the conservation team received 33 responses - a response rate of 37%

Headline statistics

- **94% of respondents thought that it was important to preserve the character and appearance of the conservation area.**
- **73% were generally in favour of an article 4(2).**

1.3 Turning to the specific restrictions the greatest levels of support were for removal of permitted development rights over alterations to roofs and hard surfaces.

- **82% over alterations to roof slopes,**
- **82% on hard surfaces**

1.4 Strong support was also shown for the removal of permitted development rights for other alterations:

- **73% on alterations and removals of chimneys; and,**
- **76% new porches**
- **76% painting (other than maintenance)**
- **61% architectural features, such as windows and doors.**

1.5 Some respondents wanted greater removals of rights than the article 4(2) provides for:

- **50% wanted greater regulation than the article 4(2) provides for alterations at the side.**
- **20% wanted greater regulation than the article 4(2) provides over rear alterations and extensions**

INTERNAL

Finance – No need for re-consultation

Agenda Item 11

Legal – The Legal Department have confirmed that the prescribed procedures for the making of the direction have been correctly followed.

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

Planning Policy Statement 5: Planning for the Historic Environment

'Heritage at Risk' English Heritage, 2009.

Moor Park Conservation Area Appraisal, Sefton MBC, March 2008

Background

- 1.1 Despite living in a conservation area householders have rights to make quite a number of changes to their properties, which though relatively minor individually, can have a significant cumulative effect on the character of the building and the wider area.
- 1.2 Changes that can be permitted without there being an Article 4(2) direction in place include changes to roof materials, addition of porches, erection of walls and gates, replacement windows and creation of hardstandings.
- 1.3 The residents association have written letters to the Council requesting an Article 4(2) Direction be implemented
- 1.4 On 13th January 2010 Council agreed to the making of an Article 4(2) Direction within the Moor Park Conservation Area, to restrict the range of permitted development rights, pending public consultation. A copy of the report is at appendix 1.
- 1.5 The range of rights which have been removed by the Direction are listed in the attached notice (appendix 2). The Direction is now in force, but to remain so it needs to be confirmed by the Council. Without confirmation the Direction will expire on 13th July 2010.
- 1.6 The aim of the Direction is not to prevent alteration, but to control development through requiring planning permission to ensure that alterations to properties are in keeping with the character of the area.
- 1.7 The results of the public consultation have now been received and are as detailed above. It was stated in the covering letter that a non-response would be taken to mean that householders were happy with the measures. Consequently the actual rate of support may be higher than can be proven numerically.

Summary

- There is a demonstrably good level of support from people living in the area for the introduction of the Article 4(2) Direction
- The measures will prevent further harmful alterations from taking place within the Moor Park conservation area
- In determining planning applications received as a result of the direction, individual proposals will be assessed on their own merits, taking into account the contents of the Moor Park Conservation Area Appraisal

Agenda Item 11

Appendix 1 Copy of report authorised by Council 13th January 2010

REPORT TO: Planning Committee
Cabinet
Council

DATE: 13th January
14th January
14th January

SUBJECT: Article 4(2) Direction for
Moor Park Conservation Area

**WARDS
AFFECTED:** Manor

REPORT OF: Planning and Economic Regeneration Director

**CONTACT
OFFICER:** Dorothy Bradwell

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Committee, Cabinet and Council's Agreement to make an Article 4(2) Direction within Moor Park Conservation Area so that planning permission will be required for a greater range of alterations to properties, helping to ensure that the character of the Conservation Area is maintained.

REASON WHY DECISION REQUIRED:

- a) To meet the Council's duty under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) To follow up on the recommendations of the adopted Moor Park Conservation Area Appraisal.

RECOMMENDATION(S):

That Planning Committee:

recommend to Cabinet that the Moor Park Article 4(2) be made.

That Cabinet, subject to Planning Committee's recommendation above:

recommend to Council that the Moor Park Article 4(2) be made.

That Council subject to the above recommendations:

authorises the making of a Direction under Article 4[2] of the Town and Country Planning [General Permitted Development] Order 1995 (as amended) in respect of the Moor Park Conservation Area.

KEY DECISION: N/A

FORWARD PLAN: N/A

IMPLEMENTATION DATE: N/A

ALTERNATIVE OPTIONS:

a) Article 4(1) Direction

This would require the Secretary of State's agreement and is a more lengthy process. The scope of permitted development rights that could be removed is much wider and more applications would be submitted as a result. In the Moor Park conservation area it is felt that the scope of an Article 4(2) Direction is sufficient and therefore an Article 4(1) is not recommended.

The operation of the Article 4(2) Direction will be kept under review as to its effectiveness and ease of use and it may be necessary to revisit an Article 4(1) as a future option.

b) Not to make a direction

This would be against the wishes of the local residents association and would leave the conservation area open to further harm from unsuitable development.

IMPLICATIONS:

Budget/Policy Framework: N/A

Financial: There is the potential for compensation claims. However, as the claimant has to demonstrate that abortive expenditure or other loss or damage has been incurred, claims very rarely arise.

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

Agenda Item 11

CONSULTATION UNDERTAKEN/VIEWS

INTERNAL

The Development Control Service, who will be administering the applications, have been consulted for their views and are in support of the proposal.

Legal Department have been consulted and their recommendations have been incorporated into the report

FD280 – THE FINANCE AND IS DIRECTOR HAS BEEN CONSULTED AND HIS COMMENTS HAVE BEEN INCORPORATED INTO THIS REPORT

EXTERNAL

Letters have been received from the Moor Park Residents Association whom have been asking for an Article 4 Direction to be made for the conservation area. Specific problems that have been identified by the Residents Association include the loss of grass verges, erection of uncharacteristic walls, changes to roofing materials and insertion of upvc windows.

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

Planning Policy Guidance Note 15: Planning and the Historic Environment

'Heritage at Risk' English Heritage, 2009.

Moor Park Conservation Area Appraisal, Sefton MBC, March 2008

1. BACKGROUND:

- 1.1 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to prepare proposals for the preservation and enhancement for any conservation areas that they designate.
- 1.2 It is under this duty that the Moor Park Conservation Area appraisal was carried out. The appraisal identifies the elements that contribute to the character of the area, and notes negative factors and suggests opportunities for enhancement. The appraisal recognises that a growing number of properties have lost historic features and had uncharacteristic alterations made to them. As a consequence one of the recommendations of the appraisal was for an Article 4 Direction to be made.
- 1.3 An Article 4 Direction brings about the removal of permitted development rights, meaning that a greater range of alterations to houses will require planning permission before being carried out. This would help to avoid the further loss of historic features important to the character of the conservation area.
- 1.4 Applications for planning permission for work, which prior to the Direction would have been automatically permitted, do not incur a fee. In Sefton one conservation area, Sefton Village, has an Article 4 Direction. Overall a relatively low number of applications are received as a result of this. The Council's experience with the Sefton Village Article 4 Direction is that it has been successful and is well understood by residents.

2. PROPOSAL

- 2.1 There are two options available to the Council, either an Article 4(1), or an Article 4(2) Direction. The Article 4(1) direction has been ruled out as an option for reasons given above.
- 2.2 With an Article 4(2) the range of rights which can be removed affect only works to properties on elevations that front the highway. In the Moor Park area the fronts of the properties are the key area where restriction over changes would be most beneficial and would have the greatest effect on preserving the appearance of the conservation area.
- 2.3 The works that will be newly brought under planning control include the following:

Changes to front elevation (e.g. windows & doors, rendering, painting)
Alterations to roofs and chimneys

Agenda Item 11

Erection of front walls/gates
Hard landscaping front gardens

- 2.4 The formal wording of the Article 4(2) Direction is given in Appendix 1
- 2.5 The public consultation process is built into the way that Directions are made. Once a direction is in force it remains so for up to 6 months, during this time the opinions of residents are canvassed and representations can be made to the Council. A leaflet and questionnaire is being prepared to help gain resident's views.
- 2.6 Unless, the Direction is confirmed, by the Council within 6 months, then the Direction will cease to be in effect.
- 2.7 While it is possible to carry out consultation before making an Article 4 Direction this is not the preferred option as it helps to avoid a situation arising whereby a resident may rush to carry out uncharacteristic works prior to the direction being made. Additionally it is helpful in that residents can 'try out' the system, therefore enabling them to make more informed judgements about its effects. Also, residents would not in effect be consulted twice.
- 2.8 A further report will be presented to Council before the end of the six month consultation period, so that a final decision can be made, to either confirm the Article 4 Direction or remove it.

Appendix 2- formal text of the Article 4(2) Direction:

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 (as amended)

DIRECTION MADE UNDER ARTICLE 4(2)

WHEREAS Sefton Metropolitan Borough Council being the appropriate local planning authority within the meaning of article 6 of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the descriptions set out in Schedule I below should not be carried out on land in the Moor Park Conservation Area being the land shown edged in red in Schedule II, unless permission is granted on an application made under the Town and Country Planning Act 1990.

NOW THEREFORE the said Council in pursuance of the Power conferred on them by article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule below to the extent permitted by Article 4(2)-(5) of the 1995 Order.

THIS DIRECTION is made under article 4 (2) of the said Order and in accordance with article 6 (7) shall remain in force until the 14th July 2010 and shall then expire unless it has been confirmed by the said Council. Any representations concerning the Direction should be made to:

Planning Director, Sefton MBC, Magdalen House, 30 Trinity Road, Bootle, L20 2NJ by the .

SCHEDULE I

Class A of Part 1 of Schedule 2 to the said Order, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a highway, waterway or open space;

Class C of Part 1 of that Schedule, where an alteration would be made to a roof slope which fronts a highway, waterway or open space

Class D of Part 1 of that Schedule, consisting of the erection or construction of a porch outside any external door of a dwellinghouse where the external door in question fronts a highway, waterway or open space;

Class F of Part 1 of that Schedule, consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or the replacement in whole or in part of such a surface, where the hard surface would front a highway, waterway or open space;

Part 1 of that Schedule, consisting of the erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse.

Agenda Item 11

Class A of Part 2 of that Schedule, consisting of the erection, construction improvement or alteration of a gate fence wall or other means of enclosure, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space;

Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any building or work, where the painting of the exterior of any part, fronts a highway, waterway or open space, of –

- (i) a dwelling house; or
- (ii) any building or enclosure within the curtilage of dwellinghouse.

Class B of Part 31 of that Schedule, consisting of the demolition of the whole or part of any gate, fence wall or other means of enclosure, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a highway, waterway or open space.

Agenda Item 12

REPORT TO: Cabinet Member Environmental
Cabinet
Council

DATE: 30th June 2010
8th July 2010
8th July 2010

SUBJECT: Dog Fouling and Enforcement

**WARDS
AFFECTED:** All

REPORT OF: Leisure and Tourism Director, Graham Bayliss

**CONTACT
OFFICER:** Head of Coast and Countryside, Dave McAleavy
0151 934 2961

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To ask the Cabinet Member Environmental to support a proposal to enhance the Council's ability to deal with issues relating to dog fouling and litter through a partnership approach between the Environmental Protection and Leisure & Tourism Departments.

To ask that Cabinet note the decision of the Cabinet Member for Leisure and Tourism relating to Dog fouling and enforcement and approve the draft Leisure and Tourism Enforcement Policy with a recommendation to Council that the Responsibility For Functions of the Constitution be amended.

REASON WHY DECISION REQUIRED:

Strategic Intelligence Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership identify residents concerns about dog fouling and litter and to enhance the Council's ability to deal with these issues additional personnel require authorisation and training. The Council's Constitution will require amending to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member for Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

RECOMMENDATION(S):**RECOMMENDATION(S):**

1. That the Cabinet Member for Environmental supports the proposal to

Agenda Item 12

develop a coordinated approach to dealing with dog fouling and litter.

2. That Cabinet note the resolution of the Cabinet Member for Leisure and Tourism on the 21st April 2010 relating to Dog Fouling and Enforcement;
3. That Cabinet approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

“Environmental

**Cabinet Member
Delegations**

E. Leisure and Tourism Director

‘Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005’”

KEY DECISION:	Yes
FORWARD PLAN:	Yes
IMPLEMENTATION DATE:	July 2010

ALTERNATIVE OPTIONS:

There is no alternative option for the Council due to personnel in Leisure Services not having the authority or training to carry out enforcement or issue FPN's for dog fouling and litter.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: Yes

Risk Assessment: None

Asset Management: N/A

Agenda Item 12

CONSULTATION UNDERTAKEN/VIEWS

Environmental Protection
Legal Department

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

1. BACKGROUND:

1. The Cabinet Member for Leisure and Tourism considered the report of the Leisure and Tourism Director on dog fouling and enforcement on the 21st April 2010, seeking approval to enhance the Council's ability to deal with issues relating to dog fouling and litter through the creation of a partnership approach between Environmental Protection and Leisure and Tourism Departments, indicating that a decision on the matter was required in order to amend the Council's Constitution to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member - Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

It was resolved that:

- (i) the Leisure and Tourism Director be requested to authorise operational staff who, following training, would apply and enforce dog fouling and litter legislation in a partnership with the Dog Wardens and Enforcement Officers;
- (ii) the Cabinet Member - Environmental be recommended to support the proposals to develop a coordinated approach to dealing with dog fouling and litter; and
- (iii) Cabinet be requested to approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

“Environmental

Delegations

E. Leisure and Tourism Director

“Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005”.

2. Cabinet Member for Environmental is asked to support the resolution of the Cabinet Member for Leisure and Tourism. Cabinet is asked to note the resolutions of the Cabinet Member for Leisure and Tourism and approve the draft Leisure and Tourism Enforcement Policy and, recommend to Council that the Responsibility for Functions of the Constitution be amended as above.

This page is intentionally left blank

Agenda Item 12

REPORT TO: Cabinet Member Leisure and Tourism

DATE: 21st April 2010

SUBJECT: Dog Fouling and Enforcement

WARDS AFFECTED: All

REPORT OF: Leisure and Tourism Director, Graham Bayliss

CONTACT OFFICER: Head of Coast and Countryside, Dave McAleavy 2961

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member of a proposal to enhance the Council's ability to deal with issues relating to dog fouling and litter and to ask that a partnership approach between the Environmental Protection and Leisure & Tourism Departments be supported.

REASON WHY DECISION REQUIRED:

Strategic Intelligence Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership identify residents concerns about dog fouling and litter and to enhance the Council's ability to deal with these issues additional personnel require authorisation and training. The Council's Constitution will require amending to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member for Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

RECOMMENDATION(S):

1. That the Leisure and Tourism Director authorise operational staff who, following training, will apply and enforce dog fouling and litter legislation in a partnership with the Dog Wardens and Enforcement Officers;
2. That the Cabinet Member for Environmental supports the proposals to develop a coordinated approach to dealing with dog fouling and litter.
3. That Cabinet be requested to approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

“Environmental

Cabinet Member

Agenda Item 12

Delegations

E. Leisure and Tourism Director

‘Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005’

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: As soon as possible following the necessary changes to the Councils Constitution.

ALTERNATIVE OPTIONS:

There is no alternative option for the Council due to personnel in Leisure Services not having the authority or training to carry out enforcement or issue FPN's for dog fouling and litter.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

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

Legal: None

Risk Assessment: None

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

Environmental Protection
Legal Department

Agenda Item 12

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

Report Dog Fouling Enforcement and Practice , Cabinet Member Environmental 5th December 2007

1. Background.

- 1.1 The Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006 makes it an offence if a person who is in charge of a dog that has defecated fails immediately to remove the faeces deposited by the dog from the land. (subject to certain exemptions).
- 1.2 In Sefton the above is primarily enforced by the Environmental Protection Department Dog Warden Service, more so in built up areas; the service consists of three Wardens/Enforcement Officers. Offenders identified are subject to a range of sanctions, including: prosecution, Fixed Penalty Notices (FPN) formal caution or informal caution, (e.g. warning letter/verbal warning/advice). The general framework for action is set by the Environmental Protection Department's Enforcement Policy; the primary aim is to ensure that enforcement is carried out in a fair and consistent manner.
- 1.3 The coast, countryside areas, parks and open spaces managed by the Leisure and Tourism Department suffer problems in respect of dog fouling and other issues relating to the use of Council land for dog walking. Enforcement is carried out by the Coast and Countryside or Park Rangers; however, this enforcement is largely restricted to advice as the formal process, including issuing Fixed Penalty Notices (FPN's), has to be carried by the Dog Wardens, due to the Leisure and Tourism personnel requiring specific authorisation from the Leisure and Tourism Director on behalf of the Cabinet Member. Over the last twelve months personnel have received training from external specialists and the Environmental and Legal Departments.
- 1.4 This report sets out the proposals for the Cabinet Member for the Director of the Leisure and Tourism to seek approval and be authorised to enforce, issue FPN's and deal with any subsequent prosecutions. This requires amendments to the make-up of the Council's constitution and will have to be reported in the Forward Plan.

2. Developing the Partnership

- 2.1 Section 17 of the Crime and Disorder Act 1998 requires certain responsible authorities to work in partnership to address crime and disorder issues of concern to their local community and to consider how they can discharge their duties to minimise the potential for crime and disorder to occur. There is now a high level of public concern in respect of dog fouling in urban areas and the coast and parks are now seeing higher level of dog fouling and other dog related offences.
- 2.2 The Environmental Protection and Leisure and Tourism Departments are developing closer working arrangements to respond to Strategic Intelligence

Agenda Item 12

Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership. An SIA was prepared for each of the Area Committee areas and identify the community safety issues, including environmental concerns which are of importance to residents.

- 2.3 Both the Coast and Countryside & Park Rangers are skilled in respect of enforcing byelaws and dealing with anti-social problems, supported by partners and Merseyside Police in their respective areas. Considerable intelligence is held by Leisure Services through incident reporting procedures and this can be added to intelligence gained through the SIA's and other Sefton Household surveys.
- 2.4 Leisure Services ranger personnel can support the work of the Environmental Protection Department in enforcement, issuing FPN's and developing education and awareness activities relating to dog litter issues, but there is a need to ensure that the consistent approach across the different departments is maintained. To be able to take this partnership further and to allow for training to take place that is specific to the FPN's and the enforcement process the permission of the Environmental Protection Director is required. This will allow identified staff in Leisure Services to be trained in enforcement and issuing FPN's where they relate to dog fouling and litter.
- 2.5 The draft Leisure and Tourism Department Enforcement Policy attached (Annex 1) will follow the Regulators Compliance Code to ensure that enforcement is carried out in a fair and consistent manner and sets out policy in respect of coast, countryside, parks and open spaces. The Cabinet Member is asked to agree the policy and recommend to Cabinet that the policy is approved.

3. Conclusion

- 3.1 There is considerable potential to develop and improve the partnership between the Environmental Protection Department Dog Wardens and Enforcement Officers and Leisure Services rangers working on the coast, Rimrose Valley and parks and open spaces.
- 3.2 The Sefton Safer Stronger Communities Partnership, Strategic Intelligence Assessments have identified residents' concerns about dog fouling and litter; additional intelligence also identifies problems on coastal sites, countryside areas, and in parks and open spaces. A consistent approach is required across the Borough to ensure that problems are not just displaced and this requires additional staff to be trained to work with the Dog Wardens/Enforcement Officers.
- 3.3 This partnership also offers opportunities to raise the profile of environmental issues through events, local media and successful prosecutions and make

Agenda Item 12

residents and visitors who own dogs but allow their dog to foul more aware of the possible penalties.

SEFTON COUNCIL

LEISURE AND TOURISM DEPARTMENT

ENFORCEMENT POLICY FOR COAST, COUNTRYSIDE, PARKS AND OPEN SPACES

1.0 INTRODUCTION

Sefton Council has a statutory duty to enforce a number of laws and regulations, which relate to Local Authorities. These laws and regulations seek to improve the quality of life and safety of all those who live, work and study within Sefton. The purpose of this policy is to secure effective compliance with byelaws and other legislation while minimizing the burdens to both the Council and to users.

This policy, which applies to the operation of coast and open spaces services through the Coast and Countryside Service and Park Ranger Service, follows the principles of the Regulators Compliance Code.

2.0 AIMS AND OBJECTIVES

Sefton Council is committed to providing consistent and equitable, proper and robust enforcement services to contribute to the priorities laid out in the Community Strategy. Improving the quality of life and enhancing the coast are key aspects of the strategy along with reducing crime and the fear of crime.

Sefton Council aims to follow the guidance laid out in the Government Concordat on enforcement policy and procedure.

Sefton Council will ensure that all authorised enforcement officers carrying out enforcement work are trained and fully acquainted with the requirements of this policy. All authorised officers must abide by this policy whenever making decisions on enforcement.

All authorised enforcement officers should be trained in those aspects of legislation relevant to their duties. The authority will ensure that officers are competent to carry out their duties and that the level of delegated authority for each officer has been approved.

3.0 STATEMENT OF POLICY

Enforcement on the coast is intended to be applied in a wide range of circumstances across a diverse and highly dynamic coastline with tact, fairness, diplomacy, transparency, proportionality and in a courteous and professional manner.

Sefton Council recognises that enforcement action can take many forms ranging between providing advice and guidance to challenging behaviour through to bringing formal actions which may culminate in prosecution.

Sefton Byelaws that will apply:

- Pleasure Grounds and Open Spaces
- Rimrose Valley Country Park
- Crosby Coastal Park (to Hall Road)
- Parks and Open Spaces
- Seashore (between high and low water) – areas at Crosby / Hightown, Formby, Ainsdale, Birkdale and Southport
- Sandhills - areas at Hightown, Formby and Ainsdale
- Ainsdale and Birkdale Local Nature Reserve
- Ravenmeols Local Nature Reserve
- Dogs on the Seashore – Ainsdale and Southport Beaches
- For the Prevention of Danger, Obstruction or Annoyance to persons bathing in the sea.

There are further regulations under:

- The Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006
- Ss.55-67 - The Clean Neighborhoods and Environment Act 2006
- Dog Control Orders (Prescribed Offences & Penalties) Regulations 2006
- Dog Control Orders (Procedures) Regulations 2006.

A clear explanation of the mechanisms for complaint will be made available to any user on request.

3.1 ENFORCEMENT FACTORS

In making decisions about enforcement action, Sefton Council will act in the wider public interest with a primary aim of securing a safe and pollution free environment for all.

In considering the appropriate enforcement action, Sefton Council will also take the following into account;

- The risk of harm to the public and others
- What is in the public interest
- The explanation of the offender
- Whether the matter is a recurrence
- Whether there have been other contraventions of Bye-laws or Legislation
- The willingness of the alleged offender to prevent a recurrence of the incident
- The availability and reliability of witnesses
- The sufficiency of evidence

3.2 PROSECUTION

Sefton Council may consider prosecution from time to time using the legislation, byelaws and regulations listed in 3.0 above, or using other legislation should it be considered in the public interest to do so.

Prosecution will be considered in the following circumstances;

- Where the alleged offence is a breach of bye-laws or legislation such that public safety or well being is put at risk
- Where the alleged offence involves failure to comply with a warning
- Where the alleged offence involves risk of damage to the environment
- There are other public interest factors mitigating in favour of prosecution
- Where false information has been supplied willfully, or there has been an intent to deceive

3.3 FIXED PENALTY NOTICES (FPN's)

Certain legislation allows for offences to be dealt with by way of issuing an FPN. This allows the offender to discharge any liability for prosecution for the offence.

Fixed penalty notices will be issued when:

- The case warrants prosecution
- There is enough evidence to prosecute for the offence
- It will act as sufficient deterrent against re-offending

If the FPN remains unpaid after the specified period, a prosecution file will be prepared and passed to Legal Services to initiate a prosecution for the offence.

FPN's issued to young people will be issued with due regard to the Children's Act 2004 and the DEFRA guidance on issuing fixed penalties to juveniles 2006.

COUNCIL - 8 JULY 2010

REPORT OF THE LEADER OF THE COUNCIL - MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY)

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

CABINET - 20 MAY 2010

10. PROVISION OF NEW SPORTS CHANGING FACILITY - PORTLAND STREET, SOUTHPORT

The Cabinet considered the report of the Strategic Director - Communities on the tenders received for the provision of a new sports changing facility at Portland Street Playing Fields, Southport.

RESOLVED: That

- (1) Subject to the confirmation of receipt of all funding for the scheme, the lowest tender submitted by Nobles Construction Ltd. of Liverpool in the sum of £349,500 be accepted;
- (2) the Interim Head of Corporate Legal Services be requested to enter into a formal contract with the successful tenderer; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given her consent under Rule 17 of the Scrutiny Procedure Rules, for this decision to be treated as urgent and not subject to "call-in" on the basis that any delay in the implementation of the decision will mitigate delays during the design development process and allow the required completion date to be achieved.

D. Mackey
Interim Head of Corporate Legal Services

This page is intentionally left blank