

MEETING: CABINET  
DATE: Thursday 29th March, 2012  
TIME: 10.00 am  
VENUE: Town Hall, Bootle

**Member**

Councillor

Councillor P. Dowd (Chair)  
Councillor Booth  
Councillor Brodie - Browne  
Councillor Fairclough  
Councillor Maher  
Councillor Moncur  
Councillor Parry  
Councillor Porter  
Councillor Robertson  
Councillor Shaw

COMMITTEE OFFICER: Steve Pearce  
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an \* on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

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# A G E N D A

Items marked with an \* involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	<b>Apologies for Absence</b>		
2.	<b>Declarations of Interest</b> 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.	<b>Minutes of Previous Meeting</b> Minutes of the meeting held on 1 March 2012		(Pages 5 - 10)
* 4.	<b>Draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK</b> Report of the Director of Corporate Commissioning	All Wards	(Pages 11 - 14)
* 5.	<b>Phlebotomy Working Group Final Report</b> Report of the Overview and Scrutiny Committee (Health and Social Care) Phlebotomy Working Group	All Wards	(Pages 15 - 32)
* 6.	<b>St George of England High School - Request for Amendment to Date of Closure</b>  Report of the Director of Young People and Families	Derby; Ford; Litherland; Netherton and Orrell; St. Oswald	(Pages 33 - 46)
* 7.	<b>Sefton Economic Strategy (Consultation Draft)</b> Report of the Director of Built Environment	All Wards	(Pages 47 - 54)
* 8.	<b>Development of Merseyside Local Broadband Plan</b> Report of the Director of Built Environment	All Wards	(Pages 55 - 64)

* 9.	<b>Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012</b>  Report of the Director of Built Environment	Manor; Molyneux; Netherton and Orrell; Park; St. Oswald; Sudell	(Pages 65 - 72)
* 10.	<b>Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A575 and Broom's Cross Road Compulsory Purchase Order 2012</b>  Report of the Director of Built Environment	Manor; Molyneux; Netherton and Orrell; Park; St. Oswald; Sudell	(Pages 73 - 82)
11.	<b>The Future of the Standards Regime at Sefton Council</b>  Report of the Head of Corporate Legal Services	All Wards	(Pages 83 - 92)
* 12.	<b>Report of Independent Remuneration Panel</b>  Report of the Director of Corporate Commissioning	All Wards	(Pages 93 - 96)
13.	<b>Appointment of Member Champion for Armed Forces</b>  Report of the Director of Corporate Commissioning	All Wards	(Pages 97 - 100)

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 13 MARCH, 2012. MINUTE NO's 117 AND 119 ARE NOT SUBJECT TO "CALL-IN."**

## CABINET

### MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 1ST MARCH, 2012

PRESENT:                   Councillor P. Dowd (in the Chair)  
                                  Councillors Booth, Brodie - Browne, Fairclough,  
                                  Maher, Moncur, Parry, Porter, Robertson and Shaw

#### 114. APOLOGIES FOR ABSENCE

No apologies for absence were received.

#### 115. DECLARATIONS OF INTEREST

The following declarations of interest were received:

<u>Member/Officer</u>	<u>Minute No.</u>	<u>Reason</u>	<u>Action</u>
Councillor Brodie-Browne	117 - Framework Budget	Personal - His employer is involved in discussions with Council Officers relating to the provision of Supporting People Services, which are referred to in the report	Stayed in the room and took part in the consideration of the item
Councillor Shaw	117 - Framework Budget	Personal - His son is employed by Sefton Library Service which will be affected by issues referred to in the report	Stayed in the room and took part in the consideration of the item
Margaret Carney - Chief Executive	118 - Localism Act 2011 - Pay Policy	Personal - Her post is referred to in the report	Stayed in the room during the consideration of the item

# Agenda Item 3

CABINET- THURSDAY 1ST MARCH, 2012

## **116. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the Minutes of the Cabinet meeting held on 16 February 2012 be confirmed as a correct record.

## **117. FRAMEWORK BUDGET**

The Leader of the Council circulated a copy of the proposed Motion in respect of the Revenue Budget for 2012/13, which he intended to submit to the Budget Council Meeting, to be held later that day.

RESOLVED:

That the proposed Motion be noted at this stage and considered at the Budget Council Meeting to be held later that day.

## **118. LOCALISM ACT 2011 - PAY POLICY**

The Cabinet considered the report of the Director of Corporate Support Services on the requirement under the Localism Act 2011 for all local authorities to produce a pay policy statement for 2012/13 and each subsequent financial year. The report set out of the proposed pay policy for the Council and the proposed changes to the functions of the Employment Procedure Committee and the Pay and Grading Committee in order to ensure compliance with the guidance in the Act.

RESOLVED:

That the Council be recommended to approve:

- (1) the proposed Pay Policy set out in Annex A to the report; and
- (2) the proposed changes to the functions of the Employment Procedure Committee and the Pay and Grading Committee set out in the report and the consequential amendments to the Council Constitution.

## **119. SELECTION OF MAYOR AND DEPUTY CHAIR FOR 2012/13**

The Committee considered the report of the Director of Corporate Commissioning which sought the nomination of the Mayor and Deputy Chair for the Municipal Year 2012/13.

The report indicated that any nominations agreed by the Cabinet would be submitted to the Annual Council Meeting to be held on 10 May 2012 for consideration.

RESOLVED:

CABINET- THURSDAY 1ST MARCH, 2012

That the report be deferred for further consideration at the next Cabinet meeting to be held on 29 March 2012.

## **120. HEALTH AND WELLBEING SERVICES - FEES AND CHARGES 2012/13**

The Cabinet considered the report of the Director of Older People on the review of fees and charges for 2012/13 for the services to be delivered by the Health and Wellbeing Service.

The report indicated that the review had reflected the additional income targets approved by the Council for the following service areas as part of the 2012/13 budget process:

- Libraries - introduce charging for the People's Network - Target £10,000
- Sports - increased income target for Crosby Lakeside Adventure Centre - £200,000
- Sports - increased income target for Active Sports Programmes - £10,000
- Amendment to Lifeguard saving, by increasing the charges for swimming by 3% above the rate of inflation - £27,000.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED:

That approval be given to the revised Health and Wellbeing Services fees and charges for 2012/13 as set out in Annex A of the report.

## **121. PLANNING SERVICES - FEES AND CHARGES 2012/13**

Further to Minute No. 145 of the meeting of the Planning Committee held on 8 February 2012, the Cabinet considered the report of the Director of Built Environment on the proposed fees and charges levied within the Planning Portfolio for 2012/13.

The report indicated that the Building (Local Authority Charges) Regulations 2010 required the Council to annually review its Scheme of Building Regulation Charges. The aim of the Scheme was to ensure that, taking one financial year with another, the income derived from performing the chargeable Building Control functions, as near as possible equates to the costs incurred in performing these functions.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

# Agenda Item 3

CABINET- THURSDAY 1ST MARCH, 2012

- (1) approval be given to the revised fees and charges for 2012/13 set out in Annex A of the report and the revised contributions to be set out in Supplementary Planning Guidance; and
- (2) the Planning Committee be given delegated authority to approve the implementation of the proposed scale of fees for applications as soon as it becomes available and that the fees, together with any proposed subsequent amendments, be ratified by the Cabinet before their mandatory implementation.

## **122. FUTURE HOUSING REQUIREMENTS - THE SCOPE FOR AFFORDABLE RENT IN SEFTON**

Further to Minute No. 144 of the meeting of the Planning Committee held on 8 February 2012, the Cabinet considered the report of the Director of Built Environment and the Head of Planning Services on the findings of a recently commissioned and completed study which had looked at the impact of Affordable Rent, both in terms of what rent levels could be set at in Sefton and what implications it would have for the Council's current approved Section 106 affordable housing negotiating position.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED:

That the minor amendments to the Council's approved Section 106 affordable housing negotiating position be approved and they be applied to all relevant planning applications received after the date of approval of this proposed policy change.

## **123. CORE STRATEGY FOR SEFTON - REPORT FOLLOWING CONSULTATION AT THE OPTIONS STAGE**

Further to Minute No. 150 of the meeting of the Planning Committee held on 22 February 2012, the Cabinet considered the report of the Director of Built Environment which provided a full summary of the consultation which took place on the Options Stage of the Core Strategy, the representations made to the Council during that consultation and the Council's proposed response.

A discussion took place on the concerns raised by members of the public regarding the possible future use of high grade agricultural land within the Borough for development purposes. There was a need to identify other local authorities within the North West and nationally who had similar issues and concerns on this issue in order that a network of such authorities could be formed for the purpose of lobbying the Government on the importance of the agricultural land resource in the planning system.

The Head of Planning Services reported on the proposals for the formation of a Member Steering Group to examine issues relating to the Core



CABINET- THURSDAY 1ST MARCH, 2012

Strategy and Cabinet Members requested that the Parish Councils within the Borough be represented on the Steering Group. The Chair indicated that update reports on employment, land and premises issues, the Council's housing requirements and agricultural land issues would be submitted to the Cabinet in the near future.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) thanks be expressed to the Members of the Public who had responded to the consultation exercise on the Options Stage of the Core Strategy and Officers be thanked for the work undertaken in the production of the report;
- (2) the Report of Consultation following the Options Stage of the Core Strategy be accepted and the proposed programme of work as set out in Section 12 of the report be approved; and
- (3) the Head of Corporate Finance and ICT be authorised to consider the use of one-off resources, towards the costs of the work programme, subject to availability and consideration of the Council's outturn position for 2011/12.

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# Agenda Item 4

**Report to:** Cabinet **Date of Meeting:** 29 March 2012

Council **Date of Meeting:** 12 April 2012

**Subject:** Draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK

**Report of:** Director of Corporate Commissioning **Wards Affected:** All

**Is this a Key Decision?** Yes **Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

## Purpose/Summary

To seek approval to an amendment to the Council's Constitution, to provide for the co-option of a non-voting member from Sefton Local Involvement Network (LINK), and a substitute member, to the membership of the Overview and Scrutiny Committee (Health and Social Care), following the approval of a draft Joint Working Protocol between the Committee and Sefton LINK.

## Recommendation

To approve the amendment to the Council's Constitution, to provide for the co-option of a non-voting member from Sefton Local Involvement Network (LINK) to the membership of the Overview and Scrutiny Committee (Health and Social Care), and provision also be made to permit a substitute co-opted member to attend meetings of the Committee, if necessary.

## How does the decision contribute to the Council's Corporate Objectives?

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

# Agenda Item 4

**Reasons for the Recommendation:**

The Constitution states that only the Council may amend the Constitution.

**What will it cost and how will it be financed? N/A****Implications: N/A**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal:</b> S221 Local Government and Public Involvement in Health Act 2007 and associated guidance.	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery: N/A****What consultations have taken place on the proposals and when?**

The Head of Corporate Finance & ICT (FD: 1341/11) and the Head of Corporate Legal Services (LD:697/12) have been consulted and any comments have been incorporated into the report.

The Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK have been consulted on the Joint Protocol.

**Are there any other options available for consideration? N/A****Implementation Date for the Decision**

Immediately following the Council meeting.

**Contact Officer:** Debbie Campbell, Overview & Scrutiny Officer

**Tel:** 0151 934 2254

**Email:** [debbie.campbell@sefton.gov.uk](mailto:debbie.campbell@sefton.gov.uk)

**Background Papers:**

There are no background papers available for inspection.

## **1. Introduction/Background**

- 1.1 The Local Government and Public Involvement in Health Act 2007 enabled Local Involvement Networks (LINKs) to be established. Sefton LINK was established in 2008 and gives local people and organisations a say in Health and Adult Social Care in Sefton. Sefton LINK is a voluntary network of local people, groups and organisations who wish to improve Health and Adult Social Care services. Sefton LINK members have the opportunity to:-
- Shape and improve the quality and delivery of services;
  - Influence Health and Adult Social Care decision makers;
  - Express any concerns or raise neglected issues;
  - Join a range of Task and Finish Groups to look at specific areas of concern;
  - Attend meetings, events and presentations on behalf of the membership; and
  - Meet like-minded individuals who wish to “make a difference”.
- 1.2 A representative from Sefton LINK has attended meetings of Sefton Council’s Overview and Scrutiny Committee (Health and Social Care) (OSC) for some years now and receives e-mail alerts for the publication of all its agendas and Minutes.
- 1.3 Recently, Sefton LINK approached the relevant Overview and Scrutiny Officer to request that a joint working protocol between the OSC and Sefton LINK be developed, similar to one that already exists in Knowsley MBC.
- 1.4 Following a meeting between a representative of Sefton LINK, the Chair of the OSC and the relevant Overview and Scrutiny Officer, a draft document was developed and circulated for comments.

## **2. Recent Developments**

- 2.1 The protocol proposes that a member of the LINK will be co-opted onto the OSC. In practice, this will mean that they will sit at the table with Members for the duration of Committee meetings.
- 2.2 The co-opted member will be treated in accordance with the rules and regulations contained within the Code of Conduct for elected Members, as set out within the Council’s Constitution, and should act in accordance with these rules. The co-opted member will be required to declare any interests, where applicable. The co-opted member may speak on items included on the agenda for an OSC meeting but cannot vote on those items.
- 2.3 The Council is reminded that the Overview and Scrutiny Committee (Children’s Services) already has 3 co-opted members and has operated with these members for some years now. These comprise of a Parent Governor Representative, an Archdiocesan Representative and a Diocesan Representative.
- 2.4 The protocol also proposes that it should be reviewed on an annual basis and, where necessary, updated jointly, to ensure that it continues to meet the needs of the LINK and the OSC.

# Agenda Item 4

- 2.5 Subject to the passage of the Health and Social Care Bill, local HealthWatch organisations will be established in October 2012 and will continue the functions currently provided by LINKs. LINKs will evolve into Local HealthWatch but will have additional functions and powers. Local HealthWatch will build on the good practice of LINKs, and continue to work with Local Authorities, Clinical Commissioning Groups, Patient groups, the local Voluntary and Community Sector and service providers to ensure they are inclusive and representative of the community they serve.
- 2.6 It is anticipated that the protocol can be adapted once LINKs evolve into HealthWatch.

## **3. Matters for Consideration**

- 3.1 At its meeting held on 8<sup>th</sup> November 2011, the OSC considered the Protocol developed and agreed the following recommendations:-

- “1. That the draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK be approved; and
2. That the Council be requested to approve the amendment of the Council’s Constitution, to include the co-option of a non-voting member of Sefton Local Involvement Network (LINK) to the membership of this Committee.”

- 3.2 However, following the meeting held on 8<sup>th</sup> November 2011, Sefton LINK approached the Council and requested that provision also be made to permit a substitute co-opted member to attend future meetings of the Committee, if necessary.

- 3.3 Subsequently, at the meeting held on 10<sup>th</sup> January 2012, in confirming the Minutes from the previous meeting, the Committee agreed the inclusion of the following at the conclusion of the existing Minute 2, as set out above:-

“and provision be made to permit a substitute co-opted member to attend meetings of the Committee, if necessary.”

- 3.4 Formal approval to the amendment to the Council’s Constitution is now sought.

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**Report to:** Overview and Scrutiny Committee **Date of Meeting:** 13<sup>th</sup> March 2012  
(Health and Social Care)

Cabinet

29<sup>th</sup> March 2012

**Subject:** Phlebotomy Working Group – Final Report

**Report of:** Director of Corporate Commissioning **Wards Affected:** All

**Is this a Key Decision?** Yes **Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

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## **Purpose/Summary**

. To formally present the final report of the Phlebotomy Working Group.

## **Recommendation(s)**

The Overview & Scrutiny Committee is requested to support the following recommendations and commend them to the Cabinet for approval:-

The Cabinet is requested to approve the following recommendations:-

1. That Liverpool Community Health NHS Trust be congratulated for reducing the waiting times for phlebotomy services in the south of the Borough and the Council hopes that the improvements made will be sustained;
2. That Liverpool Community Health NHS Trust be advised that this Council still has concerns regarding the waiting times for phlebotomy services at Maghull Health Centre and hopes that the Trust will endeavour to address the problems with the service at that Health Centre;
3. That Liverpool Community Health NHS Trust be requested to consider the introduction of a “twilight” phlebotomy clinic, either on an appointment or on a walk-in basis, in the south of the Borough;
4. That Southport & Ormskirk Hospitals NHS Trust be congratulated for reducing the waiting times for phlebotomy services in the north of the Borough and the Council hopes that the improvements made will be sustained;
5. That Southport and Ormskirk Hospitals NHS Trust be requested to consider the introduction of “twilight” phlebotomy clinics, either on an appointment or on a walk-in basis, at both Formby Clinic and in the north of the Borough, either at the Southport Centre for Health and Wellbeing or at Southport and Formby District General Hospital.

# Agenda Item 5

## How does the decision contribute to the Council's Corporate Objectives?

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

### Reasons for the Recommendation:

The Working Group has made a number of recommendations that require approval by both the Overview & Scrutiny Committee (Health & Social Care) and the Cabinet.

### What will it cost and how will it be financed?

There are no financial implications arising for the Council as a direct result of this report.

### Implications: N/A

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

### Impact on Service Delivery: N/A



**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance and ICT has been consulted and has no comments on this report because the contents of the report have no financial implications for the Council. (FD: 1401/11).

The Head of Legal Services has been consulted and has no comments on this report as there are no legal implications arising from the contents of this report. (LD: 749).

Liverpool Community Health NHS Trust and Southport & Ormskirk Hospital NHS Trust have been advised of the proposals via receipt of the final report.

**Are there any other options available for consideration? N/A**

**Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Cabinet.

**Contact Officer: Debbie Campbell**

**Tel:** ext. 2254

**Email:** [debbie.campbell@sefton.gov.uk](mailto:debbie.campbell@sefton.gov.uk)

**Background Papers:**

There are no background papers available for inspection.

**BACKGROUND:**

The Phlebotomy Working Group, established by the Overview & Scrutiny Committee (Health & Social Care) has undertaken a review on issues surrounding the delivery of the phlebotomy service within the Borough and its final report is attached for consideration.

***The Committee is requested to support the recommendations and commend them to the Cabinet for approval.***

***The Cabinet is requested to approve the recommendations.***

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**OVERVIEW AND SCRUTINY COMMITTEE  
(Health and Social Care)**



**PHLEBOTOMY  
WORKING GROUP**

**FINAL REPORT  
MARCH 2012**



## Overview & Scrutiny



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## LEAD MEMBER'S INTRODUCTION

I am very pleased to introduce this Overview and Scrutiny (Health and Social Care) Phlebotomy Working Group report. Phlebotomy services, particularly in the South of the Borough were appalling, with lengthy waiting times. This was partly due to the fact that 'Drop-in' services at Aintree NHS Foundation Trust had ceased for routine bloods from GP referrals.

This report seeks to improve and inform Elected Members and Officers of the problems surrounding Phlebotomy Services through the Working Group's discussions, interviews and visits and the ensuing recommendations.

The recommendations are not heavily dependent on additional resources and we believe they are realistic and achievable. If these recommendations are accepted, the patients of both North and South Sefton will enjoy a much improved and more efficient service.

I wish to thank all those people who took part in interviews and facilitated visits and for giving up their valuable time to inform the Working Group. I am tremendously grateful to my fellow Working Group Members for their commitment to our citizens and for their ideas and contributions.

My final thanks go to Debbie Campbell, Overview and Scrutiny Officer, for her production of this report on a subject that was causing great concern to the citizens of Sefton Borough; and for her excellent organisation and for her considerable patience. I sincerely hope that this report will not be merely shelved, but that its recommendations are taken forward to enhance the lives of the citizens in our Borough.



**Councillor Diane Roberts**  
**Lead Member of the Phlebotomy Working Group**  
**Overview and Scrutiny Committee**  
**(Health and Social Care)**

# Agenda Item 5

## HISTORICAL POSITION

Members of the Overview & Scrutiny Committee (Health & Social Care) were first alerted to concerns regarding the phlebotomy service in 2010, particularly at the Litherland Town Hall (LTH) facility. Prior to August 2009, the service had operated as an “open access” service, not appointment based, which had worked well for a time. As demand increased during 2009, particularly during the summer months, this had caused a number of issues, as outlined below:-

- Patients would arrive very early in the morning before the centre was open to queue for a blood test – in all weathers.
- Once in the building patients were often unhappy waiting a considerable time for blood tests, sometimes for over an hour, and this included people who had decided to present for a “fasting blood test” – which meant they had not eaten since the night before.
- Over the summer of 2009 the entire phlebotomy service was scheduled to be uploaded to the CHS Sefton Community Information system (a national requirement for all services to be managed electronically). This involved capturing additional demographic information from each resident presenting for a blood test, and this was for any patient not yet known to the electronic system. This would obviously have increased the length of time for every patient queuing to receive a blood test in the “open access” session, which would further delay patients waiting for a blood test.
- Parking at the LTH facility became an issue. People were parking in such a way that other vehicles were unable to pass through to either exit. There were frequent parking issues and on several occasions, ambulances responding to urgent requests from the Walk-in Treatment Centre, could not access the relevant area to collect a patient.
- The fire service, when responding to an emergency call out to LTH, could not gain access to the rear of the centre (Field Lane access) after entering the site from the Hatton Hill Road entrance, due to cars parking against hedges, leaving only a narrow gap to allow other cars to pass.
- Patients attending normal GP or clinic appointments within LTH were complaining they could not park in the car park and were late as they had to find off road parking.
- Local residents from surrounding roads were complaining about cars parking in front of their homes and drives preventing them parking outside their own houses. Pavements around LTH are very narrow and cars were parking half on pavements and half on the road which caused great problems to local disabled residents and disabled patients attempting to access LTH. The police often had to respond to residents’ complaints and were having to attach notices to cars or issue parking tickets.



- Phlebotomists - two on duty at any one time using the allocated rooms for the phlebotomy service - were struggling to cope with the pressure from the workload. There was a lack of capacity in the centre to increase rooms to accommodate additional phlebotomists. This would have meant transferring phlebotomists from other sites, so exacerbating the parking situation by increasing open access capacity, and therefore demand.

In order to address these issues, an appointment system had been introduced which created a waiting time for the service. In addition, the introduction of additional services, requiring patients to receive blood tests as part of a programme, created additional pressures on the service and a number of complaints were made.

## BACKGROUND

At its meeting on 7th June 2011, the Overview & Scrutiny Committee (Health & Social Care) considered its work programme for 2011/12 and the Chair requested that possibilities for working groups be considered at the next meeting. The following is an extract from Minute No. 20:-

*RESOLVED: That*

- (5) *possible topics for the establishment of working groups for 2011/12 be considered at the next meeting of this Committee.*

At its meeting on 26<sup>th</sup> July 2011, the Committee considered possible topics for working groups for 2011/12. The following is an extract from Minute No. 31:-

- (3) *the following working groups be established during 2011/12:-*

<b>Working Group</b>	<b>Members</b>
<i>Carers</i>	<i>Councillors L. Cluskey, Page and Welsh;</i>
<i>Phlebotomy</i>	<i>Councillors Ball, Hubbard and Roberts.</i>

The Committee also proposed that Councillor Roberts be the Lead Member for the Phlebotomy Working Group.

On 13<sup>th</sup> September 2011, the Committee discussed the prioritisation of its work topics for 2011/12, particularly in light of the resources available to it, and resolved as follows (Minute No. 42 refers):-

- (2) *work on the Phlebotomy Working Group be commenced as soon as practicable;*
- (3) *Councillor McGuire be appointed as a Member of the Phlebotomy Working Group;*



# Agenda Item 5

Details of Working Group meetings are as follows:-

<b>Date</b>	<b>Activity</b>
• 19 October 2011	Scoping & discussion of issues;
• 22 November 2011	Interview of witnesses from Liverpool Community Health NHS Trust;
• 6 December 2011	Interview of witnesses from Southport & Ormskirk Hospital NHS Trust; and
• 14 February 2012	Determination of recommendations.

In addition, Working Group Members undertook site visits to community service sites, as follows:-

• 6 December 2011	Site visit to Netherton Health Centre, Magdalen Square, Netherton;
• 7 February 2012	Site visit to Formby Clinic, Philips Lane, Formby.

## DEFINITION

Phlebotomy is the process of making an incision in a vein.

A phlebotomist is an individual who is trained to draw blood.

Blood samples have a wide range of uses and testing can be used as part of a wider diagnostic approach. Generally speaking, patients are seen by their GP who recommends a blood test in order to eliminate or confirm a particular diagnosis.

A blood test can be used to:-

- Assess a patient's general state of health;
- Confirm the presence of a bacterial or viral infection
- Ascertain how well certain organs, such as the liver and kidneys, are functioning.





## SERVICES AVAILABLE WITHIN SEFTON

### South Sefton

Liverpool Community Health NHS Trust delivers a variety of community health services, including phlebotomy, to a range of health centres and clinics within the communities of Liverpool and, since April 2011, in south Sefton.

Walk-in appointments are offered at the following 6 clinics, alongside book-able appointments:-

- Bootle Health Centre, Park Street, Bootle, L20 3RF
- Litherland Town Hall, Hatton Hill Road, Litherland, L21 9JN
- Maghull Health Centre, Westway, Maghull, L31 0DJ
- Netherton Health Centre, Magdalene Square, Netherton, L30 5SP
- Prince Street Clinic, Prince Street, Waterloo, L22 5PB
- Thornton Health Centre, Bretlands Road, Thornton, L23 1TQ

### North Sefton

Southport & Ormskirk Hospital NHS Trust delivers the phlebotomy service for patients in the north of the Borough through the Out-patients departments at Southport and Ormskirk Hospitals and through community clinics in North Sefton and Ormskirk (Hants Lane).

The Hospital clinic at Southport is for patients attending for out-patients appointments at the hospital, and for GP patients who have specific clinical problems. It is more appropriate for these patients to attend the hospital clinic and appointments are arranged for them with their GP.

The majority of patients accessing the service will be through one of the following 4 community clinics:-

- Ainsdale Centre for Health & Wellbeing, 164 Sandbrook Road, Ainsdale, Southport, PR8 3RJ
- Churchtown Community Clinic, 137A Cambridge Road, Churchtown, Southport, PR9 7LT
- Formby Clinic, Philips Lane, Formby, L37 4AY
- Southport Centre for Health & Wellbeing, 44-46 Hoghton Street, Southport, PR9 0PQ



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## KEY WITNESSES – SUMMARY OF STATEMENTS

The following points are a summary of the discussions held with key witness invited to Working Group meetings:-

### Chief Executive, Liverpool Community Health NHS Trust

In October 2011, following an internal review and feedback from patients and commissioners, it was found that the waiting times in a number of sites had reached a 5 week high, in addition to a 20% DNA (Did Not Attend) rate.

The Clinic providing the service offered an appointment only service. Appointments were made and offered by contacting any of the clinics in the south of the Borough.

Following the internal review, an action plan, containing short, medium and long term objectives was put into place. Objectives included:-

#### **Short Term**

- Reduce waiting list to 48 hours by end of November 2011;
- Reduce DNA rates to 5% by end of November 2011;
- Single line management of services across Liverpool & Sefton;
- Improve quality & governance;
- Improve staff training & development.

#### **Medium Term**

- Work with Clinical Commissioning Groups (CCGs) to establish a mix of drop-in & appointment clinics, embedded into the neighbourhood model by January 2012.

#### **Medium/Longer Term**

- Exploit information management technology (IM+T) solution to improve performance and release time;
- Standardise referral system using IM+T solution.

The key actions achieved recently included:-

- Additional clinics operational across Sefton services;
- Walk-in appointments being introduced alongside book-able appointments;
- Waiting times down by the week commencing 21/11/11 to:
  - 3 days on average for routine; &
  - 6 days for fasting;
- DNA (Did Not Attend) rate down to 7.5%
- Walk-in attendances at an average of 220 per week.

However, there was an acknowledgement that some problems remained at the Maghull Health Centre site where waiting times were at 13 days, and some challenges remained at this site.

Next steps included:-



- Continued working with CCGs to establish clinics & clinic times that met the needs of patients & CCGs;
- Consideration of issues around car parking for walk-in clinics;
- Consideration of options around neighbourhood centres in the future to meet the needs of the community;
- Introduction of single point of contact for all clinics;
- Introduction of mix of walk-in & appointment clinics;
- Receipt of feedback from patients, staff & commissioners to redesign the service for the needs of the community;
- Undertake a patient satisfaction survey.

Following on from the meeting between Members of the Working Group and the Chief Executive of Liverpool Community Health NHS Trust, the Trust was invited to submit an update on waiting times for phlebotomy services in time for this final report.

The update indicated that with the exception of the Maghull Health Centre, all other waiting times were now reduced to zero and that there had been a 15% increase in activity.

Problems remained at Maghull Health Centre with appointments but this was largely to do with room space rather than capacity and the Centre still offered the walk-in facility.

## Pathology Services Manager, Southport & Ormskirk Hospitals NHS Trust

Since the transfer of the service to Integrated Care Organisation in April 2011, the service had been working hard to reduce the waiting times in each of the clinics for both routine and fasting bloods.

The average waiting time for fasting bloods by December 2011 was 4 days (range 3-5 days) and routine bloods 1.5 days (range 0 – 3 days).

The average waiting time for fasting bloods in December was 9.25 days (range 6-13 days) and routine bloods 5.75 days (range 3-10 days.) These times included weekends.

The laboratory service had identified that it received requests from between 1,800 – 1,900 patients per week. However this was nearly 1,000 more patients than there were available appointment slots when the service was operating at full capacity.

The service was also looking to identify, whether there was a pattern in the number of DNAs at different clinics and whether it could increase the number of slots for fasting tests utilising those of routine. The current situation was much improved compared to that inherited in April 2011. The service was **not** considering moving to "drop-ins" at the present stage.



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## Recent Service Improvements To Date

- Recruitment to vacancies and the utilisation of bank staff to backfill until the posts were filled.
- To maintain cover in times of holiday, training and sickness the service was actively recruiting to build up this bank of staff.
- Increase in the number of appointment slots by 316 per week via the shortening of appointment slot times from 11 minutes to 7 - these measures came into effect on 4<sup>th</sup> July 2011. This had provided an additional 10 appointment slots per session. The total number of appointment slots for both fasting and routine was 1,105. This was based on the department being fully staffed and all available slots being filled. On average 90% of capacity was used.
- Closer monitoring of booked appointments enabling staff to be deployed to the sessions and clinics with the biggest demand.
- Development of pathways to enable those patients who required an urgent appointment based on clinical need may be seen in the out-patient's department at Southport District General Hospital (DGH). This was on a named patient basis and could be arranged via the patients' medical Practitioner.
- Patients in the Maghull area were able to access services through the GP clinic at Ormskirk DGH. This operated as a walk-in clinic in the mornings Monday & Tuesday and Thursday & Friday. Alternatively, there was a community clinic at Hant's Lane in Ormskirk that operated in the morning Monday to Thursday by appointment. Maghull patients had been attending the out-patient's department at Ormskirk DGH in increasing numbers and this was beginning to impact on the waiting time there. However, it was understood that waiting times were now dropping at the Maghull clinic so the demand at Ormskirk DGH was decreasing.
- Patients requiring fasting bloods were given the option of attending another clinic with a shorter waiting time or given the option of taking up routine appointment slots which were run later in the day. However, some patients were very reluctant to travel to another clinic.

## Recent Recommendations

Commissioners had agreed to fund an additional 2 phlebotomy posts until 2013. The service would use these posts to provide additional sessions at the Southport Centre for Health & Wellbeing site which was proving to be the most resilient in seeing a fall in waiting times. Once waiting times in all clinics had stabilised, initiatives would be looked at to develop the service further, such as additional venues or twilight clinics. Practice Managers would be consulted as to what form of service would best suit their patient groups.



As at 3<sup>rd</sup> February 2012, the next available appointment was as follows:-

Ainsdale HC	Fasting – 5 days Routine – 0
Churchtown Clinic	Fasting – 3 days Routine – 3 days
Formby Clinic	Fasting – 4 days Routine – 3 days
Southport HC	Fasting – 4 days Routine – 0 days

## SITE VISITS – SUMMARY OF FINDINGS

Members observed the *Lorenzo* IT system in use at the community clinics visited.

At Netherton Health Centre, Liverpool Community Health and Sefton phlebotomy services had joined together as one team as from 3<sup>rd</sup> October 2011. The initial plan was to reduce Sefton's waiting times from 4 weeks to no waiting time by introducing walk-in sessions. This was an instant success as, at the time of the site visit, there was no waiting times. The staff had worked as a team and across boundaries.

## KEY FINDINGS

During the course of the review, Members considered arrangements for phlebotomy services in neighbouring health authorities. Most of these operate on a walk-in basis and some hold “twilight” clinics in the evenings, which make it easier for people who work to attend for blood test.

Members also found that once the review commenced, the health providers concerned made great efforts, particularly in the south of the Borough, to reduce the waiting times for tests and waiting times were reduced dramatically by the conclusion of the review, although some difficulties remained at the Maghull Health Centre.

Once waiting times in all clinics had been stabilised by the end of the review, Members considered that initiatives could be made to develop the service further, such as the introduction of “twilight” or evening clinics, to make the service more accessible to people in employment.



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## ACKNOWLEDGEMENTS AND THANKS

In producing this report on the Phlebotomy service, acknowledgements and thanks are attributed to the following individuals for their time and input:-

- ***Andrew Richardson, Pathology Services Manager, Southport & Ormskirk Hospitals NHS Trust***
- ***Bernie Cuthell, Chief Executive, Liverpool Community Health NHS Trust***
- ***John Foley, Service Manager, Liverpool Community Health NHS Trust***
- ***Melinda Pattenden, Phlebotomy Manager/Team Leader Clinical Services, Southport & Ormskirk Hospitals NHS Trust;***

Thanks must also go to the 3 Members of the Working Group who have worked hard and dedicated a great deal of time to this review, namely:-



***Councillor Diane Roberts  
(Lead Member)***



***Councillor Pat Ball***



***Councillor Bruce Hubbard***



***Councillor Sue McGuire***



## RECOMMENDATIONS

1. That Liverpool Community Health NHS Trust be congratulated for reducing the waiting times for phlebotomy services in the south of the Borough and the Council hopes that the improvements made will be sustained;
2. That Liverpool Community Health NHS Trust be advised that this Council still has concerns regarding the waiting times for phlebotomy services at Maghull Health Centre and hopes that the Trust will endeavour to address the problems with the service at that Health Centre;
3. That Liverpool Community Health NHS Trust be requested to consider the introduction of a “twilight” phlebotomy clinic, either on an appointment or on a walk-in basis, in the south of the Borough;
4. That Southport & Ormskirk Hospitals NHS Trust be congratulated for reducing the waiting times for phlebotomy services in the north of the Borough and the Council hopes that the improvements made will be sustained;
5. That Southport and Ormskirk Hospitals NHS Trust be requested to consider the introduction of “twilight” phlebotomy clinics, either on an appointment or on a walk-in basis, at both Formby Clinic and in the north of the Borough, either at the Southport Centre for Health and Wellbeing or at Southport and Formby District General Hospital.

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## Overview & Scrutiny



For further information please contact:-

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Sefton Council 





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**Report to:** Cabinet **Date of Meeting:** 29 March 2012

**Subject:** St George of England High School – Request for Amendment to Date of Closure

**Report of:** Director of Young People & Families **Wards Affected:** Netherton & Orrell, Derby, Litherland, Ford, St Oswald's

**Is this a Key Decision?** Yes **Is it included in the Forward Plan?** No (Rule 15 Consent)

**Exempt/Confidential** No

## **Purpose/Summary**

The purpose of this report is determine the request from the Governing Body of St George of England High School and the proposers of the Hawthorne's Free School to bring forward the date of closure for St George of England High School by 12 months to 31 August 2012. This is to facilitate the proposed Free School which is planned to open in September 2012.

The request to bring forward the closure has been subject to consultation and the report covers the outcome of this consultation and the various implications of the decisions which the Cabinet could take.

## **Recommendation(s)**

Cabinet is recommended to:

- a) consider the options and information outlined in the report and the request by the local community, Free School Trust and St George's Governing body to facilitate the opening of the Free School;
- b) to respond positively to the request from the Free School Trust and the Governing Body by agreeing to bring the closure date for St George of England High School forward from 31 august 2013 to 31 August 2012 contingent upon an alternative school opening in the area in September 2012;
- c) for practical reasons and to ensure continuity of education for pupils affected, the decision in b) above is also dependent on the decision to open the Free School being approved by the Secretary of State for Education by the 25 May 2012 when the decommissioning of the school will need to commence;
- d) subject to a), b) and c) above Officers be authorised to conduct relevant negotiations with respect to St George's, land, assets, fixtures and fittings with the Free School Trust; to progress and make decisions on issues regarding employees from St George's and St Wilfrid's as outlined in this report;

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- e) note the change for pupils wishing to move to the Free School and the required admission arrangements and ask Officers to work with the Free School to ensure the transition is as smooth as possible; and
- f) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee (Children's Services) has been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because of the need to progress the decommissioning of the school, lease agreements and pupil admissions if the decision is to bring forward the closure.

## How does the decision contribute to the Council's Corporate Objectives?

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

## Reasons for the Recommendation:

The Cabinet Member, Children's Services is delegated as the Decision Maker to determine the proposal for the closure of St George of England High School, however, as this decision is a Key Decision it needs to be taken by Cabinet.

## What will it cost and how will it be financed?

**(A) Revenue Costs:** where these costs are known they are covered in the body of the report.

**(B) Capital Costs:** at the moment there are no known capital costs, however, there may be some impact in future years if the Free School affects other established schools.

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

**Legal** - the process for school closure is contained within DfE guidance and has been followed by officers. Legislation relating to Free Schools is included in the Academies Act 2010.

**Human Resources** – these are set out in the body of the report

### Equality

- |    |  |                                     |
|----|--|-------------------------------------|
| 1. | No Equality Implication                          | <input checked="" type="checkbox"/> |
| 2. | Equality Implications identified and mitigated   | <input type="checkbox"/>            |
| 3. | Equality Implication identified and risk remains | <input type="checkbox"/>            |

## Impact on Service Delivery:

N/A

## What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1457) has been consulted and her comments are included in the body of the report.

Head of Corporate Legal Services (LD 807/12) has been consulted and her comments are contained within the body of the report:

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## Are there any other options available for consideration?

Available Options are discussed in the body of the report.

## Implementation Date for the Decision

Following the call-in period for the minutes of this meeting

**Contact Officer:** Mike McSorley, Head of Learning Support  
**Tel:** 0151 934 3428  
**Email:** [mike.mcsorley@sefton.gov.uk](mailto:mike.mcsorley@sefton.gov.uk)

## Background Papers:

Minutes of St George of England High School's Governor's Meeting on 20 October 2011.

Consultation responses

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## 1. Introduction/Background

- 1.1 At a meeting of the Cabinet Member for Children's Services approval was given on 13 July 2010 to close St George of England High School with effect from 31 August 2013. At a further meeting of the Cabinet Member Children's Services approval was also given on 19 April 2011 to close St Wilfrid's Catholic High School with effect from 31 August 2012. During that process the governing bodies and parents' associations from both schools decided to investigate the possibility of setting up a free school. This application has been progressed and The Hawthorne's Free School has now been given approval to move to the next stage by the Department for Education.
- 1.2 The Strategic Director People received a letter from the Chair of the Trustees of The Hawthorne's dated 8 November 2011 (copy attached) requesting that the date of closure of St George of England High School be brought forward by one year to 31 August 2012 to 'enable' their proposal to open The Hawthorne's Free School with effect from 1 September 2012. This request was unanimously agreed by the governors at St George of England High School at their meeting on 20 October 2011 and an excerpt of the minutes states:

".....In view of the fact that we should not be closing until 2013 the Chair of Governors made a formal proposal to write to Peter Morgan to bring forward the closure of St. George of England High School by one year contingent upon an alternative school opening in the area in September 2012.....All Governors were in favour of this proposal."

## 2. Modifications to the statutory proposal – DFE guidance

- 2.1 The governing legislation is the Education and Inspections Act 2006 and DFE guidance prepared under the Act states that in order to modify a statutory proposal the proposers must apply to the Decision Maker who decided the proposals. A modification should be made before the approved implementation date for the proposals is reached. The most common modification is to the implementation date.
- 2.2 Before modifying the proposals the Decision Maker **must** consult:
- the proposers or the LA who made the proposal
  - the LA, if the LA did not publish the proposals
  - the governing body, if the governing body did not publish the proposals.

The proposals should not be modified in a way that would in effect substitute new proposals. This would run the risk of successful legal challenge in the courts.

- 2.3 As the proposal is simply to modify the implementation date there is no requirement to publish this again but some consultation would need to take place with all those parties affected by the change before the final decision is made. This was reported to the Consultation Panel on 18 November and Cabinet Member – Children's Services on 6 December 2011 and approval was

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given to commence consultation on the proposal to bring forward the date of closure of St George of England High School from 31 August 2013 to 31 August 2012 contingent upon an alternative school opening in the area in September 2012..

## **3. Consultation**

3.1 The consultation period ran for 8 weeks including the Christmas holidays. It began on 14 December 2011 and ended on 17 February 2012.

3.2 The following parties were all contacted by letter:

- Families of pupils at St George of England High School;
- Staff and Governors at St George of England High School;
- Families of pupils who have expressed a preference for St George of England High School;
- Parents, staff and governors at Linacre Primary, Springwell Park Primary and Thomas Gray Primary Schools (feeder primary schools);
- Ward Councillors for Netherton and Orrell;
- Joe Benton, MP;
- Headteachers, staff and governors of all Sefton schools;
- Trade unions;
- Director of Liverpool LEA;
- Archdiocese;
- Church of England Diocese.

3.3 A total of 1,148 letters were sent and at the end of the consultation period the Authority had received ten letters of objection, one requesting further information on the consultation process (which was provided) and seventeen letters of support.

3.4 Of the ten letters of objection, one was from Unison Trade Union and nine from staff at the school. Seven letters of support were received from staff at the school and ten from Governors. There were no letters received from any other parties.

3.5 It was reassuring to note that no parents/guardians objected to the proposal to bring the closure forward and it is assumed that they are happy with the proposal to bring forward the closure to facilitate the opening of the Free School. It should also be noted that no objections were received from other established schools in the area.

## **4 Free School Proposal**

4.1 A decision on whether the Free School will be approved or not will be taken by the Secretary of State but as the request to bring forward the closure of St George of England has been made contingent on the Hawthorne's Free School opening it is important that Members have an understanding of that proposal.

4.2 Free Schools are non-profit making, independent, state-funded schools. They are effectively a form of Academy and are covered under the provisions of the

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Academies Act 2010. Free Schools are all-ability state-funded schools set up in response to what local people say they want and need in order to improve education for children in their community. A Free School is generally a new provision and could cover for example, 11-16 provision, special provision or alternative provision. Existing maintained schools cannot become a Free School as they would be expected to follow the academy conversion route. More details on Free Schools can be found on the DfE website via the following link:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools>

- 4.3 The Hawthorne's Free School proposal is for a 600 place 11 – 16, non-faith school opening with an intake of between 400 and 500 pupils in September 2012. The preferred site is the current St George of England High School site on Fernhill Rd, Bootle. The Hawthorne's Free School consultation as required by Section 10 of the Academies Act 2010 is underway and further information is available on the project website: <http://www.hawthornes.org.uk>.
- 4.4 Initial feedback from the Trust is that they have had over 700 responses with 88% supporting the Free School and over 400 expressions of interest in becoming a pupil at the Free School.
- 4.5 Lord Hill wrote to the Council in October informing us that this application had been approved to the 'pre-opening' stage of the Free School process and that the Secretary of State has a duty under Section 9 of the Academies Act 2010 to consider the impact that any new school will have on existing schools in the area. Lord Hill gave an undertaking that the Secretary of State would not enter into a Funding Agreement until the Council's views and any contextual information we provide has been carefully considered.
- 4.6 Following discussion with the Cabinet Member – Children's Services a response to the consultation process on behalf of the Council has been made.

## **5 Issues for Consideration**

The decision Members are asked to make is whether or not to bring forward the closure of St George of England High School to facilitate the opening of the Hawthorne's Free School on the St George of England site. There will be a number of issues which Members may want to take into account in their deliberations and the key issues are outlined in more detail below:

### **5.1 Curriculum**

- 5.1.1 One of the potential implications of bringing forward the closure of St George's would be on year 10 pupils, who had started a course of study and had planned to complete this by the time the school closed in August 2013.
- 5.1.2 This issue has been raised with the Trust and they have stated that: "The intention is to teach the Year 11 former pupils of St. Wilfrid's and the Year 11 former pupils of St. George of England as two separate bands so that the pupils can follow the same curriculum subjects they were following during their Year

10.”

## 5.2 **School Organisation**

- 5.2.1 The Council has already made decisions to close St Wilfrid's and St George's partly because there are insufficient pupils to sustain the existing secondary school provision in the area.
- 5.2.2 The potential impact of a Free School on existing secondary schools in South Sefton is a major issue for the Council and there has been no recognition of this by either the proposers of the Free School or the Department for Education. This view is supported by analysis of the surplus places in South Sefton which shows circa 2000 current surplus places; this will be reduced to 420 by the closures of St Wilfrid's and St George's. Analysis of pupil forecasts shows a predicted decrease of secondary pupils in the South Sefton area of around 350 by 2017. Creating an additional 600 places will, therefore, bring the number of surplus places in the South Sefton area to around 1370 by 2017.
- 5.2.3 There is a significant surplus of pupil places in the South Sefton area and, from a school organisation, perspective there is not the need for a new 600 pupil school. If the Free School does open it is likely to have an impact on established schools, however it is not possible to ascertain this in any more detail at the current time.
- 5.2.4 As part of the response to the consultation on the Free School proposal the Council have requested a dialogue with the DfE over measures which could be put in place to support existing schools and mitigate this impact. This is particularly relevant given the extremely short timescales involved in opening the Free School and this provides no opportunity for existing schools to properly plan.
- 5.2.5 The Council has a statutory duty to co-ordinate the schools admissions process and ensure that all pupils have a school place. For a closure in 2013 this process would be as follows:
- Sep 2012: review of places available to ensure enough capacity to accommodate pupils in 2013 and contact heads of other local schools and agree additional places, if required.
  - Consider transport implications if other Community School provision is much further for children to travel
  - Nov 2012 :Distribute letter and application form for transfer of pupils to another school
  - Allocate places for Sep 2013 to make sure places are allocated in advance and schools and parents are informed. Schools need this in advance to budget and arrange staffing.
  - January 2013 onwards - Appeals heard for other places, if applicable

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5.2.6 If the closure is now to take place in Sep 2012 the above process will need to be condensed into a much shorter period of time. The Council would need to establish if the children scheduled to be in St George's (approx. 200) for September 2012, wish to apply to the new Free school or wish to apply for another school in Sefton. It is important to give as much clarity as possible to parents/guardians about future admission arrangements (for the Free School and other available schools) so that parents/guardians can make informed choices and schools know how many pupils they will be admitting in September 2012 and can plan appropriately. Many Schools may have places available now but do not always have the teaching staff already in place to accommodate a full school. This will mean initiating a separate application and allocation process as soon as the decision regarding the closure is made. In addition to this, extra checks will have to be made in September 2012 to ensure all places and children are accounted and have started school because admissions to the Free school fall out side of co-ordination for the 1st Year.

5.2.7 The same process, above will have to be undertake for the St Wilfrid's pupils (approximately another 200) within the same time frame for 2012 closure above. These families have been written to previously but a significant number have not responded, and no allocation has yet been undertaken for those families of pupils who did not respond.

## 5.3 Human Resource Issues

5.3.1 The original decision to close St George of England in August 2013 meant that the staff from the school would all be made redundant at that time. An obvious impact of bringing the closure forward by 12 months is that these staff will potentially be made redundant (subject to TUPE below) 12 months earlier than originally planned..

5.3.2 During the early meetings on the Free School proposal in November 2011, the Council raised the view with the Trust of the application of TUPE to the Free School on the basis that this would be a school, teaching a similar pupil base on the same site as one school, delivering the same curriculum. The possibility of a TUPE from St Wilfrid's was also raised on the basis of several factors also pointing to the application of TUPE. This was identified by officers as a key issue because if TUPE applies, the impacts identified in 5.3.1 above are mitigated.

5.3.3 Since November 2011, Officers have been clear that Members would need to have a view from the Trust on the application of TUPE before they could properly consider the request to bring the closure forward as this would be important to their decision making. The Trust responded to requests to provide their view on TUPE on 23 February stating that: *"On TUPE, we are now clear that Free Schools are completely new and additional provision and as such TUPE does not apply. However, we expect a good number of posts in the new Free School to be available for staff at both St Wilfrid's and St George's....."*. In further discussions the Trust has maintained its view.

5.3.4 Officers have requested more detail on the legal basis of this view; however the



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Trust declined to share their detailed legal advice.

- 5.3.5 Independent legal advice has been taken by the Council on TUPE and the views of trade unions canvassed. The issue is still not entirely clear given the uncertainty of some of the Free School plans, and the application of the law. There are still a range of views on the application of TUPE.
- 5.3.6 The Academies Act 2010 does envisage that there will be circumstances where the Secretary of State enters into Academy arrangements which result in education being provided where previously education had been provided by educational institutions that have been or are being closed. However, the legislation does not specifically deal with the question of whether the replacement of one source of educational provision with another source of educational provision will either amount to the transfer of an undertaking or amount to circumstances in which TUPE applies.
- 5.3.7 The advice the Council has received suggests that TUPE may well apply to employees from St George's and St Wilfrid's, although the position is still not legally settled. There are different factors which affect the employee groups from the two schools and given that the Trust maintain a strong view that TUPE does not apply the outcome of any TUPE challenge is difficult to predict at this stage.
- 5.3.8 If the decision is to bring forward the closure of St George's contingent on the Free School opening, as requested, it will be necessary to proceed on the basis that staff are to be given notice of the ending of employment whilst further discussions take place over TUPE (including further advice) and practical arrangements for employees. This may mean ultimately that employees will be entitled to receive entitlements as if redundant, although it is suggested that Officers ultimately make decisions on this situation based on a collaborative approach. This approach it is suggested would take into account further views and discussions (along with legal advice), consultation with employees and trade unions and information and discussions with the Free School. This would also take into account how the Free School seek to deal with their recruitment.
- 5.3.9 As part of the consultation process on bringing the closure forward, Officers have met with staff from the school to explain how the various scenarios may impact on them.
- 5.3.10 In order to mitigate redundancy and to minimise redundancy costs, Officers are seeking to ensure that all jobs in the Free School (should it proceed) are ringfenced as far as possible to staff from St George's and St Wilfrid's and to consider the situation as the matter proceeds..
- 5.3.11 The provisions of The Redundancy Payments (Continuity in Local Government etc.) Modification Order applies to the Free School as it is covered by the Academies Legislation.

## 5.4 **Financial**

- 5.4.1 There are a number of scenarios which each have a different financial

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implication for the Council:

## 5.4.2 The Free School Opens and TUPE applies

If TUPE applies then, in theory, the Council would not have to meet any redundancy costs. However, the Proposers have indicated that if TUPE applies to staff from both St Wilfrid's and St George's, the Free School will not be viable to open in September 2012. In this event the Council may end up funding the redundancy costs for both cohorts of staff. The costs of the closure of both school has already been planned for and it is anticipated at this stage that these costs could be contained within the Dedicated Schools Grant (DSG).

## 5.4.3 The Free School does not open

In this scenario both staff groups would be made redundant. Funding for redundancy costs will come in the first instance from any surplus balances the closing school might have (St Wilfrid's will have a negative balance of around £1,006,000 and St George's will have an estimated fully spent budget, i.e. neither under or over spent), then from the DSG contingency fund. The funding of redundancy costs will be added to the deficits/balances of both schools 7/12ths residual funding. It is anticipated at this stage that these costs could be contained within the DSG as the closure would not be brought forward and costs would be spread over two financial years.

## 5.4.3 The Free School opens and TUPE does not apply

In this scenario it is likely that a number of staff from St George's and St Wilfrid's will obtain jobs in the Free School and this will limit the number of staff from the two schools who would be made redundant. Funding for redundancy costs will be as above. Cost will depend on the number of staff having to be made redundant but it is anticipated at this stage that these costs could be contained within the DSG.

## 5.4.4 St Georges does not close early and the Free School opens

In this scenario, although a number of staff may be employed by the Free School, the Council will have to ensure St George's is maintained as a viable school for its final year with reduced funding as pupil numbers are likely to drop. Costs would depend on the numbers of staff to be made redundant at the end of 2013 when St George's is closed.

5.4.5 If TUPE applies the Council does not pick up the costs. If TUPE does not apply and the Free School opens and employs around half of the staff from St George's and St Wilfrid's staff groups (this is the number the Trust has indicated that they require) redundancy costs to around half of the total potential cost, which should reduce financial liabilities to an estimated £1.65m. Although exact costs are not known at the moment, it is anticipated that costs would be contained within the DSG and not impact on the Council's core budget.

5.4.6 As discussed earlier, should the Free School open and be successful there will

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be an adverse impact on other established schools in the South Sefton Area. At the current time it is not possible to quantify where, when or exactly what these impacts might be. If they occur over a number of years, staffing reductions may be able to be largely managed through natural wastage. In any event costs are likely to be contained within the DSG and not impact on the Council's core budget.

## 5.5 **Land and Assets**

- 5.5.1 The proposers of the Free School have indicated that the St George's site is their preferred location for the school.
- 5.5.2 Detailed negotiations would need to take place around the use of this site and associated assets (furniture and equipment), and the Proposers have been asked for their detailed expectations around the use of the site but at the time of writing these have not been received. Key issues being: the term of any lease and the rent and early discussions have suggested the Trust would want the site for a minimum of 25 years on a peppercorn rent.
- 5.5.3 It should be noted that the Secretary of State has powers to make the site available for use by the Free School, in the absence of agreement between the Council and the Free School., in accordance with Guidance issued by the Secretary of State (The Transfer and Disposal of School Land in England (July 2007) as amended).
- 5.5.4 A benefit of the Free School setting up on the St Georges site would be the continued availability of Fernhill Sports Centre, which is now part of St George of England school, for community use.
- 5.5.5 Given the very tight timescales for setting up the Free School by September, it is recommended that, subject to Cabinet agreeing to bring the closure forward, approval be given to Officers to conduct relevant negotiations with respect to St George's land, assets, fixtures and fittings with the Free School Trust.

## 6 **Discussion and Summary**

- 6.1 There are two generic scenarios arising out of the decision Members are asked to take.
- 6.2 Firstly if Members decide not to agree to the request to bring forward the closure. In this scenario there will be no immediate redundancy for staff at St Georges and in theory the school will carry on for its final year as originally planned.
- 6.3 The Proposers of the Free School have, however, stated that they would be still keen for the Free School to open in September and are doing some contingency planning around alternative temporary sites for a year until the St Georges site became available when the school closes.
- 6.4 If this were to occur it would mean that a significant number of pupils could leave which would affect the financial position of the school and potentially

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mean the Council would pick up a negative balance when the school closed. Operationally there would be challenges in maintaining staff and a proper educational offer/experience for pupils who remain and it would not be possible to do this cost effectively.

- 6.5 The second scenario is if Members decide to agree to bring forward the closure. In this scenario staff are potentially being made redundant earlier (subject to the application of TUPE), however, if the Free School opens there will be opportunities the Free School for some staff to be employed beyond the 2013 closure date.
- 6.6 It is the view of Officers that whilst this decision could be subject to challenge by staff, the amount of time available for consultation should mitigate this risk.
- 6.7 If a decision is not taken at this meeting it will not be possible to properly consult with staff on redundancy proposals in time to issue notice by 31 May as contractually required. This would potentially open the Council up to challenge at Employment Tribunal. The same would go for consultation regarding TUPE and any measures which would be part of the proposal and this would put the Trust at risk of challenge from staff and unions.
- 6.8 Bringing forward the closure will have a short term financial benefit if a number of staff obtain employment in the Free School, however, there will be longer term impacts on other established school if the Free School is successful.
- 6.9 A significant risk for the Council is that if the proposal to bring forward the closure of St George's is agreed, the decommissioning process for the school commences (eg staff given redundancy notice, contracts ended) and the Free School is not approved. This would put the Council, who have a statutory duty in this regard, in the position of having to find school places for some 200 pupils by either recommissioning St George's or providing places in alternative schools. If this is likely to occur in the summer period it is not possible to achieve and there would be significant detriment to the education of the young people affected.
- 6.10 It is suggested, therefore, that if Members decide to bring forward the closure of St George of England High School as requested by the Proposer, this is contingent on the Secretary of State signing the Funding Agreement (effectively final approval for the Free School) by 25 May 2012. This is just prior to redundancy notices being given to staff which is the start of the decommissioning process for the school.
- 6.11 Cost scenarios are outlined in this report and unfortunately it is not possible to be more specific about costs at this stage. The most likely scenario to have an immediate impact on Council budgets is if the closure is not brought forward and the Free School opens on a temporary site. The Council would still have the cost of maintaining St George's as a viable school for its final year but if pupil numbers reduce funding would also be significantly reduced. If both groups of staff are made redundant and the Free School does not open the impacts will be as currently planned and will be spread over two financial years. If the free School opens there will either be a TUPE transfer or a number of

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staff will be employed by the Free School, which will reduce the cost to the DSG.

## **7 Conclusion**

- 7.1 In conclusion, therefore, a decision needs to be made so that the circa 400 pupils from St Wilfrid's and St George's can take decisions regarding their future education in the knowledge of where the Free School is up to. The Council needs to be in a position to support staff through a difficult time and let them know how they will be affected by the proposal going forward.
- 7.2 Whilst the consultation on bringing forward the closure did not receive a good response the consultation by the Trust has had over 700 responses of which 88% are in favour of the Free School and over 400 'applications' for places if the Free School is approved. It should also be noted that no parent/guardians or other established schools objected to the proposal to bring forward the closure to facilitate the opening of the Free School.
- 7.3 The arguments around TUPE are still unclear but bringing forward the closure of St Georges to facilitate the Free School will allow for a number of staff from St Wilfrid's and St George's to be employed at the Free School.
- 7.4 The proposers of the Free School have indicated that if the closure was not approved they would still look to set up their Free School on another site (yet to be determined) and this would be a difficult outcome for the Council as discussed in the report.
- 7.5 Whilst there are pros and cons (outlined in the report) of bringing the closure of St George's forward it is felt that bringing the closure forward will provide the best outcomes for the pupils who want to go to the free School and maximise the opportunity for staff from the closing school to find employment.
- 7.6 A decision to bring forward the closure as requested would be a positive response from the community and the proposers of the Free School. However, in order to ensure continuity of education for pupils and to allow time to deal with school organisation and employee matters this decision should be dependent on the Secretary of State approving the opening of the Free School in September 2012 by 25 May.

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## The Hawthorne's Free School



Mr Peter Morgan  
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L20 3JA

Ven Ricky Panter  
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07540 300842

Nov 8<sup>th</sup> 2011

Dear Peter,

### The Hawthorne's Free School

Thank you for facilitating the meeting this morning to begin to look at issues surrounding our school proposal. I hope we have established a basis for continuing dialogue around the key issues, especially regarding the site, TUPE and admissions processes.

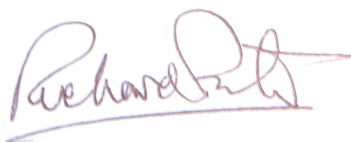
I am also writing with the request, unanimously agreed by the Governors at St George of England Specialist Engineering College at their meeting on Oct 20<sup>th</sup> 2011, that you bring the closure of the school, currently scheduled for 31/8/2013, forward by one year.

This will enable our proposal for opening the Hawthorne's Free School from the beginning of September 2012.

I understand that there needs to be a further consultation following this request, and we will co-operate with that in whatever is required.

With all good wishes,

Yours sincerely,



Ricky Panter (Chair of Trustees)

CC Cllr Ian Moncur, Mike McSorley, Colin Pettigrew,

**Report to:** Cabinet

**Date of Report:** 29<sup>th</sup> March 2012

**Subject:** Sefton Economic Strategy

**Report of:** Director of Built Environment

**Wards Affected:** All

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

## Purpose/Summary

To advise members of the draft Sefton Economic Strategy, and seek approval for a consultation with businesses, residents and partners.

## Recommendation(s)

1. That Cabinet accepts the Sefton Economic Strategy for purposes of consultation.
2. That officers consult widely on the Economic Strategy and produce a Report of Consultation and a revised Strategy statement for members to approve at a subsequent meeting.

## How does the decision contribute to the Council's Corporate Objectives?

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

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## Reasons for the Recommendation:

To authorise public consultation.

## What will it cost and how will it be financed?

### (A) Revenue Costs

The costs of consultation are principally in officer time and are fully accounted for within Economic Development's revenue budget.

### (B) Capital Costs

None.

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>  Under Section 69 of the Local Democracy, Economic Development and Construction Act 2009, a principal local authority [such as Sefton] must prepare an assessment of the economic conditions of the area.
<b>Human Resources</b>
<b>Equality</b> 1. No Equality Implication <input type="checkbox"/> 2. Equality Implications identified and mitigated <input checked="" type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>  An Equalities Impact Assessment has been prepared and will form part of the Economic Strategy document.

## Impact on Service Delivery:

### What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD1433/12) has been consulted and has no comments to make since the costs of consultation will be met from officer time and from within budgets held by Economic Development.

The Head of Legal Services (LD787) has been consulted and any comments have been incorporated into the report.



## **Are there any other options available for consideration?**

1. Not to prepare a strategy places Council services and assets at risk because they assume a given level of economic activity to be viable or effective.

2. Not to consult would be contrary to the Council's policy on engagement and consultation.

## **Implementation Date for the Decision**

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

**Contact Officer:** Mark Long  
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## **Background Papers:**

The following papers are available for inspection by contacting the above officer:

SQW (May 2011), Sefton Local Economic Assessment – Final Main Report

SQW (May 2011), Sefton Local Economic Assessment – Supporting Annexes

# Agenda Item 7

## Introduction

1. On 16<sup>th</sup> December 2009, members received a report detailing a new statutory duty placed on local authorities under the Local Democracy, Economic Development and Construction Act 2009, to undertake a Local Economic Assessment (LEA).
2. Cabinet Member – Regeneration & Housing accepted the LEA on 23<sup>rd</sup> June 2011, and authorised officers to prepare a Sefton Economic Strategy.
3. The purpose of this report is to summarise the Strategy, and explain how we intend to consult a wide range of businesses, residents, service users, providers and partners.

## Background

4. This is the first Economic Strategy for Sefton in over a decade. It could not have been prepared at a more challenging time. The global financial crisis of 2008, the subsequent recession, and the halting recovery, have significantly damaged the borough and severely tested its resilience.
5. The Sefton Economic Assessment – published in May 2011 – shows that within this troubled global environment, the Liverpool City Region and Sefton in particular offer the hope of economic renewal:
  - The Chinese and far eastern markets are still growing strongly, and eager to trade with Europe. Therefore the Port of Liverpool is well-placed to connect western customers and suppliers with growth markets
  - The tourism industry is highly adaptive and will rebuild as soon as confidence returns. Capital of Culture changed the Liverpool City Region's image permanently, and this is the right time to invest in national-grade attractions such as the Southport Cultural Centre
  - Peak oil, climate change and carbon legislation are driving a huge investment in the low carbon economy. Merseyside has on- and off-shore wind opportunities, and showcases the latest renewable energy generation capacity.
6. Sefton also retains its traditional advantages – a low cost environment for hiring workers, low rentals and land values compared with Liverpool City Centre, good access to the motorway network, and a high quality coast, green belt and residential environment.
7. The Local Economic Assessment and the Economic Strategy were prepared by confronting our partners with these assets and strengths, and challenging them to develop a creative response. The engagement process was fairly intensive and included:
  - Two Sefton Business Surveys, in June 2008 and again in December 2010, each of which asked 800 Sefton owners & managers for their experiences and what help they wanted
  - Five Economic Assessment workshops, organised around key themes of enterprise, competitiveness, work and infrastructure, which attracted over 100 people to understand and verify the underlying analysis

- Four Policy Workshops, to develop objectives and interventions, attracting 80+ participants. Lead authors prepared policy papers and presentations, and contributions from each workshop were logged.
  - Member discussions, including a joint presentation on the Economic and Core Strategies (8<sup>th</sup> August 2011), Overview & Scrutiny (15<sup>th</sup> November 2011), and pre-Council (24<sup>th</sup> November 2011)
  - Business dialogue, including sessions at Sefton Economic Forum (12<sup>th</sup> July 2011, 24<sup>th</sup> November 2011 and 21<sup>st</sup> March 2012)
8. We received a number of important messages. Participants wanted stronger economic leadership, both from the Council and by the private sector. There was however some scepticism that we had any effective control over large-scale trends. People wanted a stronger entrepreneurial culture, especially amongst young people and those thrown out of work by the recession. Participants expected there to be a strong focus on the industries of tomorrow (knowledge-based, digital, carbon-reducing, advanced manufacture) as well as traditional strengths. The consequences of long-term unemployment, debt etc for low income parents with children was widely commented on. Finally, we were told that any feasible strategy for economic renewal would have to respect the values and characteristics that make Sefton special – its high residential values and the natural coast, green belt and urban greenspace.

## The Economic Strategy

9. The starting point for the Strategy is to mitigate the local impact of the recession. However, that is not enough on its own. The LEA showed that Sefton and Liverpool City Region had lower employment rates, lower pay, lower productivity and lower business densities than the rest of the UK. Therefore the Strategy has to strive to reduce the underlying performance gap with the rest of the country.
10. Finally, there needs to be an efficient and effective mechanism for ensuring that the benefits of economic regeneration flow back to the individuals, families and neighbourhoods most damaged by the recession – social inclusion through work.
11. These wide-ranging and long-term ambitions are summed up in a Vision Statement:
- An economy that connects Sefton to the City Region and beyond, in which businesses, employees, jobseekers and working age adults receive the help they need, and the benefits of growth are maximised for the people and places of the Borough*
12. To achieve this Vision, the Economic Strategy sets five Strategic Objectives:
- 1. More new starts to replenish the business population**
    - Increase start-up and survival rates
    - Promote an enterprise culture
  - 2. Grow existing businesses and stimulate productivity**
    - Avert closures and retain capacity
    - Sustain & grow existing businesses

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- Diversify business base – rural economy, social enterprises
- Attract new inward investment

### 3. Target traditional and emerging growth sectors

- Superport – maritime cluster of port-related businesses, port-centric logistics
- Visitor Economy – Southport’s tourism/leisure offer, new public/private partnership
- Knowledge-Intensive Businesses – advanced manufacturing, digital skills & enterprises, financial & professional services
- Low Carbon Economy – retrofitting homes & businesses, low emission transport, sustainable energy generation, offshore wind, local supply chains
- Construction – underpinning all growth sectors

### 4. Create conditions for growth

- Improve supply of employment land
- Improve access to employment zones
- Ubiquitous broadband & energy infrastructures

### 5. Increase opportunity and employment:

- Meet the employment needs of the Economic Strategy
- Strengthen the whole local employment & skills system
- Integrate supply and demand
- Promote social inclusion through work.

13. The Strategy document which can be access in the Committee Management System at <http://modgov.sefton.gov.uk/moderngov/documents/s38405/Draft%20Sefton%20Economic%20Strategy%202012-22.pdf> contains more detail of the activities and interventions proposed for each Strategic Objective.

## Resources and Delivery

14. The Strategy pays particular attention to cost and implementation issues. It is not a speculative plan. It is firmly grounded in already established partnerships (e.g. for Tourism), in already secured external funding (e.g. Regional Growth Fund, EU funding), and in existing delivery mechanisms (e.g. Sefton@work).
15. There is more work to be done around delivery, however, and officers will bring back a series of spatial and sectoral action plans for:
- Business and Enterprise
  - SuperPort (Port of Liverpool Expansion)
  - Low Carbon Economy (Sustainable Energy Action Plan)
  - Knowledge Economy (advanced manufacturing, superfast broadband)
  - Construction
  - Visitor Economy (Southport Classic Resort)
  - Rural Economy Action Plan for the LCR
16. In the past the Council relied on its ability to attract large-scale public sector programmes such as Single Regeneration Budget, Objective 1, Working Neighbourhoods Fund and LEGI to drive economic regeneration. Because of

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austerity this era of public sector-led regeneration is now over. A new approach is now required based on:

- Maximising the benefits for Sefton of remaining external funding. Examples are the government's Regional Growth Fund (2012-15), Growing Places Fund, Coastal Communities Fund, EU Structural Funds (up to 2013, and post-2013) and Lottery Funds.
- Generating income. The Council and its partners can generate income above and beyond costs, from contracts (payment by results), or subscription services.
- The devolution of powers and resources to the core cities. This is potentially very important, for example the impact of an elected mayor in Liverpool with a devolved budget for economic development.

17. In the medium to long term there are three strong candidates for a stronger revenue base to economic development :

- Building the borough's tax base (business rates). With the retention of business rates by the Council, there is a direct financial incentive to maximise rates yield.
- Co-investment with the private sector. A Local Asset Backed Vehicle (LABV) allows Council assets to be placed in a joint pot, attracting private investment finance to develop the asset, retaining developer's profit, and ploughing it back into a rolling programme of site acquisition/development.
- Redirecting savings upstream into preventative services (invest to save).

18. Further work on the implementation of the Strategy, and any innovations in delivery and financing, will be brought back to members for their consideration.

## Consultation

19. The following internal and external stakeholders have been identified for purposes of consulting on the Economic Strategy:

<b>Internal</b>	
Officers Strategic Asset Management Group Strategic Leadership Team	Cabinet Members Overview & Scrutiny Cabinet
<b>External</b>	
Area Partnerships (x3) Dept of Business Innovation & Science Carbon Trust Connexions Federation of Small Businesses Homes & Communities Agency Jobcentre Plus Knowsley MBC Liverpool CC/Liverpool Vision Manufacturing Advisory Service Merseytravel	NHS Sefton Sefton Borough Partnership – Operations Board Sefton Borough Partnership – Strategy Board Sefton Chamber of Commerce & Industry Sefton Council for Voluntary Service Skills Funding Agency Social Enterprise Network St Helens MBC The Mersey Partnership / Local Enterprise Partnership UK Trade & Industry Wirral MBC

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20. Methods of consultation have been shared with the Public Engagement & Consultation Standards Panel, and comprise:
  - Document available from Council website on-demand
  - E-mail distribution of Strategy web link to list to 1,000 local businesses
  - E-mail distribution of Strategy web link to list of SCVS members
  - E-mail distribution of Strategy web link to list of Sefton Chamber of Commerce & Federation of Small Business members
  - Set of presentation slides, available for download from Council website
  - Presentation roadshow with lead officer available for events
  - Deposit copies in Sefton libraries
21. If approved by members, the 12 week consultation period will commence 2<sup>nd</sup> April, and end on 29<sup>th</sup> June 2012..
22. A Report of Consultation and a revised Economic Strategy will be brought back to Cabinet, with a target date of 19<sup>th</sup> July 2012.

# Agenda Item 8

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**Report to:** Cabinet

**Date of Meeting:** 29<sup>th</sup> March 2012

**Subject:** Development of Merseyside Local Broadband Plan

**Report of:** Director of Built Environment

**Wards Affected:** All

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?** Yes

**Exempt/Confidential:** No

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## **Purpose/Summary**

To consider the implications arising from the development and delivery of the Merseyside Local Broadband Plan

## **Recommendation(s)**

Cabinet is requested to:-

1. Agree to the formal submission of the Merseyside Local Broadband Plan in April 2012 as required by BDUK
2. Agree in principle that Sefton Council will seek to investigate funding sources for its element of BDUK match contribution to facilitate the submission of the Merseyside Local Broadband Plan. However it should be noted, that at this stage, our share of the match funding cannot currently be guaranteed by the Council,
3. Agree that the Merseyside Phasing In Sub-Committee and LCR LEP be requested to re-consider it's earlier decisions not to give ERDF funding priority to this Broadband project,
4. Agree to submit an application for Regional Growth Fund (Round 3) towards the funding of the Broadband project as a potential replacement for ERDF Match Funding. However, should this not be forthcoming, the Council's continued involvement in the project would need to be reconsidered by Cabinet,
5. Agree that in conjunction with other four Merseyside authorities, the Merseyside BDUK Steering Group be formalised to develop and deliver the Merseyside Local Broadband Plan
6. Agree that CM for Regeneration and Housing be given delegated authority to make necessary decisions on the submission of the Local Broadband Plan before the end of April 2012
7. Agree that a further report be presented showing in detail the financial implications of delivering the Local Broadband Plan over the life of the project,

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## How does the decision contribute to the Council's Corporate Objectives?

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

### Reasons for the Recommendation:

To comply with BDUK's requirement.

### What will it cost and how will it be financed?

- (A) Revenue Costs – The cost of developing the initial Merseyside Local Broadband Plan, currently being undertaken by external consultants, and managed by the Merseyside BDUK Steering Group, involving officers from the five local authorities, and TMP is being met externally from the LEP Capacity Building Budget provided by Central Government and managed by Knowsley Council.

The process leading to the final execution of the Local Broadband Plan is both lengthy and complex, and whilst there will clearly be a need for further revenue funding, the scale and timing of this requirement will become more apparent on completion of the Merseyside Local Broadband Plan.

- (B) Capital Costs – BDUK has made an allocation of £5.46 million for the delivery of the Merseyside Local Broadband Plan. BDUK expects similar amount of public sector match, with the then total being matched by the private sector. The indicative match figure for Sefton suggested by BDUK is some £1.43 million.

It should be noted that whilst other regions, particularly in the North West have the opportunity to access ERDF money as their match to BDUK allocation, this avenue is not available to Merseyside Broadband Project as both the Merseyside Phasing In-Sub Committee and LCR LEP have decided not to give ERDF funding priority to this project. In the absence of this ERDF match the Merseyside BDUK Steering Group is currently exploring alternative match funding, and Regional Growth Fund in particular.



## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

## Impact on Service Delivery:

The implementation of the Merseyside Local Broadband Plan will help to deliver public services to those residents and businesses that currently have either no or limited access to broadband.

## What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD FD1418/112) and Head of Corporate Legal Services (LD 771) have been consulted and any comments have been incorporated into the report.

## Are there any other options available for consideration?

The only other alternative is not to pursue the development and delivery of the Local broadband Plan. Potentially this would put Sefton in conflict with Central Government's ambitions for the UK as a whole, and could leave Sefton as the only authority in the UK not delivering Central Government's target for UK to have the 'best Superfast Broadband in Europe by end of 2015'.

This would lead to Sefton losing its BDUK allocation, potential alternative match, digitally disadvantaged from the rest of the UK, and critically at a significant disadvantage in terms of competitiveness of existing businesses, attracting inward investment, and adding to those communities currently excluded. In addition it will severely limit the opportunity to deliver quality public services more efficiently through 'digital by default' service delivery.

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## **Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

**Contact Officer: Mo Kundi**

**Tel: 0151 934 3447**

**Email: [Mo.kundi@sefton.gov.uk](mailto:Mo.kundi@sefton.gov.uk)**

## **Background Papers:**

The following papers are available for inspection by contacting the above officer(s):-

- Report to CM – Regeneration & Housing (Urgent Item 15<sup>th</sup> February 2012) – ‘Merseyside Rural Broadband Project – Tendering Exercise’
- Report to CM – Regeneration & Housing (6<sup>th</sup> October 2011), CM – Transportation, and CM – Environment entitle ‘Merseyside Rural Programmes – An Update’
- Department of Culture, Media and Sport documents entitled ‘ Broadband Delivery Programme: Delivery Model’ and Super-Connected Cities Initiative’

## 1.0 Background

- 1.1 The Government has stated that it wants the UK to have access to high speed broadband by 2015. The Department of Culture, Media and Sport (DCMS) has been tasked with overseeing the programme and has established the Broadband UK (BDUK) team to action it.
- 1.2 The stated aims of this programme are:
- To ensure this country has the best Superfast Broadband in Europe by the end of this parliament (2015)
  - To ensure delivery of Standard broadband to virtually all communities in the UK within the lifetime of this parliament (2015)
  - To ensure the efficient use of funding to deliver Superfast Broadband and Standard Broadband and
  - To assist other Government initiatives which are dependant on customers ability to access Broadband based services
- 1.3 In respect of this programme Standard Broadband is defined at least 2Mbps with Superfast Broadband defined as greater then 24Mbps.
- 1.4 The programme is being run as 45 discrete projects based on geographical areas. Liverpool City Region authorities are split between two areas the first of these being 'Merseyside' consisting of Knowsley, Liverpool, Sefton, St Helens and Wirral and the second area being 'Cheshire' consisting of Cheshire East, Chester West and Chester, Halton and Warrington. This briefing covers the Merseyside project.
- 1.5 In addition to the core project the BDUK team are also managing the bidding process for the SuperConnected Cities project. A bid for this fund has been submitted by Liverpool City Council and the announcements of the successful cities will be made during the budget.

## 2.0 Broadband UK Funding and Expected outcomes

- 2.1 The overall BDUK programme budget is £530m. The funding allocated to each area is based on the existing provision of high-speed broadband identified. The Merseyside area allocation is £5.46m however there is a requirement for match funding. The exact funding allocation for each of the 5 local authorities is complicated because the telecommunication supplier boundaries do not match local authority boundaries and some broadband requirements will be met from projects outside of the Merseyside one.
- 2.2 Access to Superfast broadband throughout the city region will have a major impact on regeneration as many business locations are not able to access these high speed connections without purchasing high cost dedicated internet circuits. An analysis of current and planned provision for the region has identified major gaps in availability around many of the existing main business locations, which will require intervention. Failure to address this issue might result in the inability of the authorities to retain existing or attract new businesses to the area.

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- 2.3 In addition to the direct benefit to the business community. The existence of access to Superfast and Standard broadband connections is expected to lead to other benefits in respect of greater access by residents and an ability to deliver more services through on-line channels and reduce service delivery costs. It is also expected to make a major contribution to reducing digital isolation.
- 2.4 The tables below shows the current position in relation to Broadband access. The table shows the number of premises in each district, followed by number of premises which are in 'White Areas' (i.e. with no or very limited access to Broadband. The last column shows the indicative BDUK allocation for each district.

	Total premises	No in White	White as a percentage	Indicative BDUK Allocation
Merseyside				
Knowsley	66031	12264	18.6	£632,404
Liverpool	211078	24498	11.6	£1,263,261
St Helens	82213	11100	13.5	£572,381
Sefton	126962	27768	21.9	£1,431,881
Wirral	150611	30254	20.1	£1,560,074
Total	636895	105884		£5,460,000

## 3.0 Progress to date

- 3.1 A project steering group (Merseyside BDUK Steering Group) has been established to take the Merseyside project forward. The Steering Group is currently led by Sefton, and it has met several times over the past few months and consists of the following core members:-

Organisation	Represented by
Knowsley	Kevin Morgan, Jonathan Jackson, Philip Denton
Liverpool	Lisa Smith, Stephen Wood
Sefton	Mo Kundi,
St Helens	Cath Fogarty, John Quirk, Steve Sharples
Wirral	James Hurley
The Mersey Partnership	Paul Dickson
BDUK	David Crowe

- 3.2 In order to meet the BDUK timetable an 'Expression of Interest' was submitted on behalf of the area early in February 2012. This document supported both the core bid and the 'Super Connected Cities' bid. In addition to this activity, the Steering Group has also been exploring options for suitable match funding.
- 3.3 Following approval by Sefton's Cabinet Member for Regeneration, Sefton undertook a procurement exercise, and an external consultant was appointed to help in the production of a Local Broadband Plan (LBP). This Plan is required to support both this and the Super Connected projects. An initial draft LBP was lodged with BDUK on the 27<sup>th</sup> February 2012 to meet their required timetable. Further work is being

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undertaken by consultants before the Plan can be finalised by the BDUK Steering Group. The finalised Plan will then need to be submitted to BDUK before the end of April 2012. Due to the need to focus activity on meeting the requirement to produce the Expression of Interest and the initial LBP it has not been possible to perform work on many of the other required activities.

## 4.0 Financial issues

- 4.1 There is a need for the funds allocated by BDUK to be matched locally. However none of the five the authorities, including Sefton have previously made any provision for match funding within their budgets. Before the Local Broadband Plan can be accepted by BDUK there is a requirement to demonstrate that the necessary match to BDUK is available. This could be in the form of local authorities own capital resources, or/and alternative external public sector funds. BDUK has estimated that their contribution would constitute 25% of the total cost of the project, with further 25% coming from local authorities and/or other public sectors, and the balance (50%) from the private sector.
- 4.2 One possible external source of match is the current European Programme. Given the clear focus of the project on business areas most of the capital costs are suitable to being matched with ERDF funds. However ERDF funding is not currently allocated to this project, because a decision was taken at a previous Merseyside Phasing In Sub Committee (MPISC) not to prioritise ERDF money for broadband projects. This recommendation was then endorsed by the LEP. Any decision to use ERDF should any allocation remain unspent would require both MPISC and LEP to recognise the broadband project as an ERDF investment priority, and the identification of available funds within the Programme. This issue will be considered again by the LEP at its meeting on 15<sup>th</sup> March, the outcome of which will be reported verbally to Members.
- 4.3 In addition to ERDF funding as a potential match to BDUK resources, the Steering Group is also exploring other match options including Regional Growth Fund. The deadline for the submission of any application for Regional Growth Fund is 13<sup>th</sup> June 2012.
- 4.4 It should be noted that whilst the cost of the work currently being undertaken by external consultant is being met from LCR LEP Capacity Building budget, additional revenue support would be required as the project moves to next stages. Currently no funding allocation has been identified within Sefton's revenue budgets and further consideration would need to be given to such funding when likely costs become known.
- 4.5 It is not expected that the capital match will be in place before the end of April 2012 deadline for the final submission of the Local Broadband Plan. In the absence of any centrally matched funds it is expected by BDUK that each authority will underwrite their individual 'share' of the required funding. The precise cost of each share is not currently known as exact improvements within each local authority are not yet defined in detail. It is not expected that any capital expenditure would be required until April 2013. Initial indications from BDUK is that Sefton's BDUK allocation is some £1.43 million, which means that Sefton's own share would also be this amount, but spread over two financial years.

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- 4.6 It should be noted that whilst there will be overlapping and sharing of telephone/broadband cabinets near local authority boundaries, there is no expectation that should one local authority fails to find the necessary match funding the remaining local authorities would have to find the difference. In such circumstances it is very likely that the whole project will be put at risk. Similarly, if the private sector finds that there is likely to be insufficient demand generated for the take up of future broadband facilities by potential subscribers, or that local authorities are unable to find the necessary match the project is unlikely to go ahead.
- 4.7 In addition to this match funding for the project it will also be necessary to develop governance arrangements and to establish a project delivery team. It is expected that this could be achieved using existing council staff with relevant expertise and experiences within each local authority. It will also be necessary to appoint contractors to guide the project and where appropriate to undertake complex or specialist tasks. The initial contractor effort to produce the LBP has been met from the LEP start-up funds. Additional support will be required post April 2012 to assist through the procurement and implementation stages of the project. The exact nature of this support is not known at this stage. It is expected that in the absence of any further funding from LCR LEP budget or other external resources, any future contractor costs will need to be shared equally between each local authority.

## **5.0 Accountable Body status**

- 5.1 In advance of submission of the final LBP at the end of April, a decision needs to be made regarding which authority would take on the role of Accountable Body. This is the organisation that will be responsible for managing the funds from BDUK and also if applicable any match funding assigned to the project. At present no authority has come forward and agreed to take on responsibility for this role.
- 5.2 Liverpool City, which is the accountable body for the Super-Connected Urban Broadband Bid, has been requested by the Steering Group to be the accountable body for both Broadband Projects. To date Liverpool City has not responded to this request, possibly waiting until a decision on its Urban Broadband bid is announced in March 2012 as part of the Budget.

## **6.0 Risk Management**

- 6.1 The allocation of £5.46 million by Central Government via BDUK represents a state intervention into the private sector market, for which European Commission approval is required. The BDUK Team is in the process of preparing a single application to the EU seeking approval, which will be available to authorities to apply to local procurements.
- 6.2 The funding from the BDUK needs to be defrayed by end of 2015, and in order to meet this tight deadline prompt actions will be required to ensure that the private sector deliver partner is procured as soon as possible using the BDUK procurement framework.

## 7.0 Next steps

- 7.1 In addition to resolving the issues relating to funding and accountability outlined above it is also essential to develop an understanding of the remaining project activities. At present the Steering Group has identified the following activities:-
- Undertake further work on the data models and assumptions contained in the initial LBP
  - Agree a financial investment plan based upon the data model analysis including agreement on local priority areas
  - Consult on the financial models and plan assumptions to prepare for the final submission of the plan
  - Develop and agree a project organisation drawn from each organisation to take the project forward assigning and prioritising adequate officer time from now through to conclusion
  - Initiate the stakeholder consultation process to ensure awareness is raised with key organisations and individuals
  - Initiate the 'Demand Stimulation' process to provide potential bidders with potential level of uptake within each authority
  - Perform an audit of local public assets (Buildings, traffic ducts etc)
  - Develop the initial business case for investment
  - Start information capture on the procurement data room required for the next stage of the project
- 7.2 Many of the above activities will result in the completion and submission of the fully compliant LBP to meet the target date of the end of April. However many of the activities will continue through the procurement phase as the requirements and potential solution develop.

## 8.0 Summary

- 8.1 As reported above the Merseyside Broadband project has now managed to make significant progress in the last few weeks and is on target to be able to submit a viable final LBP to meet the defined timetable subject to the successful outcome of the activities recorded above.
- 8.2 The next major activity to be undertaken following the approval of the LBP will be the procurement process using the framework agreements put in place by the BDUK team. This framework is expected to be available towards the beginning of April 2012. This process is expected to cover the period between May and the end of December 2012. Further information on this activity and the activities to complete the project to meet the 2015 target will be the subject of further reports to Members.
- 8.3 The development and delivery of the Local Broadband Plan is both complex and time consuming. For it be successfully delivered there are a lot of hurdles that Merseyside local authorities face, not least the fact that we need do a significant 'catch up' when compared with other regions, such as Cheshire, Warrington, Halton, Lancashire etc. who have already been working on their Broadband projects for some two years. Merseyside local authorities also face significant challenges in having the necessary resources, both in terms of capital and revenue, but also officers with the necessary skills and capacity to deliver the project, together with commitments to work jointly across the sub-region.

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- 8.4 Notwithstanding the above hurdles, the successful delivery of the Broadband project offers significant benefits to businesses, particularly SMEs, and those increasingly run from home. A strong, reliable, and fast broadband connection is crucial if they are to successfully compete, develop and expand. For domestic users high speed broadband connection can have enormous social, educational, and environmental benefits.



# Agenda Item 9

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**Report to:** Cabinet **Date of Meeting:** 29<sup>th</sup> March 2012

**Subject:** Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012

**Report of:** Director of Built Environment **Wards Affected:** Park, St Oswald, Nethererton and Orrell, Molyneux, Manor, Sudell

**Is this a Key Decision?** Yes **Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

## **Purpose/Summary**

To seek approval to make, advertise and submit for confirmation a Side Roads Order for the proposed Thornton to Switch Island Link.

## **Recommendation(s)**

### **Cabinet:**

- i) That a Side Roads Order be made under Sections 14 and 125 and Schedule 1 of the Highways Act 1980 to be known as the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012 for highway improvements and modifications (described in Annex A) needed for the construction of the proposed new highway, the Thornton to Switch Island Link.
- ii) That the Director of Built Environment, in consultation with the Head of Investment Programmes and Infrastructure, the Head of Planning Services and Head of Corporate Legal Services be authorised to take all necessary steps to secure the making, submission for confirmation and implementation of the Side Roads Order including (but not limited to) drafting and publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any Public Inquiry.

## **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity	✓		
3	Environmental Sustainability	✓		
4	Health and Well-Being	✓		

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5	Children and Young People		✓	
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities	✓		
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

## Reasons for the Recommendation:

The Side Roads Order for the Thornton to Switch Island Link scheme is required to enable the Council to exercise powers under sections 14 and 125 of the Highways Act 1980 to stop up, improve, divert, raise, lower or alter lengths of highway, to construct new highways for purposes concerned with any such alterations, to stop up private means of access and to provide new private means of access.

## What will it cost and how will it be financed?

### (A) Revenue Costs

### (B) Capital Costs

Cabinet approved the spend profile for the scheme for 2009/10 – 2012/13, totalling £5.912m on the 1<sup>st</sup> October 2009. The allocations were included in the Capital Programme 2010/11 – 11/12 approved by Cabinet on the 4<sup>th</sup> March 2010. Revised allocations for 2011/12 – 2012/13 were presented to Cabinet as part of the Capital Programme on 3<sup>rd</sup> March 2011 and updated in the report to Cabinet on 13<sup>th</sup> October 2011.

In February 2011, the DfT advised that Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme had been approved and that funding for the scheme was confirmed. The funding approval letter confirmed that the DfT will provide a maximum capped funding contribution of £14.5m towards the estimated scheme cost of £18.588m. The contribution will be paid as capital grant under Section 31 of the Local Government Act 2003. The full capital cost of the scheme, including the Government contribution has been included in the Council's capital programme.

All proposed commitments are contained within Council's previously approved allocation in the medium term financial plan and in accordance with the revised funding profile reported to Cabinet on 3<sup>rd</sup> March 2011.

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b> Within the Council's Constitution, the Cabinet has a general power of competence to determine all executive functions. Accordingly, the Cabinet has the necessary authority to make the Side Roads Order.
<b>Human Resources</b>
<b>Equality</b> 1. No Equality Implication <input type="checkbox"/> 2. Equality Implications identified and mitigated <input checked="" type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>

## Impact on Service Delivery:

### What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1445) and Head of Corporate Legal Services (LD789) have been consulted and any comments have been incorporated into the report.

### Are there any other options available for consideration?

Statutory procedures have to be followed to permit the connection of new highways into existing networks and to stop up or divert highways (including footpaths). For the scheme to proceed, the Side Roads Order is a necessary requirement and there is no alternative available.

### Implementation Date for the Decision

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

**Contact Officer:** Stephen Birch Team Leader STPU  
**Tel:** 0151 934 4225  
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## Background Papers:

The following papers are available for inspection by contacting the above officer(s).

Cabinet - 17<sup>th</sup> May 2007 – Thornton Switch Island Link Scheme – Funding  
Cabinet - 15<sup>th</sup> December 2010 - Thornton Switch Island Link – Best and Final Funding Bid

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Planning Committee – 15<sup>th</sup> December 2010 – S/2010/1050 Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Government Office for the North West – 24th January 2011 - Town and Country Planning (Consultation) (England) Direction 2009. Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Department for Transport Regional and Local Major Projects Division – 4<sup>th</sup> February 2011 – Funding Approval and Reconfirmation of Programme Entry

Cabinet - 3<sup>rd</sup> March 2011 - Thornton to Switch Island Link, Progress Update, Revised Project Management Arrangements, Scheme Programme & Cost Profile

Letter from Sefton Council to Department for Transport – 14<sup>th</sup> March 2011 – Thornton to Switch Island Scheme, Funding Approval and Reconfirmation of Programme Entry

Cabinet - 13<sup>th</sup> October 2011 - Thornton to Switch Island Link, Progress Update and Commencement of Detailed Design

CORB – 11<sup>th</sup> November 2011 – Agreement with the Highways Agency

CORB – 11<sup>th</sup> November 2011 – Agreement with VOSA

CORB - 13<sup>th</sup> February 2012 - Agreement with Highways Agency

## 1. Introduction/Background

- 1.1 A report to Cabinet on the 3<sup>rd</sup> March 2011 advised Members of the progress of the Thornton to Switch Island Link scheme and provided information about the current programme and spending profile for the scheme.
- 1.2 Members were advised that the Government had accepted Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme and that funding for the scheme was confirmed. The Council's medium term capital programme was amended accordingly. In addition, Government Office North West had advised the Council's Planning Department that they did not intend to 'call in' the proposal for a Public Inquiry. Consequently, the Council issued notice of the granting of planning permission on 26<sup>th</sup> January 2011.
- 1.3 Members were also advised that work had been ongoing on the preparation of a Side Roads Order and a Compulsory Purchase Order for the scheme. A Side Roads Order (SRO) for the Thornton to Switch Island Link scheme is required to enable the Council to exercise powers under sections 14 and 125 of the Highways Act 1980 to:-
  - A stop up, improve, divert, raise, lower or alter lengths of highway that crosses or enters the route of the road or is or will be otherwise affected by the construction of the road;
  - B to construct new highways for purposes concerned with any such alterations or for any other purpose connected with the road or its constructions and to close after such period as may be specified in the Order any new highway so constructed for temporary purposes;
  - C to stop up private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the order, and;
  - D to provide new private means of access to any such premises.

The Side Roads Order (SRO) will therefore provide for the connection of the new link into the existing highway network, the closure of roads that cross the proposed route and stopping up and diverting footpaths and bridleways. A Compulsory Purchase Order (CPO) is required to give the Council the authority to purchase land and rights for the construction of the scheme and associated works, including the works described in the SRO. In parallel with the development and publication of the draft CPO, negotiations will be undertaken with landowners to try and acquire the land and rights needed for the scheme by agreement.

- 1.4 The preparation of the draft Orders has now been completed and the purpose of this report is to seek approval from Members to make the SRO. **The SRO and plans together with the Statement of Reasons are provided in Annex A, which is available at**

<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13318&path=13158,13197>

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## **2.0 Description of Side Roads Order**

2.1 A Side Roads Order is required for the Thornton to Switch Island Link Road to enable the new road to be linked into the existing highway network. The SRO will, subject to Confirmation by the Secretary of State for Transport, empower Sefton Council to stop up, improve, divert, raise, lower or alter lengths of highway, to construct new highways for purposes concerned with any such alterations, to stop up private means of access and to provide new private means of access, where such works are required as a consequence of the main works.

2.2 The Side Roads Order is made under sections 14 and 125 of the Highways Act 1980. Section 14 of the Act authorises the Council in relation to the classified road:-

- (i) to stop up, improve, divert, raise or lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction of the road;
- (ii) to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction and to close after such period as may be specified in the Order any new highway so constructed for temporary purposes;

Section 125 of the Act provides that any order made by the Council under section 14 may authorise the Council to:-

- (i) stop up each private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the order, and;
- (ii) to provide new private means of access to any such premises.

2.3 The Side Roads Order, Schedules and Plans are given in Annex A. The Schedules and Plans provided in Annex A include details of lengths of highway (including footpaths and bridleways) to be stopped up, improved, diverted or raised in connection with the Thornton to Switch Island Link. Details of the lengths of new highway, including footpaths and bridleways, are also given in the Schedules and shown on the Plans. Private means of access to be stopped up and new private means of access being provided are also identified in the Schedules and Plans in Annex A.

2.4 The proposals described in the SRO have been developed in conjunction with individuals or groups affected, including landowners and footpath users, e.g. Sefton Rights of Way Forum.

## **3.0 Statutory Powers of the Local Authority**

3.1 Under the provisions of Sections 14 and 125 and Schedule 1 of the Highways Act 1980, highway authorities, in this case Sefton Council, can be authorised under

the provisions of a Side Roads Order to undertake the works described in Paragraph 2.2 above.

- 3.2 Under the terms of Paragraph 6 of Section 14, no order authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up. For the Thornton to Switch Island Link scheme, a reasonably convenient alternative route is either available or is being provided in all instances where stopping up is proposed.
- 3.3 Under the terms of Paragraph 3 of Section 125, no order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister unless he is satisfied that no access to the premises is reasonably required or that another reasonably convenient means of access to the premises is available or will be provided. For the Thornton to Switch Island Link scheme, a reasonably convenient alternative means of access is either available or is being provided in all instances where stopping up of private means of access is proposed.

#### **4.0 Statement of Planning Position**

- 4.1 The Thornton to Switch Island Link proposals are consistent with national policy guidance, Liverpool City Region priorities, the objectives of the Merseyside Local Transport Plan and local planning and transport policies. This position has been tested through Government scrutiny of the business case for the scheme and through the planning application process.
- 4.2 The planning application for the scheme was submitted in July 2010 and considered by Sefton Council's Planning Committee on 15<sup>th</sup> December 2010. Having carefully considered the relevant planning issues raised by the scheme, the Government Office North West concluded that the Secretary of State's intervention would not be justified and that the decision as to whether to grant planning permission should therefore remain with Sefton Council. Planning permission (ref. S/2010/1050) for the road scheme was subsequently granted on 25<sup>th</sup> January 2011.
- 4.3 In addition a minor amendment to the planning approval to cover the provision of a new agricultural access off the Chapel Lane junction (ref. S/2012/0009) was approved on 2<sup>nd</sup> February 2012. The changes involved minor amendments to the junction layout, signal positions and the pedestrian crossing point. The planning officer deemed that the changes were such that a minor amendment application was appropriate

#### **5.0 Related Orders**

- 5.1 It is proposed that the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road Compulsory Purchase Order 2012 will be made at the same time as this Side Roads Order. The Compulsory Purchase Order is the subject of a separate report to this Cabinet. A Compulsory Purchase Order (CPO) is required to give the Council the authority to purchase land and rights for the construction of the scheme and associated works, including the works described in the SRO. There are no other orders associated with these proposals.

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## **6.0 Financial Implications**

- 6.1 The Head of Corporate Finance and ICT comments that the financial implications of the report for the Council are that capital expenditure of £10k will be incurred in making, advertising and submitting the Side Roads Order, as indicated above, and will be financed from the Council's own resources that have been previously included in the capital programme.

## **7.0 Conclusions**

- 7.1 The Council has been promoting this scheme for many years and there is overwhelming public support for the scheme, as demonstrated by the public consultations undertaken over recent years. The scheme has planning permission and funding approval. It is important that the Council acquires the land and rights necessary and powers needed for the construction of the scheme and its connection with the existing network and the publication of the SRO is the next stage in this process.



# Agenda Item 10

**Report to:** Cabinet

**Date of Meeting:** 29<sup>th</sup> March 2012

**Subject:** Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road)  
A5758 Broom's Cross Road Compulsory Purchase Order 2012

**Report of:** Director of Built Environment

**Wards Affected:** Park, St Oswald,  
Netherton and Orrell, Molyneux, Manor,  
Sudell

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?** Yes

**Exempt/Confidential**

No

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## **Purpose/Summary**

To seek authority to make, advertise and submit for confirmation a Compulsory Purchase Order to acquire land and rights for the proposed Thornton to Switch Island Link and associated works and to publish and approve the accompanying Statement of Reasons.

## **Recommendation(s)**

### **Cabinet:**

- i) That a Compulsory Purchase Order be made under Sections 239, 240, 246, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 to be known as the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road Compulsory Purchase Order 2012 for the acquisition of land and new rights (the 'Order Land') within the areas shown on the plans in Annex A for the construction of the proposed new highway, the Thornton to Switch Island Link and associated works described in the Side Roads Order.
- ii) That the Built Environment Director, in consultation with the Head of Investment Programmes and Infrastructure, the Head of Planning Services and Head of Corporate Legal Services be authorised to:
  - Take all necessary steps to secure the making, submission to Secretary of State for confirmation and implementation of the Compulsory Purchase Order including (but not limited to) drafting and publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any Public Inquiry; and
  - Negotiate and acquire interests in land and new rights set out in the Compulsory Purchase Order either by agreement or compulsorily; and
  - Negotiate and enter into any appropriate agreements with Government departments and agencies to secure the necessary access and rights to construct the scheme and undertake any associated works.

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## How does the decision contribute to the Council's Corporate Objectives?

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

### Reasons for the Recommendation:

The compulsory purchase of land and rights is necessary in order to secure all the land needed for the proposed Thornton to Switch Island Link scheme and associated works, the Council having been unable so far to secure all the land and rights required for the scheme through voluntary means and negotiation.

### What will it cost and how will it be financed?

#### (A) Revenue Costs

#### (B) Capital Costs

Cabinet approved the spend profile for the scheme for 2009/10 – 2012/13, totalling £5.912m on the 1<sup>st</sup> October 2009. The allocations were included in the Capital Programme 2010/11 – 11/12 approved by Cabinet on the 4<sup>th</sup> March 2010. Revised allocations for 2011/12 – 2012/13 were presented to Cabinet as part of the Capital Programme on 3<sup>rd</sup> March 2011 and updated in the report to Cabinet on 13<sup>th</sup> October 2011.

In February 2011, the DfT advised that Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme had been approved and that funding for the scheme was confirmed. The funding approval letter confirmed that the DfT will provide a maximum capped funding contribution of £14.5m towards the estimated scheme cost of £18.588m. The contribution will be paid as capital grant under Section 31 of the Local Government Act 2003. The full capital cost of the scheme, including the Government contribution has been included in the Council's capital programme.

All proposed commitments are contained within the Council's previously approved allocation in the medium term financial plan and in accordance with the funding profile reported to Cabinet on 3<sup>rd</sup> March 2011.

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b> Within the Council's Constitution (Matters Delegated to Full Cabinet) the Cabinet has delegated authority to make the Compulsory Purchase Order and to acquire land and rights over land.
<b>Human Resources</b>
<b>Equality</b> 1. No Equality Implication <input type="checkbox"/> 2. Equality Implications identified and mitigated <input checked="" type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>

## Impact on Service Delivery:

### What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1446) and Head of Corporate Legal Services (LD790) have been consulted and any comments have been incorporated into the report.

### Are there any other options available for consideration?

The Council could decide to continue to seek to negotiate the purchase of interests within the area that is the subject of the proposed Compulsory Purchase Order without recourse to compulsory acquisition. Although the negotiations will continue, it may not be possible to reach agreements with all parties concerned within a timescale that fits in with the programme for the scheme, or to reach any agreement at all. The consequence would be that the scheme would be delayed, which would put the Government funding commitment at risk or that it may not be possible to deliver the scheme.

## Implementation Date for the Decision

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

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# Agenda Item 10

## **Background Papers:**

The following papers are available for inspection by contacting the above officer(s).

Cabinet - 17<sup>th</sup> May 2007 – Thornton Switch Island Link Scheme – Funding

Cabinet - 15<sup>th</sup> December 2010 - Thornton Switch Island Link – Best and Final Funding Bid

Planning Committee – 15<sup>th</sup> December 2010 – S/2010/1050 Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Government Office for the North West – 24th January 2011 - Town and Country Planning (Consultation) (England) Direction 2009. Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Department for Transport Regional and Local Major Projects Division – 4<sup>th</sup> February 2011 – Funding Approval and Reconfirmation of Programme Entry

Cabinet - 3<sup>rd</sup> March 2011 - Thornton to Switch Island Link, Progress Update, Revised Project Management Arrangements, Scheme Programme & Cost Profile

Letter from Sefton Council to Department for Transport – 14<sup>th</sup> March 2011 – Thornton to Switch Island Scheme, Funding Approval and Reconfirmation of Programme Entry

Cabinet - 13<sup>th</sup> October 2011 - Thornton to Switch Island Link, Progress Update and Commencement of Detailed Design

CORB – 11<sup>th</sup> November 2011 – Agreement with the Highways Agency

CORB – 11<sup>th</sup> November 2011 – Agreement with VOSA

CORB - 13<sup>th</sup> February 2012 - Agreement with Highways Agency

## 1. Introduction/Background

- 1.1 A report to Cabinet on the 3<sup>rd</sup> March 2011 advised Members of the progress of the Thornton to Switch Island Link scheme and provided information about the current programme and spending profile for the scheme.
- 1.2 Members were advised that the Government had accepted Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme and that funding for the scheme was confirmed, subject to the conditions set out in the letter from the DfT. The Council's medium term capital programme was amended accordingly. In addition, Government Office North West had advised the Council's Planning Department that they did not intend to 'call in' the proposal for a Public Inquiry. Consequently, the Council issued notice of the granting of planning permission on 26<sup>th</sup> January 2011.
- 1.3 Members were also advised that work had been ongoing on the preparation of a Side Roads Order and a Compulsory Purchase Order for the scheme. A Compulsory Purchase Order (CPO) is required to enable the Council to exercise powers under Sections 239, 240, 246 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 to acquire land and new rights for the construction of the Thornton to Switch Island Link and associated works, including works described in the Side Roads Order. In parallel with the development and publication of the draft CPO, negotiations will be undertaken with landowners to try and acquire the land and rights needed for the scheme by agreement. A Side Roads Order (SRO) for the Thornton to Switch Island Link scheme is required to enable the Council to connect the new link into the existing highway network, stop up roads that cross the proposed route and stop up and divert footpaths and bridleways.
- 1.4 The preparation of the draft Orders has now been completed and the purpose of this report is to seek approval from Members to make the CPO and publish the accompanying Statement of Reasons. **The CPO and plans of the Order Land together with the Statement of Reasons are provided in Annex A, which is available at**  
<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13317&path=13158,13197>  
.Once made, the CPO will be advertised, publicised, notified and submitted to the Minister for confirmation.

## 2.0 Description of Order Land

- 2.1 A Compulsory Purchase Order is required for the Thornton to Switch Island Link Road. The CPO will, subject to Confirmation by the Secretary of State for Transport, empower Sefton Council to acquire land and rights required for the construction and maintenance of the Thornton to Switch Island Link Road and associated works, and to enable the new road to be linked into the existing highway network pursuant to the Side Roads Order.
- 2.2 The Compulsory Purchase Order is made under sections 239, 240, 246, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981. The powers

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in the Act enable the Acquiring Authority to acquire land compulsorily and acquire rights compulsorily by creating new rights for the following purposes:-

- (i) the construction of a new highway which will provide a link between Southport Road (A565) at Thornton and the junction of the M57, M58, A59 and A5036 at Switch Island, Netherton, in the Metropolitan Borough of Sefton;
- (ii) the construction of a new highway to connect the above mentioned highway with the existing road system at Park View, Thornton, in the Metropolitan Borough of Sefton;
- (iii) the diversion and extinguishment of existing drainage and the carrying out of drainage works in connection with the construction of highways, including the construction of four attenuation ponds adjacent to Long Lane, Rakes Lane, Netherton Brook and Switch Island Junction, and the provision of new means of access to those attenuation ponds;
- (iv) the construction of the following ancillary highway:-
  - a new highway between the improved Long Lane and the improved Ince Lane (A565)

the construction of the following new bridleways:-

- a new bridleway along the northern boundary of the Classified Road from Holgate to Back Lane, then along Back Lane to its junction with Longdale Lane;
- a new bridleway along the route of Holgate, from north of Orchard House to the Classified Road;
- a new bridleway along the southern boundary of the Classified Road from Rakes Lane to Holgate;
- a new bridleway along the route of Chapel Lane from east of its junction with the access to the Lodge to the Classified Road

and improvement of the following existing highways:-

- Ince Lane (A565) at Thornton
- Southport Road (A565) at Thornton
- Long Lane at Thornton
- Ince Road at Thornton
- Southport Road (Service Road) at Thornton
- Park View (A565) at Thornton
- Holgate at Thornton
- Brickwall Lane at Netherton
- Chapel Lane at Netherton

in pursuance of the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012;

- (v) use by the acquiring authority to construct a turning head in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid;

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- (vi) the provision of new means of access to premises in pursuance of the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012;
- (vii) use by the acquiring authority for use as site compounds and topsoil storage areas in connection with the construction and improvements of highways as aforesaid;
- (viii) mitigating the adverse effect on land used by the Vehicle and Operator Services Agency (VOSA) which the existence or use of the highways proposed to be constructed or improved will have on its operation;
- (ix) mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof by the provision of landscaping and habitat creation;
- (x) the right to cleanse and maintain existing watercourse at Hunts Brook.

2.3 The Order Land has a total area of 34.3626 hectares. This comprises 34.2575 hectares for which Title to the land is required and 0.1051 hectares for which Rights over land for cleansing and maintaining watercourses is required. The Order Plans in Annex A detail the specific plots with areas for Title shaded pink and areas for Rights shaded blue.

2.4 The large majority of land throughout the route is agricultural farmland. The route crosses several farms with the land being typically arable. There is some pasture land to the south of Back Lane between Holgate and Rakes Lane. There are two areas, one to the north of Back Lane the other to the west of Holgate, which were managed by the Forestry Commission but have been acquired by the Council. These areas have been planted with trees, and in some places have a periphery of grassland.

2.5 The Order Land is in a variety of ownerships, including private individuals and academic institutions. A comprehensive schedule of ownerships and rights has been prepared and forms Schedule 1 to the CPO. Considerable efforts have been made to identify those who have an interest in the land and rights to be compulsorily acquired, including (but not limited to) serving statutory notices on the land owners and Tenants, checking Council Tax and Business Rates records and checking the Electoral Register and to seek to achieve the voluntary acquisition of their interests. Efforts to achieve voluntary acquisition will continue throughout the compulsory acquisition process.

2.6 At the eastern end of the scheme there is some land that was formerly part of Switch Island junction, but is now part of the Vehicle and Operator Services Agency (VOSA) vehicle inspection and testing facility. This land remains in the ownership of the Department for Transport and is recorded as adopted highway. Therefore, it has been excluded from the Order land. Access to this land to enable the construction of the scheme will be provided under the terms of agreements with the Highways Agency and VOSA. This Agreement allows the Council to carry out the necessary works to the adopted highway and provides a mechanism whereby VOSA will vacate their Site for a period of two months, to enable the Works to be completed.



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- 2.7 There are four plots included in the CPO for use as site compounds and/or topsoil storage areas associated with the construction of the road. These plots are all located on land owned by Sefton MBC, but which are tenanted to third parties. Sefton MBC will seek to take temporary occupancy of the land via agreement with the current tenants. If agreement cannot be reached then the powers of the Order will be invoked to allow Sefton MBC to take occupancy. It is intended to return these plots to their former use on completion of construction.

## **3.0 Statutory Powers of the Local Authority**

- 3.1 Under the provisions of Sections 239, 240, 246, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 highway authorities, in this case Sefton Council, can be authorised under the provisions of a Compulsory Purchase Order to compulsorily purchase land and rights for the purposes described in Paragraph 2.2 above.

## **4.0 Statement of Planning Position**

- 4.1 The Thornton to Switch Island Link proposals are consistent with national policy guidance, Liverpool City Region priorities, the objectives of the Merseyside Local Transport Plan and local planning and transport policies. This position has been tested through Government scrutiny of the business case for the scheme and through the planning application process.

- 4.2 The planning application for the scheme was submitted in July 2010 and considered by Sefton Council's Planning Committee on 15<sup>th</sup> December 2010. Having carefully considered the relevant planning issues raised by the scheme, the Government Office North West concluded that the Secretary of State's intervention would not be justified and that the decision as to whether to grant planning permission should therefore remain with Sefton Council. Planning permission (ref. S/2010/1050) for the road scheme was subsequently granted on 25th January 2011

- 4.3 In addition a minor amendment to the planning approval to cover the provision of a new agricultural access off the Chapel Lane junction (ref. S/2012/0009) was approved on 2<sup>nd</sup> February 2012. The changes involved minor amendments to the junction layout, signal positions and the pedestrian crossing point. The planning officer deemed that the changes were such that a minor amendment application was appropriate

## **5.0 Special Consideration Affecting the Order Land**

- 5.1 There are no ancient monuments or listed buildings in the Order Land. There are no buildings in a conservation area that would be demolished. The scheme does not require any land owned by the National Trust. The scheme does not require any common land. There will be no property demolition required.

## **6.0 Related Order**

- 6.1 It is proposed that the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012 will be



made and advertised, publicised and notified at the same time as the Compulsory Purchase Order. The Side Roads Order is the subject of a separate report to this Cabinet. A Side Roads Order (SRO) for the Thornton to Switch Island Link scheme is required to enable the Council to exercise powers under sections 14 and 125 of the Highways Act 1980 to stop up, improve, divert, raise, lower or alter lengths of highway, to construct new highways for purposes concerned with any such alterations, to stop up private means of access and to provide new private means of access. The Side Roads Order (SRO) will therefore provide for the connection of the new link into the existing highway network, the closure of roads that cross the proposed route and stopping up and diverting footpaths and bridleways. There are no other orders associated with these proposals.

## **7.0 Human Rights Act 1998**

7.1 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.

7.2 It is acknowledged that the compulsory acquisition of the Order Land could amount to an interference with the human rights of those with an interest in the Land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights ("ECHR") (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).

7.3 In this instance, the Council considers that there is a compelling case in the public interest for compulsory acquisition of the Order Lands that should outweigh such rights, and therefore the use of compulsory purchase powers in this matter is proportionate. Without the use of these powers, it is possible that all of the land necessary to deliver the scheme may not be made available within a reasonable timescale, which would compromise the delivery of the new link road and the extensive benefits for both travellers and local residents that the scheme provides.

## **8.0 Financial Implications**

8.1 The Head of Corporate Finance and ICT comments that the financial implications of the report for the Council are that capital expenditure of £10k will be incurred in making, advertising and submitting the Compulsory Purchase Order, as indicated above, and will be financed from the Council's own resources that have been previously included in the capital programme.

## **9.0 Conclusions**

9.1 The Council has been promoting this scheme for many years and there is overwhelming public support for the scheme, as demonstrated by the public consultations undertaken over recent years. The scheme has planning permission and funding approval. It is important that the Council acquires the land and rights necessary and powers needed for the construction of the scheme and the making of the CPO is the next stage in this process. Negotiation with landowners for the purchase of land by agreement will continue throughout the process.

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## What will it cost and how will it be financed?

### (A) Revenue Costs

Nil

### (B) Capital Costs

Nil

## Implications:

**Legal:** Legal implications are contained within the report

**Human Resources:** Nil

### Equality

1. No Equality Implication

2. Equality Implications identified and mitigated

3. Equality Implication identified and risk remains

**Impact on Service Delivery:** Nil

## What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1410/12.) has been consulted and any comments have been incorporated into the report.

## Are there any other options available for consideration?

These are contained within the report

## Implementation Date for the Decision

1 July 2012

**Contact Officer:** Jill Coule  
**Tel:** Head of Corporate Legal Services  
**Email:** jill.coule@sefton.gov.uk

## Background Papers:

### 1. Introduction/Background

- 1.1 The Localism Act 2011 makes fundamental changes to the regulation of standards of conduct for Sefton's elected members, co-opted members and parish councillors. The date for implementation of these changes is 1 July 2012. A full report was considered by members of the Standards Committee meeting on 13 March 2012 and can be found on the following link to the Council's website <http://modgov.sefton.gov.uk/moderngov/documents/g6307/Public%20reports%20pack,%2013th-Mar-2012%2010.00,%20Standards%20Committee.pdf?T=10>
- 1.2 Annex A, sets out the draft Code of Conduct that it is proposed will apply to all elected and co-opted members of Sefton Council.
- 1.3 Members will be mindful that under the new legislation, the Council remains under a duty to both promote and maintain high standards of conduct for both the elected and co-opted members. To that end, Members are asked to recommend to Council the adoption of the draft ACSes Code of Conduct for Members contained in Annex A. (*Recommendation 2*)
- 1.4 Members will be aware that having a Standards Committee is currently a statutory requirement until 30 June 2012. After that date, the Council must simply have in place arrangements that can facilitate complaints being made under the Member Code of Conduct, considered and determined as appropriate. Currently under the Standards Committee regime there are three sub committees, namely initial assessment, review and hearings sub committees.
- 1.5 It was originally proposed that recommendations from the Standards Committee would be considered at the Council's Audit and Governance Committee on 28 March 2012. Any recommendations made would then be considered at the full meeting of the Council on 12 April 2012.
- 1.6 However, three options with respect to the future of the Standards Committee were proposed by the Standards Committee at its meeting on 13 March 2012. The minutes of that meeting are available at the following link <http://modgov.sefton.gov.uk/moderngov/ieListDocuments.aspx?CId=126&MId=6307>. Audit and Governance Committee will have had the opportunity to consider these options and the report more generally at its meeting on 28 March 2012. In these circumstances, Cabinet can be updated orally on the outcome of that meeting. Cabinet can then proceed to determine for recommendation to Council the preferred option on the future of the Standards Committee and administrative arrangements accordingly.
- 1.7 The three options for consideration raised by Standards Committee were as follows
  - (a) the Standards Committee continue to operate as at present; or
  - (b) the work of the current Standards Committee be merged with that of the Council's Audit and Governance Committee and that the case-work of the

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current Standards Sub Committees continue and be overseen by the Audit and Governance Committee, or

- (c) a Standards Panel (i.e. a sub committee of the Audit and Governance Committee) comprising of members of the Audit and Governance Committee be appointed to oversee the case-work of the current Standards Sub Committee

- 1.8 The terms of reference for each of the Standards and Audit and Governance Committees can be found on the Council's website (pages 12-14 refer)  
<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13191&path=0>
- 1.9 Cabinet is asked to consider the future arrangements for the administration of Standards in Sefton Council in light of the options considered by the Standards Committee meeting and to make a recommendation to Council.  
(*Recommendation 3*)

## APPENDIX A

### Draft CODE OF CONDUCT

#### **Introduction**

This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this Authority and the public will view you as such and therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is based upon the “Nolan Principles - the seven principles of public life” which are set out at Appendix 1.

#### **Interpretation**

In this Code:-

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member and an appointed member.

#### **General Obligations**

1. When acting in your role as a member of the Authority:
  - 1.1 **DO** treat others with respect;
  - 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of members;
  - 1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:-
      - (a) reasonable and in the public interest; and

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- (b) made in good faith and in compliance with the reasonable requirements of the Authority; and
  - (c) you have consulted the Monitoring Officer prior to its release; and
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the Authority:-
- 2.1 **DO** act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
  - 2.2 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - 2.3 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## Interests

- 3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests. However, when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 4. You are required to register "pecuniary and other interests" (these will be laid out in Regulations subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence.
- 5. There will be no requirement for you to declare or register any gifts and hospitality (subject to any future Regulations), but **DO NOT** accept any gifts in excess of £50 (fifty pounds).

## Disclosure and participation

- 6. At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, may be so closely tied to your personal and/or professional life that your ability to contribute to a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to and **DO NOT** vote in relation to such matters. (See also Appendix 2.)



8. **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

## **Pre-determination or bias**

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a member. However, **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
10. When making a decision, **DO** consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.

## **Interests arising in relation to overview and scrutiny committees (subject to Localism Bill provisions)**

11. In relation to any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where:-
  - 11.1 that business relates to a decision made (whether implemented or not), or action taken by your Authority's executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
  - 11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken; or
  - 11.3 that business relates to a decision made (whether implemented or not), or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):

**you may** attend a meeting of the overview and scrutiny committee of your Authority or of a sub-committee of such a committee, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

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## APPENDIX 1

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### **SELFLESSNESS**

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

#### **INTEGRITY**

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

## APPENDIX 2

Where the decision referred to in Clause 7 of the Code relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your Authority *unless* the decision relates particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* the decision relates particularly to the school concerned;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

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# Agenda Item 12

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**Report to:** Cabinet  
Council

**Date of Meeting:** 29<sup>th</sup> March 2012  
12<sup>th</sup> April 2012

**Subject:** Report of Independent Remuneration Panel

**Report of:** Director of Corporate Commissioning      **Wards Affected:** All

**Is this a Key Decision?** Yes                      **Is it included in the Forward Plan?** Yes

**Exempt/Confidential**      No

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## **Purpose/Summary**

To advise Members of the recommendations made by the Independent Remuneration Panel and to make recommendations to the Council.

## **Recommendation(s)**

- 1) That the recommendation of the Panel to review the Scheme of Allowances following the Council elections in May be recommended by Cabinet to Council; and
- 2) The Panel membership be expanded by the appointment of Mr. E. Davies and Mr. J. Fraser.

## **How does the decision contribute to the Council's Corporate Objectives?**

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

## **Reasons for the Recommendation:**

Approval of the Members' Allowances Scheme is a matter for the full Council.

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## What will it cost and how will it be financed?

**(A) Revenue Costs** : There are no financial implications arising directly from this report. The remuneration of Members Allowances is made from Council Administration budgets held within the Governance & Civic Section of the Corporate Commissioning Directorate. The Independent Remuneration Panel were advised that Members' Basic Allowance had been cut by 5% from 2 September 2010 and 5% cuts were made to Special Responsibility Allowances in 2009/10.

## **(B) Capital Costs**

### **Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b> The Independent Remuneration Panel is constituted in accordance with the Local Authorities (Members Allowances) Regulations 2003.	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:** None

## **What consultations have taken place on the proposals and when?**

The Head of Corporate Finance (FD1429/12) and Head of Corporate Legal Services (LD784/12) have been consulted and any comments have been incorporated into the report.

**Are there any other options available for consideration?** No

**Implementation Date for the Decision** Immediately following the Council meeting.

**Contact Officer:** Andrea Grant, Head of Governance & Civic Services  
**Tel:** 0151 934 2030  
**Email:** andrea.grant@sefton.gov.uk

## **Background Papers:**

There are no background papers available for inspection.

## 1. Introduction/Background

1.1 At its meeting on 14<sup>th</sup> December 2010, the Panel considered its work programme for the following municipal year and resolved to meet in March and September 2011 with a view to recommendations to the Council on the scheme of Members' allowances for 2012/13.

1.2 The Panel met on the following dates and considered the matters set out below:

16<sup>th</sup> March 2011                      Presentation on the roles and work of Councillors.

Presentation on the matters for consideration by the Panel in understanding the review

7<sup>th</sup> September 2011                      Consideration of information requested including:

Government guidance on local authority allowances, views submitted by Members in relation to the review and information on the Council's arrangements for organising Councillors' travel.

Presentation on the Council's current budget position and the prioritisation agenda.

29<sup>th</sup> November 2011                      Consideration of information including:

Reviews undertaken by other Merseyside authorities, comparative data, Members receiving special responsibility allowances, Cabinet portfolio responsibilities, attendance statistics, role description and person specifications for Councillor positions and results of the National Census of Local Authority Councillors.

Oral representations from Councillors P. Dowd and Robertson.

21<sup>st</sup> December 2011                      Oral representations from Councillor Mrs. Parry.

1.3 Following this comprehensive review of information the Panel resolved as follows:

(1) The Panel notes the increased workload undertaken by Chairs of Overview and Scrutiny Committees;

(2) The Panel also notes the differing roles, responsibilities and time spent on duties by different Cabinet Member portfolio spokespersons;

(3) Accordingly, the Panel acknowledges the potential to reflect the matters referred to in (1) and (2) above in a review of the Members' Allowance Scheme following the local government elections in May 2012;

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- (4) An induction/refresh session be arranged for new/existing Panel Members in early March 2012 and a formal, further meeting of the Panel be arranged in early April 2012.

## **2. Panel Membership**

- 2.1 The Panel have also requested that the membership of the Panel be increased. In view of the forthcoming changes to the Standards Committee, it is proposed that the independent members of the Standards Committee be invited to join the Council's Independent Remuneration Panel.
- 2.2 The proposed Panel members have a great deal of experience and are familiar with the work of Sefton having been well-respected members of Sefton's Standards Committee for over 8 years.
- 2.2 It is proposed that an induction and refresh session and a meeting of the Panel be arranged for early in the 2012/13 municipal year.



# Agenda Item 13

**Report to:** Cabinet  
Council

**Date of Meeting:** 29 March 2012  
12<sup>th</sup> April 2012

**Subject:** Appointment of Member Champion for the Armed Forces

**Report of:** Director of Corporate Commissioning **Wards Affected:** All

**Is this a Key Decision?** No **Is it included in the Forward Plan?** No

**Exempt/Confidential**

No

## **Purpose/Summary**

To appoint the Council's Member Champion for the Armed Forces and note the proposals for the development of an Armed Forces Community Covenant.

## **Recommendation(s)**

Cabinet:

- (1) That the Cabinet nominate Councillor Brennan to be the Member Champion for the Armed Forces;
- (2) note the proposals for the development of an Armed Forces Community Covenant.

Council:

That Councillor Brennan be appointed as the Member Champion for the Armed Forces and be designated as the Council's signatory to the Armed Forces Covenant once agreed.

## **How does the decision contribute to the Council's Corporate Objectives?**

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

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## Reasons for the Recommendation:

The appointment of an Armed Forces Champion is a pre-requisite for the development of an Armed Forces Community Covenant, which is required before any bid for funding is made.

## What will it cost and how will it be financed?

### (A) Revenue Costs

None arising from this report

### (B) Capital Costs

None arising from this report

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

## Impact on Service Delivery:

None at this stage

## What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD1452/12) has been consulted and has no comments to make on this report as there are no financial consequences as a result of it. The Head of Corporate Legal Services (LD 801/12) has been consulted and any comments have been incorporated into the report.

## Are there any other options available for consideration? No

**Implementation Date for the Decision** Immediately following the Council meeting.

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**Background Papers:**

There are no background papers available for inspection.

## **1. Armed Forces Member Champion**

- 1.1. Meetings have been held with the Commanding Officer of 42 (North West) Brigade, to discuss proposals for each Local Authority within the North West area to appoint a 'Armed Forces Champion or Focal Point' from among its elected members. The appointment of a Forces Champion is the first step in developing a Armed Forces Community Covenant, which needs to be in place before a bid for funding can be accessed.
- 1.2 This matter has been discussed by the Leaders Group and it was proposed that Councillor Brennan be nominated as the Member Champion.

## **2. Armed Forces Community Covenant**

- 2.1 The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community and is designed to capture the various initiatives and commitments made by local public services and third sector organisations. Funding of £30m has been made available from the Government for the next four years to support action by local communities to support service men and women and veterans.
- 2.2 About 20% of the Army is recruited from the North West, with a similar figure for the Royal Navy and the Royal Air Force. There are about 5,000 servicemen, regular and active reserve, stationed in the North West. Whilst there are no regular units in Merseyside, there are TA units in Bootle, Norris Green, Aigburth, Allerton, Gateacre, Huyton, St. Helens and Birkenhead. With their families they make up a population of about 4,000.
- 2.3 Evidence suggests that about 92% of servicemen find employment, accommodation and make the early transition without issue within 6 months of discharge. Most have made a prepared and considered transition although this is likely to be made more complex by the Armed Forces redundancy programme over the next few years.
- 2.4 Determining the number of veterans in the region is difficult but is estimated at between 500,000 and 1,000,000 veterans. The veterans community is complex and changing. It consists of both 70 year old Korean War veterans, 50 year old Falkland War veterans and 24 year old Afghanistan War veterans. Their experiences and needs are different.
- 2.5 In parallel, Sefton Council for Voluntary Service have initiated some work to plan for a partnership to progress any bid for funding which will involve representatives of the Council, One Vision Housing, the Soldiers, Sailors, Airmen and Families Association (SSAFA), the North West Reserve Forces and Cadets Association, the Veterans Association, the Royal British Legion and veterans involved in charity work in the Borough.

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