



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

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

be held on **Thursday 5th September, 2013 at 6.30 pm at the Town Hall, Bootle** to

transact the business set out on the agenda overleaf.

Yours sincerely,

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

Chief Executive

Town Hall,
Southport

Wednesday 28 August 2013

Please contact Steve Pearce, Democratic Services Manager
on 0151 934 2046 or e-mail steve.pearce@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested to give notice of any disclosable pecuniary interest, which is not already included in their Register of Members' Interests and the nature of that interest, relating to any item on the agenda in accordance with the Members Code of Conduct, before leaving the meeting room during the discussion on that particular item.

3. Minutes of Previous Meeting

(Pages 7 - 20)

Minutes of the meeting held on 27 June 2013

4. Mayor's Communications

Public Session

5. Matters Raised by the Public

To deal with matters raised by members of the public resident within the Borough, of which notice has been given in accordance with the procedures relating to public questions, motions or petitions set out in Paragraph 36 to 46 of the Council and Committee Procedure Rules in Chapter 4 of the Council Constitution.

Council Business Session

6. Questions Raised by Members of the Council

To receive and consider questions to Cabinet Members, Chairs of Committees or Spokespersons for any of the Joint Authorities upon any matter within their portfolio/area of responsibility, of which notice has been given by Members of the Council in accordance with Paragraph 48 to 50 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

7. Proposed Amendments to the Health and Wellbeing Strategy 2013 - 2018

(Pages 21 - 24)

Report of the Deputy Chief Executive

8. Capital Allocations 2013/14

(Pages 25 - 30)

Report of the Head of Corporate Finance and ICT

- 9. Update of the Constitution** (Pages 31 - 42)
Report of the Director of Corporate Services
- 10. Implementation of the Scrap Metal Dealers Act 2013** (Pages 43 - 52)
Report of the Director of Built Environment
- 11. Council Constitution - Call - In and Urgency Provisions** (Pages 53 - 54)
Report of the Leader of the Council.
- 12. Membership of Committees 2013/14**
To consider any changes to the Membership of any committees etc.
- 13. Notice of Motion Submitted by Councillor Sir Ron Watson**
To consider the following Motion submitted by Councillor Sir Ron Watson:

"This Council:

(1) recognises the extreme hardship being caused to savers, many of whom are pensioners, by record low interest rates which have meant that their savings are being reduced in real terms by inflation and where the returns have been reduced by some 80%; and

(2) believes that the Government should consider a policy of not taxing the interest on savings until such time as interest rates are restored to normal levels."
- 14. Notice of Motion Submitted by Councillor Byrom**
To consider the following Motion submitted by Councillor Byrom:

"Sefton Council recognises the excellent work undertaken by Merseyside Fire and Rescue Service and applauds the long term commitment of all its officers and staff.

The Council also notes that the ability to protect the people of Sefton is being jeopardised by the Government funding cuts, which are also undermining staff morale.

The Council is deeply concerned by the findings of the Sir Ken Knight review of Fire and Rescue Service's which makes the case for further huge cuts, mergers with other Authorities or Police and Crime Commissioners and most worryingly privatisation.

This Council notes with serious concern the Government's alarming proposals to privatise part if not all functions of the Fire and Rescue Services, along with yet further cuts to their grant funding.

This Council is deeply worried that the Government has lost sight of the Fire Service's main purpose, to protect residents from fire, road traffic collisions and other emergencies.

Recent Government cuts have seen Merseyside Fire and Rescue Service suffer cuts totalling £19.2m over the 4 year spending review with 180 fire fighters' posts deleted and a reduction in fire engines from 42 to 28.

The Government's proposal for further huge cuts in 2015 will have devastating effects on operational response, community safety and prevention work.

This Council therefore calls on the Government to cease their irresponsible cuts to our Fire and Rescue Services and pledge instead to protect them from further cuts and threats of privatisation.

That a copy of this resolution be sent to the Fire Minister and all Sefton MP's."

15. Notice of Motion Submitted by Councillor P. Dowd

To consider the following Motion submitted by Councillor P. Dowd:

"The Council:

- (1) places on record its congratulations to Southport Rugby Union Club which is celebrating its 140th Anniversary and to the Bootle and District Primary School Football Association on reaching its 100th year.
- (2) congratulates them on their very many successes and achievements.
- (3) express its thanks to the volunteers of both organisations for their services to sport in Sefton over many decades, and
- (4) records its deep appreciation for the positive impacts that their sporting provision has made to the health and well being of the residents of the Borough."

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COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 27TH JUNE, 2013

PRESENT: The Mayor (Councillor M. Fearn) (in the Chair)
The Deputy Chair (Councillor K. Cluskey) (Vice Chair)

Councillors Ashton, Atkinson, Ball, Blackburn, Bradshaw, Brennan, Brodie - Browne, Byrom, Carr, L. Cluskey, Crabtree, Cummins, Cuthbertson, Dawson, Dodd, Dorgan, M. Dowd, P. Dowd, Dutton, Lord Fearn, Friel, Gatherer, Hardy, Hands, Hartill, Jones, Keith, John Kelly, John Joseph Kelly, Kermode, Killen, Lappin, P. Maguire, Maher, Mahon, McGinnity, S. McGuire, McIvor, Moncur, Page, Preece, Rimmer, Roberts, Robertson, Robinson, Roche, Shaw, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bennett, Booth, Fairclough, Gustafson, Hubbard, Kerrigan, McKinley, Murphy, Papworth, Sumner and Tonkiss.

21. DECLARATIONS OF INTEREST

Councillor Sir Ron Watson declared a disclosable pecuniary interest in Minute No. 31, as he is the Chair of the Southport and Ormskirk Hospital NHS Trust and he left the room during the consideration of the item.

22. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the Minutes of the Annual Council Meeting held on 9 May 2013 and the Adjourned Annual Council Meeting held on 14 May 2013 be approved as a correct record.

23. MAYOR'S COMMUNICATIONS

Civic Sunday

The Mayor reported that her Civic Sunday Service would be held on Sunday 7 July at 10.30 a.m. at St Francis of Assisi Church, Southport and she requested Members and Officers to confirm their attendance by contacting the Mayor's Office.

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24. MATTERS RAISED BY THE PUBLIC

The Mayor reported that in accordance with the Council's Petition Scheme, two petitions had been submitted for consideration at the Council meeting, as follows:

- (a) The first petition containing 2,920 signatures had been submitted by Ms. Juliet Edgar on behalf of 'Stand Up in Bootle' and residents of Sefton.

The Petition stated:

"We:

- (1) demand that Sefton Council passes a resolution to call on the Coalition Government to drop the 'Bedroom Tax';
- (2) demand that Sefton Council passes a resolution to refuse to implement the 'Bedroom Tax' within the Sefton Council Benefit Department; and
- (3) also demand that Sefton Council exerts pressure on the 23 housing associations within its area, to adopt a policy of 'No Evictions' for 'Bedroom Tax' arrears."

The lead petitioner, Ms. Edgar, made a statement in support of the petition.

The Leader of the Council (Councillor P. Dowd) thanked Ms. Edgar for the submission of the petition and indicated that he supported the calls for the repeal of the 'Bedroom Tax; that the Council, along with other local authorities had a statutory duty to implement the legislation and the Council was holding discussions with local housing associations on procedures for assisting their tenants

A debate then took place on the content of the petition and a number of Members of the Council indicated their support for the repeal of the 'Bedroom Tax' and for more socially rented property to be made available in the Borough.

Following the debate, it was moved by Councillor Maher and seconded by Councillor P. Dowd :

"That this Council calls on this or any future Government of whatsoever Party to repeal the 'Bedroom Tax.'"

An amendment was moved by Councillor Brodie – Browne, seconded by Councillor Robertson that the Motion be amended by the addition of the following text:

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“(2) That the Government be requested to repeal the ‘Bedroom Tax’ for the private rented sector and expand the number of socially rented property available.”

Councillor Maher indicated that he accepted the amendment and on a show of hands, the Mayor declared that the Amended Motion was carried by 47 votes to 7, with 1 abstention and it was

RESOLVED:

- (1) That the Council calls on this or any future Government of whatsoever Party to repeal the ‘Bedroom Tax; and
- (2) That the Government be requested to repeal the ‘Bedroom Tax’ for the private rented sector and expand the number of socially rented property available.
- (b) The Mayor reported that the second petition containing 3,581 signatures had been submitted by Mrs Maria Bennett on behalf of Formby Residents Action Group Opposition From Formby (FRAGOFF)

Petition Summary and Background:

“Sefton’s local plan, formulated over the last 5 years continues to show little regard for the green belt. Our Council will, in the upcoming months, embark on a Public Consultation Process, using household population figures that they themselves concede are not an accurate reflection of current housing need. Most up to date Government figures show the Council’s projections to be at least 20% too high. We believe this anomaly is so significant that it undermines the validity of the Consultation exercise.”

The action petitioned for was:

“We the undersigned urge the Council, officers, elected members and Leader to amend the ‘Preferred Option’ plan to reflect the most recent and up to date Government statistics which clearly show a significant reduction in housing need, sheds doubt on the necessity for large edge of town industrial parks, which in the absence of sufficient demand, threatens local traders, damaging town centres.”

The lead petitioner, Mrs Bennett, made a statement in support of the petition.

The Leader of the Council (Councillor P. Dowd) thanked Mrs Bennett for the submission of the petition and indicated that the intention of the Council was, and always would be, to protect greenbelt and green spaces as much as it possibly can within the bounds of the planning law and regulation and in the context of the Coalition Government’s drive for

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economic growth. He then made the following comments on the content of the petition:

1. Sefton's emerging Local Plan does not show 'little regard' for Sefton's green belt as suggested in the petition. The Plan proposed a controlled and limited release of a small amount (3.7%) of green belt to deliver the houses and jobs that Sefton needs up to 2030. The Coalition Government's policy made it clear that it was entirely appropriate to review green belt boundaries when preparing a local plan.
2. The evidence the Council had commissioned set out clearly what Sefton's needs are and the Government expected the Council to plan to meet those needs in the Local Plan. The best way to protect Sefton's green belt was to plan to meet those needs and if it did not do this, the Local Plan would not be approved by the Government Inspector. It would be found unsound and would leave Sefton vulnerable to unplanned development on green belt sites that the Council would have very limited control over.
3. The consultation exercise exceeds statutory requirements. The Council was required to consult for 6 weeks and would be consulting for 12 weeks to encourage as much involvement as possible.
4. The Plan relied on the most up-to-date complete evidence and this was further supported by independent evidence specific to Sefton. The Council had not stated that any population figures relied upon were not accurate, as suggested in the petition. The Council had been open on this point and it was covered in the report as referred to in paragraph 6.3 on page 35 of the agenda pack.
5. It was not appropriate to use Office of National Statistics interim household projections to inform this stage of the plan, for the following reasons, which were clearly explained in the report:
 - they were interim and would be superseded in 2014;
 - they did not cover a significant part of the plan period and only looked forward to 2021;
 - they took no account of a planned Government review of household formation rates due to be published next year; and
 - they made no allowance for vacant or second homes which would further increase the 'interim' figures from 399 per annum to 420 per annum. However, even using the interim figures this would mean significant numbers of houses being allocated to the green belt.

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6. The Council had been very clear and advised that it would review the housing requirement further next year when the appropriate data was published by the Government. It had been indicated to the Council that the population figures would be available in April 2014 and hopefully the household formation figures some months later. Indeed, to accommodate this, the addendum note to the report sought approval to an amendment to the recommendations asking for the publication date to be put back from June/July 2014 to August/September 2014.
7. To make any assumptions, post 2021, based on interim figures, would be unsound in planning terms and in any event the Planning Inspector would fully expect this update to be done before the Council submitted the final Local Plan for examination.
8. The petition refers to large edge of town industrial parks, suggesting that these would threaten local traders and damage town centres. The Plan proposed to allocate 3 new employment sites in the green belt. These allocations did not include retail parks/uses. The Plan aims to encourage regeneration and redevelopment of Sefton's town centres in order to help sustain them.
9. Two of the business parks/employment sites would be primarily developed with quality office and light industrial type uses. The Crowland Street site would be a continuation of the types of industrial uses already operating there. The 3 employment sites would create opportunities for approximately 4,000 new jobs in Sefton over the Plan period. These would provide local employment opportunities and benefits to the local economy. These jobs would also help to support the local economy and town centres and not damage them as suggested in the petition.

A debate then took place on the content of the petition and Members of the Council made the following comments on the petition:

- the robustness of the statistics in the Preferred Option Document, which currently indicated that 510 homes per annum would need to be provided during the period of the Local Plan, due to an increase in inward migration, would need to be challenged.
- concerns were raised about the loss of green belt land and Grade 1 agricultural land.
- concerns were raised about the impact of the proposals on the services provided by local hospitals and local schools.

Following the debate, it was moved by Councillor P. Dowd, seconded by Councillor Maher and

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RESOLVED:

That the petition be noted and the issues be considered during the debate under Minute No. 26 below.

25. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by:

- Councillor Robertson, to the Cabinet Member – Corporate Services and Performance (Councillor Tweed)
- Councillor Robertson, to the Council's Spokesperson on the Merseyside Fire and Rescue Authority (Councillor Byrom)
- Councillor McKinley, to the Leader of the Council (Councillor P. Dowd)
- Councillor Gatherer, to the Leader of the Council (Councillor P. Dowd)
- Councillor Hands, to the Leader of the Council (Councillor P. Dowd)
- Councillor Page, to the Leader of the Council (Councillor P. Dowd)
- Councillor Dawson, to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)

together with the responses given. One supplementary question was asked and responded to by the Cabinet Member – Children, Schools, Families and Leisure.

26. LOCAL PLAN FOR SEFTON - PREFERRED OPTION DOCUMENT

The Council considered the report of the Director of Built Environment which presented the Preferred Option Document, a key stage in the preparation of Sefton's Local Plan. The Document set out the issues and challenges facing Sefton, which included:

- a vision for Sefton's planning ahead to 2030;
- a strategy for how Sefton's housing, business and other development needs can be met;
- a 'preferred' option indicating where those needs might be met including detailed site allocations;
- details of other options which have been considered and discounted;
- development management policies to help guide development and provide a policy framework for making decisions on planning applications; and
- details of the 12 week consultation arrangements.

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This was a corporate strategy document which was being developed within the statutory planning framework. The Preferred Option Document was a key stage in the process of adopting a Local Plan, which would in due course replace the Unitary Development Plan.

The Council also considered an addendum note to the report produced by the Director of Built Environment which set out two minor updates to the Preferred Option document.

The Mayor reported that the Local Plan Preferred Option Document had been considered at the following meetings, prior to the Council meeting:

- the Overview and Scrutiny Committee (Regeneration and Environmental Services) on 28 May 2013;
- the Planning Committee on 12 June 2013; and
- the Cabinet on 20 June 2013

The Mayor advised Members that the report set out a preferred option for consultation, which was a key stage of the journey to work out what was the best way forward with respect to the important strategic document. No final decisions on the adoption of the Local Plan would be made until 2015.

The Mayor also advised Members that they could all participate in the debate so long as they retained an open mind and had not and did not say anything that would lead others to think that they had a closed mind.

It was moved by Councillor P. Dowd and seconded by Councillor Maher:

That:

- (1) the further evidence which supports the Preferred Option Document be approved for consultation, as outlined in Section 18 of the report;
- (2) the approach to consultation on the Preferred Option Document be approved, as outlined in Section 20 of the report;
- (3) the Preferred Option Document be approved for consultation, including a correction to the land proposed for development, south east of Hightown as set out in Section 19 and the plan attached to the report; and the amendments set out in the addendum note; and
- (4) the Head of Planning Services be granted delegated powers to make minor editorial changes to the Document before it is published, as referred to in Section 20.7 of the report.

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The Leader of the Council (Councillor P. Dowd) made the following comments:

- The Council was required by the Government to produce a robust and sound Local Plan in accordance with the National Planning Policy Framework. The content of the Plan could be challenged by the public, action groups and developers, and the final decision upon the content of the Plan would be taken by a Planning Inspector appointed by the Government.
- The current figure of 510 housing units per year was based on evidence provided by Planning Consultants and the housing requirement figure would be reviewed next year when the next round of the population and household projections data was published by the Government. If the figure had to be reduced, then it would be done on the basis of the latest information available at that time.
- The Plan had to deal with social, economic and environmental issues, including the Port redevelopment and the provision of affordable housing to meet housing need within the Borough.
- He was aware that some Members of the Council were currently concerned about the proportionality of the development proposals in Maghull and Lydiate, but gave an assurance that all of the consultation feedback would be fully considered, to ensure that the right proposals were included in the final version of the Local Plan to be submitted to the Planning Inspector for examination in due course.

During a lengthy debate, Members of the Council raised the following issues:

- The Government required the Council to plan for the future employment and housing needs of the Borough and the Option 1 proposal for the provision of 270 homes per year was not viable and would not be accepted by the Planning Inspector.
- The Government figures indicated that 400 homes or more would need to be provided each year and if the Council did not plan for that provision, the Government would do it for the Council. The figures would need to be challenged to ensure they were correct, following the publication of the population and household projections data in 2014.
- It was possible that the number of homes to be built each year would reduce from 510 to say 470 homes when the latest projections are published in 2014.
- Councillors fully appreciated the public concerns about the use of green field sites. It had to be acknowledged that some sites would

need to be used to meet the housing need but the amount of green field sites to be used should be kept to as low an amount as possible.

- Concerns were raised about the current allocated sites in the Preferred Options Document for Maghull and Lydiate, which were disproportionate to the housing need in that area and would increase the volume of traffic, the demand for other services and change the overall character of the area.
- Concerns were raised about the number of new homes proposed for Ainsdale which would increase the demand for schools, other services and infrastructure to be provided in that area. A request was made for the retention of the sports field at the former Ainsdale Hope High School site for recreational use and for the provision of more allotment sites.
- Concerns were raised that schools had been closed in some areas based on previous long term planning need and this could now lead to insufficient school places being made available in due course, to meet increased demand following the proposed housing development set out in the Preferred Option Document.
- There was a need for more 1 bedroom and 2 bedroom accommodation and the provision of affordable housing in the Borough to meet the growing housing demand.
- Concerns were raised about the potential loss of Grade 1 agricultural land and the impact of proposed development on bordering land in West Lancashire and Knowsley which would have an impact on the services provided within Sefton. These issues needed to be looked at more widely and robustly. The Council should become more of a campaigning Council to put pressure on the Government to protect agricultural land.
- Concerns were raised about the proposed development at Moss Lane, Churchtown, the potential land sewage problems on the peat land and the increased traffic on the adjoining country lanes.
- The Local Plan needed to address, in more detail, how the infrastructure problems in many areas of Sefton, as referred to in the Preferred Options Document, would be addressed with developers and infrastructure/service providers; the make-up of the 510 homes to be built each year; and the carbon economy policies.
- Concerns were raised about the proposed use of reserved sites after 2020, if the capacity on the allocated sites falls below the five year supply and officers were requested to ensure that developers fully utilised the number of units on each site, to ensure that the reserved sites would not need to be used, especially in Lydiate.

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- Concerns were raised that the Preferred Options Document made no reference to the Shale Gas developments which could take place within the licensed area, which stretches from Crossens to Ainsdale within the Borough and the environmental and economic impact it would have on the Borough.
- Concerns were raised about the proposed development in West Lancashire on land adjacent to Birkdale Ward and the impact upon schools and other services in that Ward.
- A request was made for more recognition to be given to the statement in paragraph 2.44 on page 71 of the Preferred Options Document that “about 1 in 4 of Sefton’s residents lived in an area classed as within the 20% most deprived areas in the country.” Provision needed to be made in the Local Plan for policies to address the provision of improved housing and health services to address the major variations in health and life expectancy within the Borough.
- Requests were made for the proposed consultation arrangements to be reviewed, with less emphasis on booked appointments, to ensure that the public and in particular, Action Groups could actively challenge the figures and proposals in the Preferred Options Document. The Council would need to ensure that it took the public along with it, all the way on the process leading up to the adoption of the Local Plan.

Following the debate, the requisite number of Members having signified their wish that the voting on the Motion should be recorded in accordance with Rule 92 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Atkinson, Bradshaw, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, M. Dowd, P. Dowd, Friel, Gatherer, Hardy, John Kelly, John Joseph Kelly, Kermode, Killen, Lappin, P. Maguire, Maher, Mahon, McGinnity, Moncur, Page, Roberts, Robinson, Roche, Tweed, Veidman and Webster.

AGAINST THE MOTION:

Councillors Ashton, Ball, Blackburn, Brodie – Browne, Crabtree, Cuthbertson, Dawson, Dodd, Dorgan, Dutton, Lord Fearn, Hands, Hartill, Jones, Keith, S. McGuire, Mclvor, Preece, Rimmer, Robertson, Shaw, Sir Ron Watson, Weavers and Welsh.

ABSTENTION

The Mayor (Councillor M. Fearn)

The Motion was carried by 30 votes to 24, with 1 abstention and it was

RESOLVED:

That:

- (1) the further evidence which supports the Preferred Option Document be approved for consultation, as outlined in Section 18 of the report;
- (2) the approach to consultation on the Preferred Option Document be approved, as outlined in Section 20 of the report;
- (3) the Preferred Option Document be approved for consultation, including a correction to the land proposed for development, south east of Hightown as set out in Section 19 and the plan attached to the report; and the amendments set out in the addendum note; and
- (4) the Head of Planning Services be granted delegated powers to make minor editorial changes to the Document before it is published, as referred to in Section 20.7 of the report.

27. MERSEYSIDE AND HALTON JOINT WASTE LOCAL PLAN - ADOPTION OF PLAN

Further to Minute No. 12 of the meeting of the Cabinet held on 20 June 2013, the Council considered the report of the Director of Built Environment on the proposed adoption of the Merseyside and Halton Joint Waste Local Plan, following a public consultation on the proposed modifications to the Waste Local Plan, which was undertaken between November 2012 and January 2013.

The report explained that all local authorities were required to prepare a Local Plan that provided a policy framework and land allocations for a new waste management infrastructure to meet the identified needs of each Council. The report was in addition to the Local Plan which is referred to in Minute No. 26 above.

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

RESOLVED:

That:

- (1) the Head of Planning Services be granted delegated powers to make necessary minor typographical changes to the Waste Local Plan prior to its final publication; and
- (2) the Merseyside and Halton Joint Waste Local Plan be adopted as part of the statutory development plan and in so doing, it be noted that the adoption is contingent upon all other Merseyside Councils

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and Halton Council also adopting the plan as set out in Section 3 of the report.

(Should all Councils proceed to adopt the Waste Local Plan, this would take effect on 18 July 2013 and should all Councils for whatever reason not proceed to adopt the plan, then the Council would be advised accordingly.)

28. INTRODUCTION OF A BYELAW - COSMETIC TREATMENTS

Further to Minute No. 9 of the meeting of the Licensing and Regulatory Committee held on 3 June 2013, the Council considered the report of the Director of Built Environment on the proposed adoption of a new model byelaw governing acupuncture, tattooing, semi - permanent skin colouring, cosmetic piercing and electrolysis and the consequent revocation of the Council's existing byelaws covering this activity.

It was moved by Councillor Robinson, seconded by Councillor Maher and

RESOLVED:

That:

- (1) the new model byelaw be adopted, as set out in Appendix B to the report;
- (2) the provisions of Sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, be applied within the Borough of Sefton; and
- (3) the steps to introduce the byelaw as set out in paragraph 2 of the report be noted.

29. OVERVIEW AND SCRUTINY ANNUAL REPORT 2012/13

The Council considered the Overview and Scrutiny Annual Report for 2012/13 and Councillors McGinnity, Brennan, Page and John Kelly highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2012/13.

It was moved by Councillor McGinnity, seconded by Councillor Brennan and

RESOLVED:

That the Overview and Scrutiny Annual Report 2012/13 be noted.

30. MEMBERSHIP OF COMMITTEES 2013/14

It was proposed by Councillor Blackburn that the following changes be made to the membership of the Overview and Scrutiny Committee (Regeneration and Environmental Services):

That Councillor S. McGuire be appointed as a Member of the Committee in place of Councillor Shaw; that Councillor Booth be appointed as the Substitute Member for Councillor S. McGuire and Councillor Shaw be appointed as the Substitute Member for Councillor Tonkiss.

RESOLVED:

That the changes to the Membership of the Committee be approved.

31. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DAWSON

It was moved by Councillor Dawson, seconded by Councillor P. Dowd and

RESOLVED:

This Council notes the problems which have been increasingly encountered by local residents seeking urgent and emergency care, whether this is from General Practitioners, telephone advice systems, A&E departments or ambulances.

The Council:

- (1) urges the Government to take steps to ensure that quality standards for all urgent and emergency services are maintained and improved; and
- (2) commits itself, through its Overview and Scrutiny function, to monitoring the quality and availability of local urgent and emergency health care.

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Agenda Item 7

Report to: Council

Date of Meeting: 5th September 2013

Subject: Proposed Amendments to the Health and Wellbeing Strategy 2013 - 2018

Report of: Deputy Chief Executive

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan?No

Exempt/Confidential No

Purpose/Summary

The purpose of the report to is to seek approval to proposed amendments to the Health and Wellbeing Strategy 2013 - 2018. Council will recall that the original strategy was approved on 18th April, 2013 and that Council gave delegated authority to the Deputy Chief Executive, in consultation with the Chair of the (then)Shadow Health and Wellbeing Board (Cabinet Member - Children, Schools, Families and Leisure), to agree the next iteration of the Strategy for Council approval.

The Strategy is iterative, and the Health and Wellbeing Board has recently agreed to further work being undertaken to ensure gaps in the needs assessment and outcomes framework are developed over coming months. This is likely to result in further iterations of the Strategy, which will be developed by the Deputy Chief Executive, in consultation with the Chair, with endorsement being sought of the Health and Wellbeing Board, before being brought to Council for approval.

Recommendation(s)

Council are recommended to approve the proposed amendments set out in this report to the Health and Wellbeing Strategy 2013 – 2018.

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:

The Council has a duty to prepare and publish a Health and Wellbeing Strategy from April 2013. This was formally approved by Council at its meeting of the 18th April 2013. This report proposes amendments to this approved Strategy, in accordance with the delegation approved by Council in April.

What will it cost and how will it be financed?

(A) Revenue Costs

The amendments to the approved Health and Wellbeing Strategy place no additional financial burden on the Council. As stated in the previous report to Council the strategy will be delivered through existing resources in the Council, the NHS Clinical Commissioning Groups and wider partners across the borough. The revenue implications for the Council will be described within the Councils Business Plan which will translate what has been agreed by Council in setting the two year financial plan.

(B) Capital Costs

Implications:

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

Legal		
The Health and Social Care Act 2012, Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013		
Human Resources		
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:

The proposed amendments will ensure the work of the Health and Wellbeing Board supports the work of the Local Children Safeguarding Board, the Children's Trust and the Corporate Parenting Board in keeping children and young people safe, promoting the improved health and wellbeing of children and young people and assisting the Council to be effective corporate parents.

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What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT has been consulted and comments have been incorporated into the report (FD2514)

Head of Corporate Legal Services have been consulted and has no comments on the report (LD1819)

Are there any other options available for consideration?

None

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer: Samantha Tunney

Tel: 0151 9334 4039

Email: samantha.tunney@sefton.gov.uk

Background Papers:

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

Report to the Health and Wellbeing Board, 24th July 2013, *Local Safeguarding Children Board/Health and Wellbeing Board/Children's Trust Arrangements/Corporate Parenting Board - Memorandum of Understanding*

Agenda Item 7

1. Introduction/Background

- 1.1 The Health and Wellbeing Strategy 2013 – 2018 was formally approved by Council at the meeting of the 18th April 2013.
- 1.2 At the meeting of the Health and Wellbeing Board on 24th July 2013, the Board was asked, amongst other things, to approve a number of proposed amendments to the Health and Wellbeing Strategy, which aim to strengthen the intent in relation to Children and Young People. It was also agreed at the meeting of the Health and Wellbeing Board on the 24th July 2013 that the Deputy Chief Executive, Sefton MBC, using his delegated powers would seek approval by the Council of the amendments referred to in the report.
- 1.3 This report presents the proposed amendments to the Health and Wellbeing Strategy 2013 – 2018 for approval by Council.

2. Proposed Amendments to the Health and Wellbeing Strategy 2013 – 2018

2.1 Page 11:

From: "Children and Young People"

To read: "Children and Young People (*including looked after children and young people*)"

Page 23:

Addition of: "*At the time of writing there are 444 looked after children and young people, the majority of whom cannot live with their parents or families in Sefton. In the main they live with Foster Carers, extended family or in Children's homes; it is known that these children and young people are more likely to experience poor life chances. At March 2012, there were 84 looked after children per 10,000 population in Sefton, compared with 67 for our statistical neighbours and 59 for all England.*"

Page 23:

Addition of: "*At the time of writing there are 269 children subject to a child protection plan. At March 2012 there were 50 children per 10,000 population in Sefton subject to a child protection plan, compared with 39 for our statistical neighbours and 38 for all England*"

Page 24:

From: "Review the number of children's residential care beds and increase the number of foster parents"

To read: "Review the number of children's residential care beds and the number of children being looked after, and increase the number of fostering opportunities"

Page 25:

Addition of: "*Work with Children's Trust and the Local Safeguarding Children Board and other organisations to support children who have safeguarding plans and support.*"

Agenda Item 8

Report to: Cabinet
Council

Date of Meeting: 18 July 2013
5 September 2013

Subject: Capital Allocations 2013/14

Report of: Head of Corporate Finance & ICT **Wards Affected:** All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

Purpose/Summary

To provide Members with details of the latest capital projects that have been recommended for inclusion within the Capital Investment Plan for 2013/14 by the Strategic Capital Investment Group (SCIG), including those schemes which are proposed to be funded from the Capital Priorities Fund.

Recommendation(s)

The Cabinet be requested to recommend that Council approve the proposed capital schemes, detailed at Appendix A, in the Capital Investment Plan, to be funded from Single Capital Pot resources and the Capital Priorities Fund.

The **Council** be recommended to approve the inclusion of the schemes detailed in the report, within the Capital Programme for 2013/14.

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 inform Members of the recommendations of the Strategic Capital Investment Group and to allow Members to consider if these should be recommended to Council for inclusion within the Capital Investment Plan and to inform Members of schemes to be financed from the Capital Priorities Fund.

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What will it cost and how will it be financed?

(A) Revenue Costs

Any revenue costs of these additional capital schemes will be met from existing revenue budgets.

(B) Capital Costs

Schemes that are to be funded from grant funding will be met from the single capital pot, whilst schemes to be approved from the Capital Priorities Fund will be funded from revenue resources already approved.

Implications:

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

Legal Devolved Formula Capital grant funding is ring-fenced and can only be used for its intended purpose
Human Resources
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:

The capital schemes will provide improved classroom facilities, allow modern lighting columns to be introduced and aid the development of local communities.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD2406/13) and Head of Corporate Legal Services (LD1721/13) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

The options available to Members for the use of non ring-fenced capital grant allocations are included in the body of the report.

Implementation Date for the Decision

After Council.

Contact Officers: Jeff Kenah and Amanda Langan

Tel: 0151 934 4104

Email: Jeff.kenah@sefton.gov.uk

Background Papers:.

None

Agenda Item 8

1. Introduction

1.1 Cabinet and Council were notified on 25 April 2013 and 14 May 2013 of the Government Capital Allocations for 2013/14. The report presented the allocation of that grant funding as follows: -

- Grant funding treated as pre allocated;
- Single capital pot bids recommended by the Strategic Capital Investment Group (SCIG), with the schemes to be funded from the 2013/14 capital allocation; and
- Schemes to be funded from revenue with no call upon the single capital pot.

1.2 Council approved schemes for inclusion in the Capital Investment Plan, including schemes classed as pre allocated, those funded from Direct Revenue Funding and those to be funded from the Single Capital Pot. Council also referred a number of schools' schemes and a Street Lighting scheme back for further consideration by SCIG.

2 Schemes for Further Consideration

2.1 The Strategic Capital Investment Group met on 24 June 2013 to consider further schemes for approval and recommended that the schemes detailed in Appendix A be put forward to Cabinet and Council for inclusion within the Capital Investment Plan.

2.2 The schemes identified for inclusion total £0.460m. Of this amount, £0.260m relates to schemes at schools. Discussions have taken place with the schools with regard to the financial position of the Council and consequently the school's ability to contribute to the costs of the schemes. As a result, the schools have agreed to contribute as follows: -

Stanley High £0.040m to the total cost of £0.180m

Litherland Moss Primary £0.020m “ “ “ “ “ £0.080m

2.3 As a consequence of the above, the net call on the Single Capital Pot has reduced to £0.400m, leaving £0.858m still unallocated. A number of other schemes are still to be assessed and a further report will be presented to a future Cabinet meeting.

2.4 Should there be an underspend on any scheme, these resources will be returned to the Single Capital Pot. Conversely, any overspend on schemes will not automatically illicit any additional funding and the schemes on the list with the least priority within the bid will not be carried out.

3 Capital Priorities Fund

3.1 As noted in the report to Cabinet and Council on 28 February 2013, an additional £1m of capital funding was released from Council reserves aimed at assisting the development of town centres across the Borough, youth employment and the local economy. This £1m was included in the Capital Investment Plan and Cabinet on

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25 April 2013 approved £0.050m to be paid to the North West Training Council from this amount.

- 3.2 The Strategic Capital Investment Group, on 24 June 2013, have now recommended further amounts to be allocated from this fund. These are detailed at Appendix A and total £0.326m which brings the total amount approved from the fund to £0.376m.

4 Property Intervention Fund

- 4.1 The Strategic Capital Investment Group on 24 June 2013 considered an item regarding the delivery of a feasibility study on potential sites on Dunningbridge Road Corridor. It was agreed that the cost of £0.040m be approved from the Property Intervention Fund and there would therefore be no call on the Single Capital Pot resources.

5 Adult's Personal Social Services Grant 2012/13 £807,910

- 5.1 The grant for the transformation of Adult Social Care is not ring-fenced and was included in the February report to Cabinet and Council as being retained to support the transformation of Adult Social services, including service remodelling and systems development. Details are currently being developed to identify the prioritisation of this resource, taking into account requirements arising from the 2013-15 budget proposals approved by Council. The allocation of this resource will be presented to Cabinet when schemes have been developed.

APPENDIX A

BID NUMBER	Total Cost of Scheme £'000	School Contribution £'000	Single Capital Pot Funding £'000	Scheme Name	Scheme Description	Applicant Department
<i>SINGLE CAPITAL POT BIDS – RECOMMENDED</i>						
1	180	40	140	Stanley High School - Refurbished Science Laboratories	To provide 2 refurbished science labs by altering existings labs that are in poor condition. . The total cost of the scheme is £0.180m; a £0.040m contribution has come from the school	Learning & Support Services
2	80	20	60	Litherland Moss Primary School - Remodelling & Refurbishment	Design Fees up to Tender Stage only for the Remodelling & refurbishment of school providing new entrance, a new admin block, kitchen & boiler house and also address early years provision. The total cost of the scheme is £0.080m; a £0.020m contribution has come from the school	Learning & Support Services
3	200	0	200	New Street Lighting Columns (boroughwide)	Replacement of Street lighting columns	Investment Programmes and Infrastructure
Total	460	60	400			

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BID NUMBER	Funding required 2013/14 £'000	Scheme name	Scheme description
<i>CAPITAL PRIORITIES FUND – RECOMMENDED</i>			
1	40	Crosby Town Centre – Master Plan Approach	To create an agreed vision and ambition for Crosby Town Centre to re-establish public confidence and increase prospects for business retention, business growth and jobs.
2	40	Bootle Office and Learning Campus – Vision and Prospectus	To create an agreed vision and Office/Learning Campus and communicate the vision & opportunities to investors & respond to the new Planning Policy Framework. To support the Council's accommodation strategy and asset management function
3	50	Southport – Investment Strategy and Master Plan Approach	To Create a Visitor Economy Strategy in conjunction with private sector delivery partners including Council key assets. To create a Prospectus for Inward Investment, support business retention & growth and raise and retain additional business rates
4	40	Dunningsbridge Employment Corridor – A Master Plan, Feasibility and Viability	To overcome site constraints to help unlock Employment Land & Property Opportunities. To unlock external public & private sector investment, help companies realise growth plans and raise and retain additional business rates
5	54	Merseyside Superfast Broadband	To establish superfast broadband connection to 850 additional SMEs and give 210 SMEs business assistance. To access £12m of external funding and create additional jobs
6	30	Modelling future impact of projected traffic growth on Air Quality Management Areas	To improve understanding of the potential impact of traffic growth on AQMAs and health impact assessments.
7	35	People's Site (Feasibility, Design and Costs)	To unlock strategy for 1 st phase of development of site and support construction jobs and support residential land supply
8	37	A Strategy for International Sefton	To provide marketing events & activities with partners leading up to the International Festival of Business 2014. To support jobs & growth, promote Sefton as a business destination and support Sefton business to export
Total	326		

Report to: Council **Date of Meeting:** 5 September 2013

Subject: Update of the Constitution

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

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

Exempt/Confidential No

Purpose/Summary

To provide members with an update on items of the constitution that were considered for revision at the last Audit and Governance Committee in June 2013 and the cross party working group in August 2013 and to make recommendations to Council accordingly.

It was acknowledged and agreed by the Audit and Governance Committee at its meeting held on 26 June 2013 that any recommendations made by the Working Group arising from the review of the Constitution would be considered at Full Council in September without further reference to the Committee

Recommendations

- 1) To receive the recommendations arising from the Cross Party Working Group of the Audit and Governance Committee as set out in the report.
- 2) To approve the following amendments to the Constitution:
 - a. that both the Financial Procedure Rules and the Contract Procedure Rules be changed from schemes of operational detail to ones of principles and responsible delegation, as set out in Appendix 1 of the report
 - b. the powers of the Statutory Officers as set out in Section 4 of the report
 - c. the formal appointment of the Chief Executive as the Qualified Person for the purposes of the Freedom of Information Act 2003, as set out in Section 5 of the report
- 3) to note the proposed timetable with regard to the future adoption of an amended Code of Conduct for Members and Officers for dealing with Planning Matters, as referred to in Section 3 of the report
- 4) To agree to the temporary arrangements with respect to the appointment of the Monitoring Officer as set out in Section 6 of the report.

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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 ensure that the constitution remains up to date, transparent and an integral framework for the Council's decision making process; and to ensure that the professional standards of good governance are met.

What will it cost and how will it be financed?

(A) Revenue Costs - Nil

(B) Capital Costs - Nil

Implications:

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

Legal - Legal implications are contained in the contents of the report where appropriate	
Human Resources – Nil	
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:

To improve good governance of the Council's business by updating the constitution to incorporate developments in legislation, good governance and to improve current working practices.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD 2509) has been consulted and notes there are no direct financial implications arising from the report.

Are there any other options available for consideration?

To not review the constitution as outlined in the report.

Implementation Date for the Decision

Immediately following the Council meeting

Contact Officer: Jill Coule, Head of Corporate Legal Services & Monitoring Officer

Tel: 0151 934 2031

Email: jill.coule@sefton.gov.uk

Background Papers:

None

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1. Introduction/Background

- 1.1 Members will be aware that as part of good governance the Council's Constitution is now being reviewed twice a year. It is an obligation contained in the Constitution for the Monitoring Officer to ensure that the Council's Constitution is kept up to date and in good order (Chapter 10, Section E paragraph 29 refers). It is recognised that this is important to keep the Constitution up to date, meaningful and integral to the workings of the Council.
- 1.2 The Head of Corporate Legal Services in conjunction with the Head of Governance and Civic Services have worked to review sections of the Constitution that have become outdated, repetitive or do not reconcile with current or proposed working arrangements. This resulted in the revised format for the constitution as published in September 2012.
- 1.3 At the last meeting of the Audit and Governance Committee in June 2013, it was proposed that reviews would be undertaken on the following key areas of the Constitution
 - Financial Procedure Rules (carried forward for the review identified in September 2012) (Chapter 11)
 - Code of Conduct for Councillors and Officers for dealing with Planning Matters –
 - Any other miscellaneous issues arising as a result of operation of the Constitution.
- 1.4 Unfortunately due to the timing of the September Council meeting (5 September 2013) and the next Audit and Governance Committee meeting (25 September 2013), it has not been possible for the Audit and Governance Committee to make recommendations to Council in time for the September update of the Constitution. In these circumstances, officers continue to work with the existing cross party Working Group of members to formulate recommendations. Those draft recommendations have been shared with the Chair of the Audit and Governance Committee prior to publication of the report prepared for the Council meeting on 5 September 2013.

2. Financial and Contract Procedure Rules

- 2.1 Members will note that in the main the content of the Financial Procedure Rules sets out the responsibilities of the Head of Finance and ICT and a significant number of operational issues which direct the manner in which staff deal with financial transactions.
- 2.2 Members will recall that in September 2012, the scheme of delegation to officers was radically overhauled from a scheme of detail to a scheme of principles of delegation and a clear cascade system. This step was taken to prevent rafts of legislation being quoted in the Constitution which required regular review and updating. Further it allowed Directors and Heads of Service the flexibility to

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ensure that key officers were appropriately authorised within their service area without the need to bring a report to full Council for consideration.

- 2.3 After consultation with the Head of Finance and ICT, the Chief Internal Auditor and the cross party Working Group it is recommended that both the Financial Procedure Rules and the Contract Procedure Rules be amended to change from schemes of operational detail to ones of principles and responsible delegation. This change in format was agreed by the cross party working group.
- 2.4 It is intended that in future both these sets of Procedure Rules will be treated in the same manner, as for example the Treasury Management Policy whereby they are approved by full Council but do not sit within the body of the Constitution. This means that these Procedure Rules will remain available in the public domain.
- 2.5 To support this transition with officers and to generally raise awareness of the importance and new content of the Financial and Contract Procedure Rules, a series of training sessions is envisaged during the Autumn/Winter months.
- 2.6 The revised documents re principles and consequences are set out in **Appendix 1** to the report and will be published as part of the revised constitution.

3. Planning Code of Conduct

- 3.1 The Local Government Association (LGA) promulgated a Code for Members with respect to Planning Matters in April/May 2013 for consideration and to update the existing Code. This has been reported to members/planning committee and supplemented by some training events. The Lawyers in Local Government Group is proposing to circulate a further Code in this regard in November/December 2013.
- 3.2 In these circumstances it is proposed to delay further consideration of this Code to await the Lawyers in Local Government Code. It is then proposed any revised Code for Sefton be considered by both Planning Committee and Audit and Governance Committee next year, with a view to a new Code being adopted by full Council in April 2014. This approach was agreed by the cross party Working Group.
- 3.3 This will ensure that a new Code is in place for the forthcoming municipal year, and that Members appointed to the Planning Committee can be trained prior to undertaking their duties. Such steps will ensure that the integrity of the Council's decision making is promoted and preserved as far as possible.

4. Powers of the Statutory Officers

- 4.1 On a recent review of the Constitution, it has come to light that powers that were previously in the Constitution (pre September 2012) have not been replicated in later versions of the Constitution. Those powers are necessary for the statutory officers to exercise their duties effectively from time to time.
- 4.2 The powers relate to access to meetings and document as they see fit. It was therefore agreed by the cross party Working Group that Chapter 10 of the

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Constitution be amended so that for each of the statutory officers the following is added:

“A key role for the statutory officers is to make recommendations for the way in which the Council and the Constitution could be amended and/or improved to better achieve the overarching purposes of the Council. In undertaking this task, the statutory officers may:

- Observe meetings of different parts of the Member and officer structure
- Undertake an audit trail of a sample of decisions
- Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- Compare practices in this Council with those in comparable authorities, or national examples of best practice”

5. Freedom of Information

5.1 Further for the purposes of the Freedom of Information Act 2000 an officer needs to be formally identified within the Constitution as holding certain responsibilities. It was agreed by the cross party Working Group that the Chief Executive will be Qualified Person for these purposes (for example Section 36) and for this to be delegated to the Monitoring Officer as necessary and that this be reflected in Chapter 10 Sections C and F of the Constitution.

6. Monitoring Officer

6.1 This matter was not considered by the cross party Working Group but a temporary change to the appointment of the Monitoring Officer is required. The Council is required by law to have certain statutory officers, one of which is the Monitoring Officer. Jill Coule, Head of Corporate Legal Services and David McCullough, Principal Lawyer and Andrea Watts, Head of Governance and Civic Services are currently the Deputy Monitoring Officers.

6.2 The Council is requested to agree to the temporary appointment of Principal Lawyer, David McCullough to be the Council’s Monitoring Officer with effect from November 2013 until the return of the Head of Corporate Legal Services in 2014.

6.3 To support this role, it is further recommended that Peter Cowley, Principal Lawyer be appointed as a Deputy Monitoring Officer during this period and that Andrea Watts continue as a Deputy Monitoring Officer.

6.4 Section 5(1)(a) of the Local Government and Housing Act 1989 lays down a duty for local authorities to designate one of their officers as the ‘monitoring officer’. This officer may be the head of paid service but may not be the chief financial officer. The authority must provide that officer with such staff, accommodation and other resources as are in his/her opinion, sufficient to allow those duties to be performed.

6.5 It is the Monitoring Officer’s duty to prepare a report for the authority if, at any time, it appears to them that a proposal, decision or omission by the authority, or of a committee, sub-committee or officer or by any joint committee on which the council is represented has given rise to, or is likely to:

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(a) a contravention or any enactment or rule of law or of any code of practice made; or

(b) any maladministration or injustice under Part III of the Local Government Act 1974.

6.6 In preparing the report the Monitoring Officer is required to consult as far as practicable with the head of paid service and chief financial officer and ensure that a copy of the report is sent to each member of the authority.

6.7 The legislation states that the duties of the Monitoring Officer are to be performed by them personally or where they are unable to act owing to absence of illness personally by such member of their staff as they have for the time being nominated as their deputy. No additional payments are made to the post holders.

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APPENDIX 1

CHAPTER 11 - FINANCE, CONTRACTS AND LEGAL MATTERS

FINANCIAL PROCEDURE RULES

The Council's Financial Procedure Rules apply to all officers of the Council, the principles of the FPR's are contained within this constitution, the complete FPR's can be found within the Library of the Council's Committee system and via a link on the Finance & ICT page of the Intranet. It must be understood that these rules, whilst situated separately are in their principles part of the Council's Constitution and officers must ensure and as such officers must ensure with all principles and processes are complied with.

The Council's Financial Regulations set the control framework for five key areas of activity:

A. FINANCIAL PLANNING

Covers Capital Strategy, Treasury Strategy, Revenue Strategy, Revenue Budgeting, Capital Programme and Budgeting, Reserves and Key Decisions.

1 Cabinet is responsible for receiving the Medium Term Financial Plans (MTFP) and formally agreeing the annual budget, in line with statutory guidance. The Chief Executive, Deputy Chief Executive, and Service Directors and Heads of Service are responsible for contributing to the development of these plans, while the Head of Corporate Finance and ICT is responsible for preparing and presenting them to Council for consideration.

B. FINANCIAL MANAGEMENT

Covers Revenue budget monitoring and control, Virement, Treatment of year end balances, Capital Budget Monitoring, Accounting Policies, Accounting records and returns, Annual Statement of Accounts, Contingent Liabilities, Financial implications of reports.

2 The Head of Corporate Finance and ICT is responsible for developing, maintaining and monitoring compliance with an effective corporate financial framework. This will encompass detailed financial regulations, professional standards, key controls and good financial information. The Chief Executive, Deputy Chief Executive, Service Directors and Heads of Service will operate within this framework, alerting the Head of Corporate Finance and ICT to any risk of non-compliance.

C. RISK MANAGEMENT AND CONTROL OF RESOURCES

Covers Risk Management and insurance, Internal Control, Audit requirements, Preventing fraud and corruption, Assets, Treasury Management, Investments and Borrowing, Trust funds and funds held for third parties, Banking, Imprest Accounts, Staffing Costs.

3 The Audit and Governance Committee are responsible for agreeing the Authority's risk management strategy, policy and supporting guidance and for reviewing the effectiveness of risk management within the Council. The Head of Corporate Finance and ICT is responsible for developing, maintaining and advising upon robust systems for risk management and systems of internal control. This will be monitored through an effective internal audit function. The Chief Executive, Deputy Chief Executive and Service Directors are responsible for establishing sound arrangements within these systems and notifying the Head of Corporate Finance and ICT of any suspected non-compliance.

D. SYSTEMS AND PROCEDURES

Covers general processes and procedures, Income, Ordering and Paying for Works, Goods and Services, Payments to employees and Members, Taxation, trading accounts/business units, Internal Recharges.

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4 The Head of Corporate Finance and ICT is responsible for the Authority's accounting control systems, the financial accounts, supporting information and all financial processes or procedures. The Chief Executive, Deputy Chief Executive and Service Directors are responsible for the proper operation of all systems, processes and procedures. All exceptions to the corporately agreed standards will be agreed with Head of Corporate Finance and ICT.

E. EXTERNAL ARRANGEMENTS

Covers Partnerships, External Funding, Work for third parties, Local Authority Companies.

5 The Head of Corporate Finance and ICT is responsible for promoting the same high standards of conduct in the management of partnerships as within the Authority. The Chief Executive, Deputy Chief Executive and Service Directors are responsible for ensuring that the Council's interests are protected in such arrangements and that appropriate advice is taken at all stages.

FINANCIAL ARRANGEMENTS

6 All arrangements controlling receipts and payments of the Council as required by the Local Government Act 2000 and any statutory instrument, circular, rule, order or regulation made under or as a consequence of any of the provisions of that Act, shall be in accordance with the Financial Regulations of the Council for the time being in force.

7 The Audit and Governance Committee shall be responsible for periodically reviewing the Financial Regulations and its associated schedules and for recommending to the Cabinet any necessary amendments.

8 It shall be the duty of the Cabinet, subject to the approval of the Council, to regulate and control the finances of the Council in accordance with Standing Orders and Financial Regulations.

Overall Financial Responsibilities

9 Financial management covers all financial accountabilities in relation to the running of the authority including the policy framework and budget. It is not possible to draft regulations or rules that cover every eventuality or circumstance. Consequently, the principles of sound financial management, proper exercise of responsibility, and accountability, as set out in Financial Regulations, should be applied in all circumstances, even where any particular circumstance is not specifically referred to.

10 Overall financial responsibilities for decision-making bodies are set out in the relevant Chapter of the Constitution.

WHAT THE RULES ARE DESIGNED TO PREVENT

11 Financial Procedure Rules/Regulations and their associated schedules and all other financial instructions, procedures and policies are required in order to outline the rules and regulations of the Council and provide guidance to Departments to enable them to fulfil their part in the day to day financial workings of the Council. (Further guidance will be available on the Council's Intranet). It is necessary to have sound financial and operational controls in order to prevent:

- a) Fraud and other offences; and
- b) Waste, extravagance, inefficient administration or poor value for money.

12 Financial Procedure Rules as outlined above are designed to prevent poor practice. The list below is not an exhaustive list but is intended to identify examples of poor practice which should be avoided. These include:

- a) The use of “verbal orders”;
- b) Orders being issued without the proper authorisation;
- c) Authorising purchases even though the individual does not have the power to do so;
- d) Miscoding of expenditure in order to hide spend within existing codes;
- e) Spending in areas where there is no approved budget. If there is the need to spend in areas where there is insufficient budget, then monies should be vired (transferred) from other areas;
- f) Enter into leases where the individual does not have the authority to do so;
- g) Buying off-contract that is not from framework agreements in the I-proc system;
- h) Exceeding personal expenditure/order limits;
- i) Being unable to demonstrate that the expenditure incurred provided good value for money; and
- j) Committing the Council to contract on supplier terms and conditions, which can often be onerous, resulting in increased risk and cost to the Council.

13 Any non compliance with Council policies, procedures, financial procedure rules / regulations and associated schedules / instructions could result in appropriate disciplinary action.

14 Financial Procedure Rules shall be reviewed and updated as appropriate in line with review of the Constitution and shall be presented to Council, at least annually, for approval .

H CONTRACTS PROCEDURE RULES

125 The Council's Contract Procedure Rules apply to all officers of the Council, the principles of the CPR's are contained within this constitution, the complete CPR's can be found within the Library of the Council's Committee system and via a link on the Finance & ICT page of the Intranet. It must be understood that these rules, whilst situated separately are in their principles part of the Council's Constitution

126 Contract Procedure Rules are intended to promote good procurement and commissioning practice, public accountability, and deter corruption. Following the rules is the best defence against allegations that expenditure has been committed incorrectly or fraudulently.

127 Officers responsible for procurement or commissioning must comply with these contract procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract.

128 Any non compliance with Council policies, procedures, financial procedure rules / regulations and accounting instructions could result in appropriate disciplinary action.

129 Contract Procedure Rules shall be reviewed and updated as appropriate in line with review of the Constitution and shall be presented to Council, at least annually, for approval.

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Agenda Item 10

Report to:	Date of Meeting
Licensing & Regulatory (Urgent Referrals) Committee:	28 August 2013
Council:	5 September 2013
Subject:	Implementation of the Scrap Metal Dealers Act 2013
Report of: Director of Built Environment	Wards Affected: All
Is this a Key Decision? No	Is it included in the Forward Plan? No
Exempt/Confidential	No

Purpose/Summary

The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and details of the further regulations and notes of guidance are due to be issued by the Home Office in the near future prior to the proposed implementation of the Act on 1st October 2013.

The report seeks endorsement of the recommendations to Council, as below:

- (a) The giving of delegated powers to Licensing Sub-Committees and to the Director of Built Environment in respect of certain functions under the Scrap Metal Dealers Act 2013; and
- (b) To seek the approval of Members for proposed fees to be charged for the process.

Recommendation(s)

That Council:

- (a) Approves the fees a set out in Section 5 of the report in respect of Scrap Metal Dealers Licence; and
- (b) Authorises the amendment of Chapter 7 of the Constitution – Regulatory and Other Committees (Delegations to Regulatory and Non-Executive Committees) as follows:
 - Licensing and Regulatory Committee
 - (i) To exercise the functions of the Licensing Authority in accordance with the Scrap Metal Dealers Act 2013 ; and
 - (ii) To authorise the Licensing and Regulatory Committee to delegate it's functions under (i) above to Licensing Sub Committees (consisting of 3 Members).

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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 allow the implementation of the provisions contained within the Scrap Metal dealers Act 2013.

What will it cost and how will it be financed?

(A) Revenue Costs

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

(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:

Legal	The Head of Corporate Legal Services (LD1783/13) has been consulted and any comments have been incorporated into the report.
Finance	The Head of Finance and ICT (FD2478/2013) has been consulted and notes the report indicates there are no direct financial implications. Fees will be set locally by each local authority on a cost recovery basis, but local authorities will

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	have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that should be considered by them when setting the fee and what activities the fee can cover.
Human Resources	None

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:

These provisions replace existing Scrap Metal and Motor Salvage regulations and as such should not impact on service delivery.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

No

Implementation Date for the Decision

Following the Council Meeting.

Contact Officer: Kevin Coady
Tel: 0151 934 2946
Email: kevin.coady@sefton.gov.uk

Background Papers:

None

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1. Background

- 1.1 A report was previously submitted to the Licensing and Regulatory Committee on 3rd June 2013 concerning the provisions contained within the Scrap Metal Dealers Act 2013.
- 1.2 That report indicated that the Home Office was to issue further regulations and detailed guidance prior to the proposed implementation of the Act, which was to be 1st October 2013.
- 1.3 At the meeting, the Committee RESOLVED that:
 - (1) The report be noted; and
 - (2) Update reports be provided once further Regulations are issued by the Secretary of State.
- 1.4 The Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013 and officers are still await further regulations and notes of guidance to be issued by the Home Office.
- 1.5 The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.
- 1.6 The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that should be considered by them when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the regime and to ensure compliance.
- 1.7 The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicles (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for the vehicle salvage and scrap metal industries with a single regulatory scheme. The Act also revises the definition of ‘scrap metal dealer’ and ‘scrap metal’ to ensure they reflect the twenty-first century scrap metal industry.

2. Summary of the provisions of the Act

- 2.1 The Act defines a “scrap metal dealer” as *a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.*
- 2.2 It further states that “scrap metal” includes:

- (a) Any old, waste or discarded metal or metallic material, and
 - (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
- 2.3 Section 1 of the Act requires that a scrap metal dealer obtains a licence in order to carry on business as a scrap metal dealer. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.
- 2.4 Section 2 provides further detail in respect of the licence, including that there will be two types of licence, one for a site and the other for a mobile collector (for those carrying on business otherwise than at a site).
- 2.5 A site licence will be issued by the local authority in whose area a scrap metal site is situated and will require all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- 2.6 A mobile collector's licence will authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area; a separate licence would need to be obtained from each local authority in whose area the individual wished to collect in. A licence also does not authorise the licensee to carry on a business at a site within any area - should a collector wish to use a fixed site, they would need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their metals.
- 2.7 A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under paragraph 1(4) of the Act to alter the duration of the licence.
- 2.8 Section 3 requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regard to any relevant information, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The Secretary of State has a power to prescribe in regulations the meaning of relevant offence and relevant enforcement action. It is intended that this will be in line with the criteria used by the Environment Agency when issuing environmental permits under the Environmental Protection Act 1990. The authority must also have regard to any guidance on determining suitability which will be issued from time to time by the Secretary of State, and the authority may consult with other organisations to assist in determining suitability.

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- 2.9 Section 3 also allows local authorities, when issuing a licence, to include conditions on it if the licensee or site manager has been convicted of a relevant offence. Subsection (8) specifies the two conditions that can be imposed by local authorities on a licence, namely:
- (a) That the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day;
 - (b) That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 2.10 Section 4 provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer. The revocation of a licence can only be carried out by a local authority as the licensing authority.
- 2.11 Section 4 also allows the licensing authority to vary a licence, imposing the conditions stipulated in 2.11 above, if the licensee or a site manager is convicted of a relevant offence.
- 2.12 If the licensing authority proposes to refuse an application for the grant or variation of a licence, or intends to revoke a licence, it must give the applicant or licensee a notice which sets out what the authority proposes to do and the reasons for it. The notice must state that the applicant may make representations against any of these decisions within 14 days.
- 2.13 Section 6 places a duty on the local authority to supply any such information as requested relating to a scrap metal licence to any other local authority in England and Wales, the Environment Agency, the Natural Resources Body for Wales and to police forces.
- 2.14 Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency in England and the Natural Resources Body for Wales in Wales. Local authorities will provide the appropriate information on all licences issued in their geographic areas in order that this register can be updated regularly. The register will be made openly accessible to the public and will include: the name of the authority which issued the licence; the name of the licensee; any trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.
- 2.15 Section 10 requires that the licensee display a copy of their licence. For site operators this must be in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil these requirements. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- 2.16 Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the person's address. This verification must be done by reference to data, documents or other information

obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient, or not sufficient as the case may be, for verifying identity.

- 2.17 It will be an offence not to obtain and verify the seller's identity, punishable by a fine not exceeding level 3 on the standard scale. The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.
- 2.18 Section 13 sets out the record-keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the non-cash transaction. Failure to comply with the requirements of this section is an offence attracting a penalty up to level 5 on the standard scale.

3. Implementation timetable

3.1 The Home Office has released the following implementation timetable:

- *A Commencement Order will be made in August.*
- *The main provisions of the Act commence on 1st October including the offence of buying scrap metal for cash.*
- *Dealers and motor salvage operators registered immediately before 1st October will be deemed to have a licence under the Act from 1st October.*
- *Provided the dealer submits an application for a licence on or before 15th October their deemed licence will last until the council either issues them with a licence or gives them notice of the decision to refuse them a licence, although they will be able to continue trading pending an appeal against the decision not to grant a licence.*
- *Where a dealer submits an application on or before 15th October but does not supply all the required information with the application form then the deemed licence remains in effect after 15th October.*
- *Where a dealer with a deemed licence fails to submit an application on or before 15th October the deemed licence will lapse on 16th October.*
- *Other scrap metal dealers, not previously registered, will be able to apply for a licence from 1st October but will have to wait until a licence is granted before they can legally trade.*
- *Local authorities will complete suitability checks on applicants and decide whether to issue licences. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1st December.*
- *All other enforcement provisions within the Act commence on 1st December.*

3.2 The Council therefore needs to be in a position to take applications (and to charge a fee for applications) from 1st October 2013.

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4. Proposed delegations

- 4.1 In respect of Licensing Sub Committees, it is recommended that Chapter 7 of the Constitution – Regulatory and Other Committees (Delegations to Regulatory and Non-Executive Committees) be amended by the addition of the following:

The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the Director of Built Environment proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about that proposal.

4.2

5. Proposed Licence fees

- 5.1 As per Paragraph 1.5 above the Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that should be considered by them when setting the fee and what activities the fee can cover.

- 5.2 As mentioned elsewhere in this Report the Authority has to take account of the guidance issued on setting fees from the Home Office in order to arrive at a fee which would cover actual cost recovery.

- 5.3 In particular that in calculating their fees councils will want to take into account the following:

- All the activity required with processing and granting a licence such as considering applications and assessing the suitability of the applicant .
- The costs of staff associated with supporting the service.
- Support provided by other parts of the council to the licensing team such as legal services and any recharges there might be for rooms, heating and lighting from the centre of the authority.
- The cost of providing advice and guidance to applicants on what will be a new process.
- Carrying out inspections and ensuring compliance with the law.
- Costs associated with consulting other agencies and bodies when considering if an applicant is a suitable person.
- Working with any partners in ensuring compliance .
- Issuing the licence.
- Any officer time spent providing information for inclusion in the register of dealers.

- 5.4 An important point arising out of the recent Hemming v. Westminster case is that the fees cannot be used to pay for enforcement action against unlicensed dealers (particularly collectors) and these have not been included in Sefton's calculations.

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5.5 It is therefore proposed that the following fees be charged in respect of this new process:

Site Licence	
Grant	£130
Renewal	£130
Variation	£ 75

Collector's Licence	
Grant	£ 95
Renewal	£ 95
Variation	£ 75

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COUNCIL – 5 SEPTEMBER 2013

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – CALL-IN AND URGENCY PROVISIONS

I wish to report that the Chairs of the relevant Overview and Scrutiny Committees gave their consent, under Rule 46 of the Overview and Scrutiny Procedure Rules set out in the Council Constitution to the following issues being dealt with, on the basis that the decisions could not be reasonably deferred, and not be subject to call-in.

LEADER OF THE COUNCIL – 17 JUNE 2013

Forefield Junior School and Norwood Primary School – Boiler Replacement Works

Decision Made:

- (1) The Director of Built Environment be authorised to appoint KGA Partnership Limited, of Birkenhead, to undertake the consultancy services necessary for the boiler replacement works at Forefield Junior School and Norwood Primary School and approval be given to the waiving of the Contracts Procedure Rules with regard to obtaining 3 quotations in respect of these works; and
- (2) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children’s Services) have given their consent under Rule 46 of the Overview and Scrutiny Procedure Rules for the above decision to be treated as urgent and not subject to “call in” on the basis that it cannot be reasonably deferred because it is necessary for the works to commence immediately to ensure that boiler installation is completed for the commencement of the September 2013 term.

Reason for the decision:

There is a need to urgently progress these necessary works in a manner which would otherwise be contrary to the provisions of the Constitution.

Alternative Options Considered and Rejected:

The only alternative option available would be to defer the boiler replacement works until the summer of 2014. The Director of Young People and Families believes the risks associated with this, potentially leading to the temporary closure of the schools, is unacceptable.

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CABINET MEMBER – PERFORMANCE AND CORPORATE SERVICES – 20 AUGUST 2013

Bootle Strand Shopping Centre – Variation of Existing Lease Obligations

Decisions Made:

- (1) That the Cabinet Member notes the proposed assignment to Bootle Strand Property Limited and approves the variation of the existing lease obligations as detailed in this report.
- (2) It be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) have given their consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not being subject to “call-in” on the grounds that it cannot reasonably be deferred and any delay could give rise to a risk that the Council might not act within a reasonable timescale and the proposed arrangements may not be completed.

Reasons for Decisions:

The shopping centre has been under the management of the Administrators for the best part of a year. The Administrator’s Interests are not focussed on the longer term management and performance of the centre. Therefore, the Council’s interests are best served in seeing ownership transferred to a well capitalised, pro-active investor/owner, but with the additional benefit of a capital payment.

Alternative Options Considered and Rejected:

The Council cannot unreasonably withhold consent, so the assignment is likely to proceed regardless. The Council could decide to leave the whole of the balance of the mandatory investment funding to be spent on internal refurbishment of the malls and communal areas at the discretion of the new owners of the head lease interest.