



## 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 25th September, 2014 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 17 September 2014

Please contact Steve Pearce, Democratic Services Manager  
on 0151 934 2046 or e-mail [steve.pearce@sefton.gov.uk](mailto: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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# **A G E N D A**

**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 9 - 18)

Minutes of the meeting held on 24 July 2014.

**4. Presentation of Long Service Award to Sir Ron Watson CBE**

The Mayor will present a Long Service Award Certificate to Sir Ron Watson CBE, to commemorate his 40 years service as a Member of Sefton Council from 1973 to 1991 and 1992 to 2014.

**5. Mayor's Communications**

**Public Session**

**6. 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**

**7. 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.

8. **Department for Transport Pothole Fund** (Pages 19 -  
Report of the Director of Built Environment 22)
9. **Proposed Amendments to the Constitution** (Pages 23 -  
Report of the Director of Corporate Services 30)
10. **Council Constitution - Call-in and Urgency Provisions** (Pages 31 -  
Report of the Leader of the Council. 34)
11. **Membership of Committees 2014/15**  
To consider any changes to the Membership of any committees etc.
12. **Notice of Motion Submitted by Councillor Lewis**  
To consider the following Motion submitted by Councillor Lewis:

“(1) The Council notes:

- It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.
- The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world's tax havens in the British Overseas Territories and Crown Dependencies.
- The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.

(2) The Council believes:

- As a local authority we have a duty to provide the best possible public services.
- Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
- All who benefit from public spending should contribute

their fair share; and

- The UK must take a lead role in creating a fairer tax system and combatting tax dodging.
- (3) The Council resolves to support the Campaign for Tax Justice, supporting the following motion:

“While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK Government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.”

### **13. Notice of Motion Submitted by Councillor Keith**

To consider the following Motion submitted by Councillor Keith:

- “(1) The Council notes that:
- In Sefton 41.5% of the population is over 50 and this number is projected to rise.
  - There are 24,800 people over 75 in Sefton.
  - Southport has successfully met the foundation criteria for dementia - friendly communities.
  - Current national and local planning policies do not require developers of elderly friendly homes to carry out an assessment of how dementia friendly their new developments are.
  - The Alzheimer's Society estimates that Dementia costs the UK £23 billion each year.
- (2) The Council believes that:
- Developers of homes should consider the issues associated with an ageing population, including how dementia - friendly their developments are at all stages of those developments, and
  - Officers of the Council with specific expertise in the area of older people can provide a useful source of information on dementia.
- (3) The Council resolves to:
- Promote increased awareness of the needs of

older people amongst those wishing to develop housing in the Borough, including the design and development of a dementia - friendly environment.

- Develop and publish its Housing Strategy For Older People to identify how best to address the housing needs of Sefton's ageing population; and
- To consider, through the emerging Local Plan process, the making of a policy requiring developers to identify how best to address the housing needs of the ageing population."

#### **14. Notice of Motion Submitted by Councillor Killen**

To consider the following Motion submitted by Councillor Killen:

"The Council:

- Wants Sefton mothers and babies to receive the highest standard of maternity care, which includes having a midwife with them throughout established labour as recommended by NHS England and accepted as best practice.
- Recognises that giving birth is the most common reason for being admitted to hospital in the UK.
- Wants to see high-quality, safe maternity care in the most appropriate setting for all Sefton women and babies.
- Requests the South Sefton Clinical Commissioning Group (CCG) and the Southport and Formby CCG to work with the West Lancashire CCG and Liverpool CCG in meeting with local maternity providers to discuss an increase in funding for maternity care which reflects the actual cost of providing safe and appropriate care.
- Requests the South Sefton CCG and Southport and Formby CCG to investigate what cost savings could be made with investment in a midwife-led unit either in Sefton or alongside Ormskirk District General Hospital.
- Requests the Secretary of State for Health to:
  - (i) reassess the maternity tariff and provide evidence, if there is any, that safe, quality care can be provided via the maternity tariff alone without cross-subsidising maternity with other hospital services; and
  - (ii) follow the recommendations of the Public Accounts Committee report into maternity services in England, published in January 2014 which states that:

"The Department (of Health) should assess, through a detailed costing exercise, the affordability of meeting its policy objectives, and work with NHS England and Monitor to review whether the current tariffs for maternity care are set at the right level. The Department should ensure the financial incentives enable the best and most appropriate services to be developed at the lowest cost."

**15. Notice of Motion Submitted by Councillor Killen**

To consider the following Motion Submitted by Councillor Killen:

"The Council recognises that:

- Breastfeeding has been shown to improve health outcomes across the population.
- It is an unlawful under the Equality Act 2010 to discriminate against a woman because she is breastfeeding.
- Wherever women and babies are allowed to be, women can breastfeed and it is discrimination to ask them to stop.
- There have been a number of reports across the UK this summer of women being asked to stop breastfeeding in public, at swimming pools and cafes.
- All public places have a duty to train their staff effectively about issues surrounding discrimination.

The Council resolves that:

- (1) all shops, service providers and organisations across all sectors in Sefton should be contacted to ensure they understand their responsibilities towards breastfeeding mothers; and
- (2) all shops, service providers and organisations across all sectors in Sefton should be sent a 'Breastfeeding welcome here' sticker for them to display if they wish to, and they should be encouraged by Sefton Council to do so."

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

## COUNCIL

### MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 24TH JULY, 2014

PRESENT: The Mayor (Councillor K. Cluskey) (in the Chair)

Councillors Atkinson, Ball, David Barton,  
Maria Bennett, Veronica Bennett, Booth, Bradshaw,  
Brodie - Browne, Burns, Byrom, Carr, Crabtree,  
Cummins, Dams, Dawson, Dodd, Mark Dowd,  
Peter Dowd, Dutton, Lord Fearn, Friel, Gatherer,  
Grace, Hands, Hardy, Hartill, Jones, Keith,  
John Kelly, John Joseph Kelly, Kermode, Kerrigan,  
Killen, Lappin, Lewis, P. Maguire, Mahon, McGinnity,  
McKinley, O'Brien, Owens, Page, Papworth, Preece,  
Roberts, Robertson, Robinson, Roche, Shaw,  
Tweed, Veidman, Weavers, Webster and Welsh

#### 21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ashton, Jo Barton, Brennan, Cuthbertson, Fairclough, Maureen Fearn, Maher, Sue McGuire, Moncur, Murphy and Thompson.

#### 22. DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 23. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the Minutes of the Annual Council Meeting held on 29 May 2014 and the Adjourned Annual Council Meeting held on 3 June 2014 be approved as a correct record.

#### 24. MAYOR'S COMMUNICATIONS

Cian Brennan

The Mayor reported with great sadness that Councillor Brennan's grandson 'Cian' was born on Friday, 27 June 2014 but tragically died on Sunday, 29 June 2014. Cian's funeral had been held on Wednesday, 22 July 2014.

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The Mayor commented that the Council's thoughts were with Councillor Brennan and his family at this difficult time and although no words can really help to ease the loss they bear, they were in our thoughts at this sad time. The Mayor also reported that he had sent a letter to Councillor Brennan on behalf of the Council extending deepest condolences.

## Susan Ashton

The Mayor reported that Councillor Ashton's wife, Susan was recently admitted to the Walton Centre, Liverpool, but very pleasingly she had been discharged from hospital last Thursday and was now recovering at home under the supervision of the Community Neuro Team.

The Mayor reported that he had sent a letter to Councillor Ashton on behalf of the Council, extending best wishes to Susan for a speedy recovery.

## Councillor Andy Dams

The Mayor reported that Councillor Andy Dams was elected to the Council at the Elections held in May 2014, but he had been on holiday when the last Council meeting was held. The Mayor extended a warm welcome to Councillor Dams and asked him to stand up in order to introduce himself to the other Members of the Council.

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

The Mayor reported that no matters had been raised by Members of the Public.

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

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

- Councillor Dawson to the Cabinet Member – Communities and Environment (Councillor Hardy) – 7 questions
- Councillor Dawson to the Cabinet Member – Regeneration and Tourism (Councillor Maher)
- Councillor Dawson to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Papworth to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Booth to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)

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together with the responses given. One supplementary question was responded to by the Cabinet Member – Communities and Environment.

## **27. MEMBERSHIP OF COMMITTEES 2014/15**

The Council considered the report of the Director of Corporate Services which indicated that Councillor Crabtree had given notice that he no longer wished to be a Member of the Conservative Group and he formally became a Member of the Labour Group from 19 June 2014. This had changed the political balance on the Council and following a request from Councillor P. Dowd, Leader of the Labour Group, a re-calculation of the entitlement to formal Committee places had been undertaken which resulted in the Labour Group gaining one place on the Planning Committee and the Conservative Group losing one place on that Committee.

Councillor Webster proposed that Councillor Crabtree be appointed on to the Planning Committee with Councillor Robinson as his Substitute Member; and Councillor Hartill reported that he would be relinquishing his place on the Planning Committee now that the Conservative Group had lost one place on that Committee.

### Other Committee Changes

It was proposed by Councillor Webster that Councillor Dams replace Councillor Robinson as the Substitute Member for Councillor Gatherer on the Overview and Scrutiny Committee (Regeneration and Environmental Services).

It was proposed by Councillor Hartill that the following changes be made to the Committees indicated:

- Councillor Ball to replace Councillor Crabtree as a Substitute Member for Councillor David Barton on the Overview and Scrutiny Committee (Health and Social Care);
- Councillor Hartill to replace Councillor Dutton as a Member of the Overview and Scrutiny Committee (Regeneration and Environmental Services) and Councillor Jones to remain as the Substitute Member.
- Councillor Hartill to replace Councillor Crabtree as a Member of the Pay and Grading Committee; and
- Councillor Ball to replace Councillor Crabtree as a Member of the Joint Consultative Committee for Teaching Staffs and Councillor Dutton to be the Substitute Member.

It was proposed by Councillor Hands that the following changes be made to the Committees indicated:

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- Councillor Hands to replace Councillor Ashton on the Licensing and Regulatory Committee;
- Councillor Weavers to replace Councillor Dawson as the Substitute Member for Councillor Maureen Fearn on the Planning Committee; and
- Councillor Preece to replace Councillor Shaw as the Substitute Member for Councillor Robertson on the Planning Committee.

## Liverpool City Region Combined Authority Scrutiny Panel

Councillor Webster reported that Councillors Mark Dowd and Lappin would be appointed as the Council's two representatives on the Liverpool City Region Combined Authority Scrutiny Panel and Councillor Hands reported that Councillor Preece had been appointed to represent the Liberal Democrat Group collectively across the Liverpool City Region on the Combined Authority Scrutiny Panel.

RESOLVED:

That:

- (1) the changes to the Membership of Committees set out above be approved; and
- (2) the appointments to the Liverpool City Region on the Combined Authority Scrutiny Panel set out above be noted.

## **28. CAPITAL SCHEME APPROVALS 2014/15**

Further to Minute No.10 of the Cabinet meeting held on 17 July 2014, the Council considered the report of the Head of Corporate Finance and ICT which provided details of the latest capital projects that had been recommended for inclusion within the Capital Investment Plan for 2014/15 by the Cabinet and the Strategic Capital Investment Group.

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

RESOLVED:

That:

- (1) approval be given to the scheme to relocate Air Quality Monitoring Equipment from the land at Hemans Street and Rimrose Road at a cost of £15,000 being funded from capital receipts as detailed in paragraph 2 of the report; and
- (2) approval be given to revenue trajectory funding of £549,000 being capitalised to undertake capital work to provide additional places for early education for 2 year olds as detailed in paragraph 3 of the report.

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## **29. OVERVIEW AND SCRUTINY ANNUAL REPORT 2013/14**

The Council considered the Overview and Scrutiny Annual Report for 2013/14 and Councillors McGinnity, Bradshaw, Page and McKinley highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2013/14.

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

RESOLVED:

That the Overview and Scrutiny Annual Report 2013/14 be noted.

## **30. NOTICE OF MOTION SUBMITTED BY COUNCILLOR HARTILL**

It was moved by Councillor Hartill, seconded by Councillor Dutton:

“The Council understands that Fracking is the drilling technique where high pressure fluids are forced into the ground as a means of extracting fossil and geothermal fuels such as shale gas.

The Council is aware that:

- There are currently many environmental concerns associated with Fracking. These concerns include worries that the Fracking process can cause small earth tremors.
- There is believed to be a great deal of shale gas and oil under the Sefton Coastline and this will no doubt become a target area for drilling companies.
- At this time, the law of “Trespass” protects home owners from Fracking being carried out under built up areas. This is because people and businesses own the land under their properties from the surface down to the earth’s core.
- The Department of Energy and Climate Change are currently carrying out consultation with a view to introducing new legislation that will allow energy companies to carry out Fracking activities below 300 metres in built up areas, without the permission of the owners of the land above.

The Council believe that to suggest such a change in law is a huge breach of civil trust and may even contravene the Human Rights Act regarding the peaceful enjoyment of property and the right to a peaceful life.

The Council requests the Chief Executive to:

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1. Write to the Department of Energy and Climate Change (DECC) and inform them that the Council does not support, and in fact strongly opposes, the proposed changes to the Trespass Law; and
2. Inform the DECC that the Council, as mineral planning authority, is likely to require any potential applicant, who is seeking planning permission to carry out Fracking operations within Sefton, to submit an Environmental Impact Assessment which assesses the potential risk to people, plants, animals, soil, water, climate, landscape, architectural and archaeological heritage.”

An Amendment was moved by Councillor Brodie – Browne, seconded by Councillor Shaw that the Motion be amended as follows:

“In line 6 (first bullet point), delete “currently.”

In line 7 (first bullet point), after “associated with Fracking”, insert “drawing mainly on the recent experience in the poorly-regulated deployment of this technology in shallow strata in the USA.”

In line 8 (first bullet point), delete “small.”

Lines 12 – 25: delete third and fourth bullet points and also the following paragraph i.e. “The Council believes ...”, and replace the text with:

The Council believes that, in relation to Fracking, the precautionary principle should apply, and accordingly that no Fracking should be undertaken until it has been shown that:

- (i) Regulations controlling pollution of water, methane gas emissions, sustainable use of water, monitoring of seismic activity and protecting local environmental quality are adequate and are strictly enforced.
- (ii) Methane emissions are properly monitored and accounted for in the UK’s carbon register so that the legal limits on greenhouse gas emissions in the UK’s carbon budgets are kept to.

Lines 27 – 30: delete point 1, so that final paragraph reads: “The Council requests the Chief Executive to inform the Department of Energy and Climate Change (DECC) that the Council, as mineral planning authority...”

During the debate on the amendment, the Leader of the Council, Councillor P. Dowd requested that the Motion and the Amendment be withdrawn and that an all-party Working Group be appointed to consider the implications set out in the Motion and Amendment in more detail and submit their findings to the Cabinet for consideration in due course and that the membership and terms of reference for the Working Group be determined in the near future.

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Councillors Hartill and Brodie – Browne agreed to withdraw their Motion and Amendment respectively on the understanding that the Working Group be established.

## **31. NOTICE OF MOTION SUBMITTED BY COUNCILLOR ROBERTSON**

It was moved by Councillor Robertson, seconded by Councillor Dodd:

“That the Council welcomes the publication of the Draft Liverpool City Region Long Term Rail Strategy but is concerned that the Southport - Wigan - Manchester line, which supports commuter travel for Sefton residents living in the north of the Borough, who work in Manchester and the tourist trade/economy in Formby/Southport/North Sefton, is omitted from the report.

The Council calls upon the Liverpool City Region Combined Authority to include this line, and the development and promotion of it, in the final draft of the strategy.

All options to upgrade this line need to be fully considered within the strategy and should include:

- Renewal of outdated/inappropriate rolling stock
- Increased passenger/train capacity
- A potential new park and ride station at Kew
- Electrification
- Adoption of Meols Cop Station by Merseytravel
- Connectivity with the Ormskirk - Preston line

The benefits that could flow from including this line within the final City Region Long Term Rail Strategy will support the north of the Borough and help sustain Sefton's tourist economy. It will also ensure that the north of the Liverpool City Region is well connected to West Lancashire, Preston and Manchester City Region by rail.”

An Amendment was moved by Councillor Friel, seconded by Councillor Kermode that the Motion be amended by the insertion of the following text after the second paragraph of the Motion:

“Equally the Council congratulates the Leader of this Council, Councillor Peter Dowd, for raising this issue at the meeting of the Combined Authority on 13 June 2014 and gaining assurances from Merseytravel representatives there, that the Southport - Wigan - Manchester line would be positively included in the final version of the Liverpool City Region Long Term Rail Strategy.”

The amendment was accepted by Councillor Robertson and on a show of hands, the Mayor declared that the amended Motion was carried unanimously and it was

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RESOLVED:

That the Council welcomes the publication of the Draft Liverpool City Region Long Term Rail Strategy but is concerned that the Southport - Wigan - Manchester line, which supports commuter travel for Sefton residents living in the north of the Borough, who work in Manchester and the tourist trade/economy in Formby/Southport/North Sefton, is omitted from the report.

The Council calls upon the Liverpool City Region Combined Authority to include this line, and the development and promotion of it, in the final draft of the strategy.

Equally the Council congratulates the Leader of this Council, Councillor Peter Dowd, for raising this issue at the meeting of the Combined Authority on 13 June 2014 and gaining assurances from Merseytravel representatives there, that the Southport - Wigan - Manchester line would be positively included in the final version of the Liverpool City Region Long Term Rail Strategy.

All options to upgrade this line need to be fully considered within the strategy and should include:

- Renewal of outdated/inappropriate rolling stock
- Increased passenger/train capacity
- A potential new park and ride station at Kew
- Electrification
- Adoption of Meols Cop Station by Merseytravel
- Connectivity with the Ormskirk - Preston line

The benefits that could flow from including this line within the final City Region Long Term Rail Strategy will support the north of the Borough and help sustain Sefton's tourist economy. It will also ensure that the north of the Liverpool City Region is well connected to West Lancashire, Preston and Manchester City Region by rail.

## **32. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MARIA BENNETT**

Councillor Maria Bennett indicated that she wished to withdraw the following Motion from consideration at the meeting:

“That the Council encourages all contractors, when working in the Borough of Sefton, to be aware of the needs of its neighbours and the environment and to respect these.”



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## **33. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MAHON**

It was moved by Councillor Mahon, seconded by Councillor Veidman and unanimously

RESOLVED:

That this Council:

Calls on the Secretary of State for Communities and Local Government, Mr. Eric Pickles M.P., to examine the changes the coalition Government has made to this country's planning system to see if they are working for the benefit of the communities. Some of the issues are detailed below.

### The National Planning Policy Framework

There is a body of opinion that sees this as a 'Developers Charter' where the rules have shifted in favour of allowing much more development.

### Prior Notifications

Several kinds of developments can now progress without the need for full application and full assessment of impacts. In most cases these don't include highway issues and ignore issues that many residents may be concerned about.

Types of development covered by these changes include large house extensions, changes between different uses, changes of agricultural buildings to many other uses like hotels etc. Councils still need to determine these prior notifications, in many instances with no fee and with reduced timescales for decision making.

### Changes to the Use Classes Orders

Now a much wider range of uses than ever can change to another use without the need for planning permission.

These include shops to residential – what will this mean for our town centres? Restaurants to offices, shops to building societies or credit unions. These are only a small number of the changes of use that are now possible without needing planning permission.

### Localism Act – Neighbourhood Planning and Community Right to Bid

Neighbourhood Planning could be a positive tool to support our own local plans. The process has been designed so that communities can help plan their local areas, but only if they accept the same, or more, development than our own Local Plan.

Community Right to Bid – this is in danger of becoming a tool to stall development proposals for many months when key assets come up for

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sale. This does not provide certainty and speed for new developments – it provides the opposite.

## Abolition of Regional Planning

This was intended to bring more effective local decision making through the removal of a whole regional tier of control and influence in strategic planning. This has resulted in each local authority now having to prepare their own evidence and their own estimates about how many houses they need to build in their area. This has, in effect, introduced a huge new area of controversy and uncertainty for councils.

# Agenda Item 8

**Report to:** Cabinet  
Council

**Date of Meeting:** 11 September 2014  
25 September 2014

**Subject:** Department for Transport Pothole Fund

**Report of:** Director of Built Environment

**Wards Affected:** All

**Is this a Key Decision?** Yes    **Is it included in the Forward Plan?** No – Rule 27  
Applied

**Exempt/Confidential** No

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## **Purpose/Summary**

To seek approval to the inclusion of the £380,965 allocated to Sefton from the Department of Transport 'Pothole Fund', in the Councils 2014/15 Capital programme, to be allocated on the basis of priorities agreed by the Cabinet Member for Transportation.

## **Recommendation(s)**

That **Cabinet**;

1. Recommends to Council that the £380,965 allocated by the Department for Transport Pothole Fund is incorporated into the Council's Capital Programme for 2014/15
2. Agrees the proposed additional projects contained in Appendix A of this report to the previously approved Highways Maintenance programme 2014-15
3. That it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because delayed implementation of the programme of highway maintenance would place at risk the Council's ability to fully utilise the resource allocated.

That **Council** give approval to the Department for Transport Pothole Fund allocation of £380,965 being incorporated into the Council's Capital Programme for 2014/15

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

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

### Reasons for the Recommendation:

The resources allocated are capital and thus must be incorporated into the Council's Capital Programme

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

**(A) Revenue Costs – None**

**(B) Capital Costs –** The additional allocation will augment existing Highway Maintenance resources in order to deliver the priority projects identified by the Cabinet Member, Transportation

### Implications:

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

<b>Legal – None</b>	
<b>Human Resources - None</b>	
<b>Equality</b>	
1. No Equality Implication	<input type="checkbox"/> *
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:**

None

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

The Head of Corporate Finance (FD 3103/14) and the Head of Corporate Legal Services (LD 2407/14) have been consulted and any comments have been incorporated into the report.

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

No

**Implementation Date for the Decision**

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

**Contact Officer :** Alan Lunt  
**Tel:** 0151 934 4580  
**Email:** alan.lunt@sefton.gov.uk

**Background Papers:**

None

**1. Background**

- 1.1 The Department for Transport has allocated resources to each Highway Authority under the auspices of a ‘Pothole Fund’. While referred to as pothole funding, DfT have advised that the resource should be utilised for a range of priority highway maintenance projects, to be determined by the Local Authority.
- 1.2 Unlike previous years funding, DfT have made clear that the resource for 2014/15 is capital and that it is unringfenced. Therefore, it is necessary to incorporate the funding into the 2014/15 Corporate Capital Programme and also confirm that the resource is to be used for Highway Maintenance purposes on the basis of priorities determined by the Cabinet Member for Transportation.
- 1.3 The Chair of the Strategic Capital Investment Group has consented to the resource being utilised for Highway Maintenance purposes. Therefore, Council is required to agree inclusion of the funding into the corporate Capital Programme for 2014/15.
- 1.4 The additional resource will be utilised to augment the agreed Highways Maintenance Programme 2014-15 on the basis of additionally identified priorities, based on detailed site inspections. This additional programme is set out within ‘Appendix A’ to this report.

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## Appendix A

In addition to the Council's approved 2014/15 highway maintenance programme, the following projects are recommended for inclusion in order to utilise the additional 'Pothole Fund' allocation 2014-15;

Preston New Road, Southport (Increase patching fund to alleviate vibration issues and settlement) Value £100,000.00

A59 Northway, Maghull ( Robins Island RAB) Plane& inlay 40mm, carriageway surface starting to breakdown. High risk of injury and damage claim. Value £46,250.00

Southport Road, Bootle (Roundabout @ Northfield Road) Plane& Inlay 40mm, carriageway in poor state of repair High risk of injury and damage claim, Value £42,500.00 Previously texbanded to arrest deterioration.

Southport Road, Bootle (Roundabout@ Aintree Road) Plane& Inlay 40mm, carriageway in poor state of repair High risk of injury and damage claim, Value £38,150.00 Previously texbanded to arrest deterioration.

Gorse Lane, Litherland £73,100.00 to be added to approved patch funding to cover selective carriageway repairs in Hawthorne Road and Sefton Road

A565 Formby Bypass (Liverpool Road to Altcar Lane & vice versa) Surface Dressing, initial signs of failure identified in carriageway surface. Value £57,035.00

A565 Formby Bypass (Southport Road to Southport Old Road & vice versa) ) Surface Dressing, initial signs of failure identified in carriageway surface. Value £103,786.00

Eastbourne Road, Southport (Extension to works approved for Cemetery Road) Surface Dressing. Value £12,920.00

Altcar Road. Formby (Alt Road to A565 Formby Bypass) Surface Dressing. Value £9,000.00

Fleetwoods Lane, Netherton, Surface Dressing. Value £19,975.00

Moss Lane, Hightown (Bends between Gorse Lane and Pheasant Public House) Carriageway in poor state of repair, Plane & Inlay 40mm, (Surface treatments considered but found to be unsuitable due horizontal profile of site.) Value £103,133.00

Remaining balance of funds £75,235.00 to be set to adhoc large patch repairs across the highway network. Site extents to be determined.

<b>Report to:</b>	Audit and Governance Committee	<b>Date of Meeting:</b>	10 September 2014
	Council		25 September 2014
<b>Subject:</b>	Proposed Amendments to the Constitution	<b>Wards Affected:</b>	All Wards
<b>Report of:</b>	Director of Corporate Services		
<b>Is this a Key Decision?</b>	No	<b>Is it included in the Forward Plan?</b>	No
<b>Exempt/Confidential</b>	No		

**Purpose/Summary**

To advise on two key amendments to the Council’s Constitution, submitted by the Overview and Scrutiny Committee (Health and Social Care) and Audit and Governance Committee

**Recommendation(s)**

That the Council be requested to approve the following additional amendments to the Council’s Constitution:

1. The text attached at Appendix A to the report to be added to the terms of reference for the Overview and Scrutiny Committee (Health and Social Care) in Chapter 6 of the Council’s Constitution.
2. The function to allow the full Council to formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.
3. The text set out in paragraph 4.5 be added to Chapter 4 in the constitution in light of the Openness of Local Government Bodies Regulations 2014/2095.

**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	√		

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

**Reasons for the Recommendation:**

To report on proposed amendments to the Council’s Constitution and to ensure that it is up to date.

**Alternative Options Considered and Rejected:** The report sets out legislative amendments and government guidance that need to be reflected in the Council’s constitution

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

**(A) Revenue Costs** None

**(B) Capital Costs** None

**Implications:**

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

<b>Financial</b>	
None arising from the contents of this report	
<b>Legal</b>	
Set out in the report	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

Not applicable

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

The Head of Corporate Finance and ICT (FD.3125/14) has been consulted and any comments have been incorporated into the report.



The Head of Corporate Legal Services (LD 2417/14) has been consulted and any comments have been incorporated into the report.

## **Implementation Date for the Decision**

Immediately following the Council meeting.

**Contact Officer:** Jill Coule

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## **Background Papers:**

There are no background papers available for inspection

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## **1. Introduction/Background**

- 1.1 The Overview and Scrutiny Committee (Health and Social Care) at its meeting on 2 September 2014 considered a report by the Director of Corporate Services on the new Health Scrutiny Guidance and agreed that recommendations for amendments to be made to the Council's Constitution be submitted to the Audit and Governance Committee and Council.

## **2. Overview and Scrutiny Committee (Health and Social Care) – Terms of Reference**

- 2.1 The new Health Scrutiny Guidance contains a number of key messages and it is deemed necessary to amend the Terms of Reference of the Overview and Scrutiny Committee (Health and Social Care), in order to reflect those key messages.
- 2.2 The additional Terms of Reference are attached to this report at **Appendix A** and the Council is requested to approve their inclusion in Chapter 6 of the Council's Constitution

## **3. Consultations on Substantial Variations/Reconfigurations**

- 3.1 In addition, mechanisms for responding to any future consultations by relevant NHS bodies and health providers on substantial reconfiguration proposals need to be considered and put in place.
- 3.2 At present this function is not included within the Council's Constitution. The Constitution will require amending to allow the full Council to respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.
- 3.3 The Council is requested to approve an addition to the Council's Constitution to allow the full Council to formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.

## **4. Reporting of Meetings**

- 4.1 On the 6 August 2014, the Openness of Local Government Bodies Regulations 2014/2095 came into force. The regulations provide that whilst a meeting of a local authority is open to the public any person attending is to be permitted to report on the meeting. The regulations further provide that a person attending a local authority meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so. Further, any person who attends a local authority meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 4.2 "Reporting" is defined in the regulations as:

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- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present

4.3 There is no requirement for a local authority to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

4.4 However, should a person cause a disturbance at a meeting whilst reporting on them, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
- making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; or
- asking for people to repeat statements for the purposes of recording

then the provisions within the Council's Rules of Procedure allowing the public and Members to be removed from a meeting for causing a disturbance shall apply.

4.5 It is accordingly recommended that the Rules of Procedure (Chapter 4) be amended so as to incorporate the following:

- (1) While a meeting of the Council, Cabinet, a Committee or Sub Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
  - (2) Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:
    - moving to areas outside the areas designated for the public without the consent of the Chairman,
    - making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
    - intrusive lighting and use of flash photography; or
    - asking for people to repeat statements for the purposes of recording
- then the provisions of rules 103 to 106 (Chapter 4) (Members' conduct and disturbance by the public) shall apply.

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- (3) Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.

## APPENDIX A

### OVERVIEW AND SRUTINY COMMITTEE (HEALTH AND SOCIAL CARE)

#### ADDITIONAL TERMS OF REFERENCE TO REFLECT KEY MESSAGES WITHIN THE HEALTH SCRUTINY GUIDANCE

1. To strengthen the voice of local people, ensuring that their needs and experience are considered as an integral part of the commissioning and delivery of health services and that those services are effective and safe.
2. To take a strategic overview of how well integration of health, public health and social care is working, including how well the Health and Wellbeing Board is carrying out its duty to promote integration, and to make recommendations for improvement.
3. To seek information about the performance of local health services and institutions; to challenge information provided by commissioners and providers of health services; and to test this information by drawing on different sources of intelligence.
4. To engage with relevant NHS bodies, with a view to understanding local health needs and services across the whole health care system.
5. To understand and appreciate respective roles between the health scrutiny function, the NHS, the local authority, health and wellbeing boards and local Healthwatch.
6. To keep effective channels open, by which the public can communicate concerns about the quality of NHS and public services. Individual complaints cannot be considered, although the information can be used to obtain an impression of services overall and to question commissioners and providers about patterns and trends.
7. To independently verify information provided by relevant NHS bodies and health service providers, e.g. by seeking the views of Healthwatch.
8. To focus on health outcomes, consider cross-cutting issues, including general health improvement, wellbeing and how well health inequalities are being addressed, as well as specific treatment services.
9. Where concerns exist about proposals for substantial developments or variation in health service (or reconfiguration), to work with the local NHS to attempt to resolve concerns locally, if at all possible. External support may be sought from the Independent Reconfiguration Panel and/or Centre for Public Scrutiny. If the decision is ultimately taken to request the Council to support a formal referral of the reconfiguration proposals to the Secretary of State for Health, the referral must include an explanation of all steps taken to try to reach agreement in relation to the proposals.

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10. To recognise the resource envelope within which the NHS operates, in considering reconfiguration proposals and take into account the effect of the proposals on the sustainability of services, in addition to their quality and safety.
11. To ensure that all the health scrutiny functions are discharged in a transparent manner that will boost the confidence of local people in health scrutiny. In addition to being held in an open forum, members of the public will be permitted to use any communication methods, such as filming and tweeting, to report proceedings. This is in line with the transparency measures in the Local Audit and Accountability Act 2014, and will allow local people not present at health scrutiny meetings to have an opportunity to see and/or hear the proceedings.

## COUNCIL –25 SEPTEMBER 2014

### REPORT OF THE LEADER OF THE COUNCIL

#### COUNCIL CONSTITUTION – CALL-IN AND URGENCY PROVISIONS

I wish to report that the Chair of the relevant Overview and Scrutiny Committee gave 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.

#### CABINET MEMBER – REGENERATION AND TOURISM – 28 MAY 2014

#### 2015-18 HCA AFFORDABLE HOUSING PROGRAMME BIDS

The Cabinet Member considered the report of the Director of Built Environment which provided details of bids that had been submitted to the Homes and Communities Agency by Registered Housing Providers, for funding to develop new affordable housing in Sefton under the 2015-18 Affordable Housing Programme.

#### Decision:

That:

- (1) the Local Authority informs the Homes and Communities Agency that it supports the scheme bids put forward by Registered Housing Providers as listed in Table A within the report submitted, but does not support the bids in Table B; and
- (2) It be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) had given his consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision(s) to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the requirement to respond to the Homes and Communities Agency with a tight timescale and by 21st May 2014.

#### Reason for Decision:

The Director of the Built Environment does not have delegated authority with regards to this matter.

#### Alternative Options Considered:

The Council could opt to offer no strategic guidance to the HCA. However, this would likely result in no successful funding bids and no new affordable housing developments over the coming years.

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## CABINET -17 JULY 2014

### 10. CAPITAL SCHEME APPROVALS

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the latest capital projects that had been recommended for inclusion within the Capital Investment Plan for 2014/15 by the Strategic Capital Investment Group and the urgent decision taken by the Leader of the Council with regard to the REECH Project.

The Head of Corporate Finance and ICT reported that there was a typographical error in the figure provided in recommendation (vi) in the report relating to the Section 106 Deposits and the correct figure was £1,559, 766.

#### **Decision Made:**

That:

- (1) approval be given to the Adult Social Care Change Programme in the Capital Investment Plan at a cost of £ 40,000 being funded from the resources set aside for Adult Social Care Transformation as detailed in paragraph 2 of the report;
- (2) the Council be recommended to give approval to the scheme to relocate Air Quality Monitoring Equipment from the land at Hemans Street and Rimrose Road at a cost of £15,000 being funded from capital receipts as detailed in paragraph 3 of the report;
- (3) the Council be recommended to give approval to the revenue trajectory funding of £549,000 been capitalised to undertake capital work to provide additional places for early education for 2 year old as detailed in paragraph 4 of the report, subject to the Department of Education (DfE) agreeing to switch the grant funding received from revenue to capital;
- (4) approval be given to the inclusion of the Formby Strategic Flood Risk Management Programme at a cost of £50,000 into the capital investment plan as detailed in paragraph 5 of the report;
- (5) approval be given to the inclusion of the Merseyside Groundwater Study at a cost of £60,000 into the capital investment plan as detailed in paragraph 6 of the report;
- (6) approval be given to the inclusion of Parks & Open Spaces related Section 106 Deposits at a cost of £1,559,766 in the Capital Investment Plan as detailed in paragraph 7 of the report;



- (7) **it be noted that the urgent decisions indicated below had been taken by the Leader of the Council on 16 June 2014 in accordance with Chapter 5 (Leader of the Council – Matters Delegated Paragraph 2) of the Council’s Constitution and with the agreement of the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) to invoke Rule 27 of the Access to Information Procedure Rules and Rule 46 of the Overview and Scrutiny Procedure Rules, as detailed in paragraph 10 of the report:-**
- 1. Note the success to date in delivering the REECH Project, and the positive impact it is making on the economic and social well being of Liverpool City Region;**
  - 2. Agree that additional ERDF funding up to an estimated value of £ 3.5m be accepted and an increase in the REECH capital programme expenditure of 3.5m, offset by 3.5m income;**
  - 3. Agree that Cabinet Member for Regeneration and Tourism be authorised to approve and to allocate ERDF funding to REECH delivery partners up to the value of ERDF grant allocated to Sefton by the Department for Communities and Local Government; and**
  - 4. Agree that the Head of Corporate Legal Services be authorised to execute all necessary legal agreements with DCLG and any other delivery partners as part of this and any future revisions.**

**Reasons for Decision:**

To advise Members of the increased costs of these previously approved capital schemes and the proposed method of funding the shortfall and the urgent decision taken by the Leader of the Council.

**Alternative Options Considered and Rejected:**

The options available to Members are to not approve the schemes which would lead to the new capital work not being carried out.

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