



## 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 13th July, 2017 at 6.30 pm at the Town Hall, Southport** to

transact the business set out on the agenda overleaf.

Yours sincerely,

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

Chief Executive

Town Hall,  
Southport

Wednesday 5 July 2017

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 Meetings**

(Pages 11 -  
34)

Minutes of the Annual Council meeting held on 11 May 2017; the Adjourned Annual Council meeting held on 16 May 2017 and the Extra-ordinary Council meeting held on 20 June 2017

**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. Public Health Annual Report 2016**

(Pages 35 -  
66)

Report of the Director of Public Health

**8. Overview and Scrutiny Annual Report 2016/17**

(Pages 67 -  
98)

Report attached

9. **Proposed Public Space Protection Order-Dog Control** (Pages 99 - 148)  
Report of the Head of Regulation and Compliance
10. **Membership of Committees 2017/18** (Pages 149 - 154)  
Report of the Head of Regulation and Compliance
11. **Contract Procedure Rules** (Pages 155 - 214)  
Report of the Head of Commissioning Support and Business Intelligence

12. **Motion Submitted by Councillor Bennett**

To consider the following Motion submitted by Councillor Bennett:

Cuts to Police Force Budgets

“The Council recognises the vital role played by Merseyside Police Service and thanks our police officers for the work they do in protecting our residents and in many cases putting their own lives at risk when tackling crime.

The Council considers that it is not only the Metropolitan Police Force that should be strengthened as terrorism and organised crime is spread across the country, and to do so only highlights the north/south divide.

The Council notes that;

- significant threats remain of violent crime and terrorism and that police officers consistently play the essential role in keeping order and halting terrorist atrocities.
- The latest Home Office figures show that between September 2010 and September 2016 the number of police officers in English and Welsh forces fell by 18,991, or 13%.
- As of March 2016, there were 5,639 authorised firearms officers in England and Wales, down from 6,976 in March 2010. The National Police Chiefs' Council (NPCC) says that an additional 640 firearms officers have been recruited in the last year and plans are in place to bring the number of armed police back up to around 7,000 by next year. This is only being partly funded by the Government and some of the Police Forces must find some of the cash themselves.
- The numbers of special constables and police community



support officers (PCSOs) who patrol the streets have fallen by 7% and 11% respectively in the past year alone, and simply comparing budget cuts to performance does not take account of demographic differences and crime levels. So while it is true to say that policing is being protected at least to some extent, this comes off the back of five years of deep cuts.

- Merseyside Police is approaching breaking point as the staff fighting a surge in shootings are “stretched to the limits”. That is the stark warning from Chief Constable Andy Cooke, who warned further planned budgets cuts could lead to low-level incidents not being responded to. His words came as Merseyside Police battles a gun crime epidemic while struggling to come to terms with the loss of more than 1,000 officers since 2010.
- Seven years of cuts have seen the Merseyside Police workforce slashed to such an extent that the Chief Constable, who has spent three decades in the police, has “never known a situation where Merseyside Police officers have been pushed to the limit in dealing with everything we need to deal with to keep our communities safe”. The force’s budget has already been reduced by almost £100m, but further cuts are expected to lead to the loss of more officers over the next three years. If those cuts become a reality, Chief Constable Cooke fears the public will see “a significant reduction in the service offered to them”.
- The primary duties of the Police are the protection of life and property, preservation of the peace, and prevention and detection of criminal offences which will become more difficult and unsustainable with continued cuts to the police.

This Council resolves:

1. To write to the Home Secretary indicating its opposition to any further cuts to the police forces and in particular the Merseyside Police and demanding that more money is made available for our Police Forces to enable them to carry out their duties and protect the citizens; and
2. To put on record its thanks to the Chief Constable of Merseyside Police and all officers, past and present for the excellent work they have done and continue to do in

addressing crime in Merseyside.”

### **13. Motion submitted by Councillor Carragher**

To consider the following Motion submitted by Councillor Carragher:

#### **Breast is Best**

“Sefton Council strongly encourages mothers to breastfeed. The Health and Wellbeing Strategy actively promotes breast feeding as the best start in life, and as such it is encouraged by NHS and community breastfeeding support staff. *In spite of this, the Council will not discriminate against any woman in her chosen method of infant feeding and will fully support her in the decision she has made.*

Breastfeeding is the healthiest way to feed a baby and there are important health benefits for both mother and child. Despite this, Sefton still has one of the lowest rates of breastfeeding in the UK. The most recent statistics for Sefton tell us that 57.7% of new mothers start breastfeeding, but that this rapidly declines to 29.8% after just 6-8 weeks.

The World Health Organisation recommends exclusive breastfeeding for the first 6 months of a baby’s life. Mothers often stop breastfeeding exclusively around 4-6 months of age, perhaps because they have returned to work. However, returning to work does not mean that women have to stop breastfeeding. Legislation is in place protecting new mothers in the workplace. Employees of the Council who are breastfeeding are covered under these regulations (can add reference).

Sefton Council actively promotes breast feeding to new mothers, and it is acknowledged that the Council should create a breastfeeding friendly working environment. In so doing the Council will act as role model for other employers. Benefits include, reduced levels of sickness amongst mothers and babies, increased staff morale and an extra incentive to offer potential employees.

The Council will ensure that a Sefton Council workplace breastfeeding policy is implemented that includes ; break allowances so that mothers can express milk; provision of a clean, warm and private room for expressing milk; a fridge to store expressed milk and flexible working hours for breastfeeding mothers.

In addition, the Council will ensure:

- That breastfeeding is permitted and welcomed in all

public areas of the council

- That under no circumstances will a breastfeeding mother be asked to move, cover up or stop feeding her baby
- That objections to breastfeeding in any public place are tactfully but robustly challenged
- The development and implementation of a breastfeeding policy based on the UNICEF UK Baby Friendly Initiative Standard, relevant NICE guidance and the Healthy Child Programme. The policy will be a collaboration involving families, health care professionals and the voluntary sector.
- That no Council or partner agency condones the promotion of infant formula through aggressive marketing techniques, or non-evidence based claims of health benefits.
- However, the Council, whilst actively promoting breast feeding will not discriminate against any woman in her chosen method of infant feeding and will fully support her in the decision that she feels is best suitable for her well being.”

#### **14. Motion Submitted by Councillor Hardy**

To consider the following Motion submitted by Councillor Hardy:

##### Gun and Gang Crime

“Events in the last months have highlighted significant challenges to maintaining the safety of our communities and the confidence of the public in those agencies tasked with keeping them safe. This is a time of unprecedented challenges for agencies working in Community Safety Partnerships.

During recent months the country has faced three terror attacks and the terror level has reached “critical”. At the same time, the Liverpool City Region has seen seven firearms discharges in seven days, one of which resulted in the murder of an 18 year old boy, as well as having to deal with an English Defence League rally in Liverpool City Centre.

Individually, and separately, these issues have led to heightened fears of violence across the region; people are

scared and more needs to be done by the Government to address this.

Years of severe austerity cuts to policing, local authority and other public sector budgets have made it harder for partners to take the steps required to identify and challenge those engaging in terror and some of the most serious criminal activity that is currently blighting our communities.

Since 2010, Merseyside Police has lost £84 million from its budget, and is still required to deliver a further £18 million savings before 2021/22. This equates, in real terms, to 1,022 less police officers in Merseyside than there were 7 years ago and the implementation of a functional model that moves away from the Neighbourhood Policing model that had served our communities so effectively and delivered year on year reductions in reported crime and anti-social behaviour.

At the same time the Government continues to impose significant cuts in funding for local authorities. By the end of 2017/18 the Council will have met a funding shortfall of approximately £200m since 2010 and by 2020 Sefton will have had a real terms cut in funding of 51%.

Given the amount of money already saved and the scale of the funding cuts still to come, the council is now in a position where it simply cannot continue to provide the same levels of service. Whilst every effort has been made to protect front-line services, this is becoming increasingly difficult. Many council services have already been reduced or stopped entirely. The council's workforce has been reduced accordingly since 2010 and this impacts upon our ability to appropriately support the Community Safety agenda.

At this time appropriate funding is required to enable Merseyside Police and other partners involved in the Community Safety and Prevent agendas to identify and challenge those potentially involved in terrorism or those who engage in incidents of serious violence within our communities.

A reactionary approach alone is not sufficient and the Police and other agencies in the Liverpool City Region require additional funding to support prevention activity that seeks to work with those at risk of radicalisation or offending and to improve community cohesion in some of our hardest to reach communities.

**This Council therefore** calls upon the Government to:

- (i) Support Merseyside Police to meet these "unprecedented challenges" by increasing funding for

Merseyside Police and halting the cuts that they are required to deliver by 2020; and

- (ii) Financially support other agencies affected by the Prevent and Guns & Gangs agendas, including Local Authorities, through the direct funding of local prevention teams with a dedicated remit of:-
- (a) challenging and supporting communities;
  - (b) utilising any lawful means to deliver behaviour change; and
  - (c) offering those who are radicalised, or are involved in serious organised crime, a pathway out.”

#### **15. Motion submitted by Councillor Pullin**

To consider the following Motion submitted by Councillor Pullin:

“Following the tragedy of Grenfell Tower and the discovery of many of the nation’s high-rise homes being covered in non-fire resistant cladding, The Council recognises:

- That the concerns and worries of the residents must be met and homes must be made safe.
- That many residents who live in our nations tower blocks rely on social housing, many of which are on low incomes and are some of most vulnerable in society.
- That, if the cost of re-cladding tower blocks are to be met by their owners (Councils, housing associations or private landlords) then these costs are likely to be passed on to residents or will mean cutting of other services.
- That the passing on of costs or cutting services adversely affect the poorer and most vulnerable more.
- That landlords, through the lack of resources or an inability to raise resources, may do nothing and thus leave residents living in potentially dangerous homes.
- That the government’s own figures estimate the number of tall residential buildings which potentially have similar cladding as Grenfell Tower to be around 600.
- The Council acknowledges that it has neither the financial or human resources to respond to this issue.

Therefore this Council:

- Instructs the Chief Executive to write on the Council’s

behalf to the Prime Minister and Communities Secretary, with a copy to local MPs constituencies within the Borough, expressing that the government should consider this as a civil emergency and express the Councils wish that where housing within a local authority area proves to be of concern and where there are no immediate funds to rectify the issues are available, that the Government (the SoS for Communities and Local Government) sets aside sufficient funding for capital works and also for local authorities to access to deal with any homelessness issues that may arise.”

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

## **COUNCIL**

### **ANNUAL MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 11TH MAY, 2017**

**PRESENT:** The Mayor (Councillor Brodie - Browne) in the Chair

Councillors Ashton, Atkinson, David Barton, Jo Barton, Bennett, Bliss, Bradshaw, Brennan, Burns, Byrom, Carr, Carragher, Linda Cluskey, Dawson, Dutton, Fairclough, Gannon, Grace, Hands, Hardy, Jamieson, Keith, John Joseph Kelly, Lappin, Maher, McGinnity, McGuire, McKinley, Moncur, Murphy, Brenda O'Brien, Michael O'Brien, O'Hanlon, Owens, Page, Pitt, Preece, Pullin, Robinson, Roche, Roscoe, Sayers, Shaw, Spencer, Tweed, Veidman, Weavers, Webster, Bill Welsh and Marianne Welsh

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ball, Booth, Kevin Cluskey, Cummins, Dams, Dodd, Friel, Jones, John Kelly, Daniel Lewis, Dan T. Lewis, McCann, Thomas, Anne Thompson and Lynne Thompson.

#### **2. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interest were received.

#### **3. ELECTION OF MAYOR FOR 2017/18**

It was moved by Councillor Maher, seconded by Councillor Michael O'Brien and unanimously

**RESOLVED:**

That Dave Robinson, a Councillor of the Borough, be elected Mayor of the Borough for the ensuing Municipal Year and until the acceptance of office by his successor.

**Councillor Robinson took the Chair at this point in the meeting**

# Agenda Item 3

COUNCIL- THURSDAY 11TH MAY, 2017

## **4. VOTE OF THANKS FOR RETIRING DEPUTY CHAIR**

It was moved by Councillor Maher, seconded by Councillor Fairclough and unanimously

RESOLVED:

That the Council wishes to record its thanks and appreciation to Councillor Kevin Cluskey for undertaking the role of Deputy Chair of the Council during the last two years.

## **5. ELECTION OF DEPUTY CHAIR FOR 2017/18**

It was moved by Councillor Maher, seconded by Councillor Fairclough and unanimously

RESOLVED:

That Robert Brennan, a Councillor of the Borough, be elected Deputy Chair of the Borough for the ensuing Municipal Year and until the acceptance of office by his successor.

## **6. VOTE OF THANKS FOR RETIRING MAYOR**

It was moved by Councillor McGuire, seconded by Councillor Hands and unanimously

RESOLVED: That

- (1) the Council do hereby place on record its appreciation of the ability, courtesy and impartiality, shown by Councillor Iain Brodie Brown in his capacity as Mayor of the Borough and Chair of the meetings of the Council, during the Municipal Year 2016/17, and for his attendance at many civic and public functions, both inside and outside of the Borough;
- (2) the Council also desires to extend its thanks to Mrs Nicola Brodie Browne for her support and encouragement given to the Mayor;
- (3) the Council wishes to record its appreciation of the excellent effort and involvement by both Councillor Brodie Browne and Mrs Brodie Browne, in connection with the Mayor of Sefton's Charity Fund;
- (4) the Council further desires to extend its sincere thanks to Councillor Brodie Browne and Mrs Brodie Browne for the hospitality extended to Royal Visits, Overseas Visitors and Civic Dignitaries hosted by this Borough; and



COUNCIL- THURSDAY 11TH MAY, 2017

- (5) a copy of these Resolutions be passed under the Corporate Seal and presented to Councillor Brodie Browne.

Councillor Brodie Browne and Mrs Brodie Browne were then presented with framed copy of the Vote of Thanks as a token of the Council's appreciation of the manner in which they had undertaken their duties in the Office of Mayor during the past twelve months.

Councillor Brodie Browne responded to the Vote of Thanks and expressed his appreciation to his Mayoress, Mrs Nicola Brodie Browne, the members of the public, various organisations and Council officers who had supported him during his Year of Office.

## **7. ADJOURNMENT OF MEETING**

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

**RESOLVED**

That the meeting be adjourned and Council re-convene on Tuesday, 16 May 2017 at 6.30 pm at Bootle Town Hall.

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

## **COUNCIL**

### **ADJOURNED ANNUAL MEETING HELD AT THE TOWN HALL, BOOTLE ON 16 MAY 2017**

**PRESENT:** The Mayor, Councillor Robinson (in the Chair)  
The Deputy Chair, Councillor Brennan (Vice-Chair)

Councillors Ashton, Atkinson, David Barton,  
Jo Barton, Bennett, Bliss, Bradshaw, Brodie -  
Browne, Burns, Byrom, Carr, Carragher,  
Linda Cluskey, Dams, Dawson, Dodd, Dutton,  
Fairclough, Friel, Gannon, Grace, Hands, Hardy,  
Jamieson, Jones, Keith, John Kelly,  
John Joseph Kelly, Lappin, Dan T. Lewis, Maher,  
McCann, McGinnity, McKinley, Moncur, Murphy,  
Brenda O'Brien, Michael O'Brien, O'Hanlon, Page,  
Pitt, Preece, Pullin, Roche, Roscoe, Sayers, Shaw,  
Spencer, Thomas, Anne Thompson, Tweed,  
Veidman, Weavers, Webster, Bill Welsh and  
Marianne Welsh

#### **7. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ball, Booth, Kevin Cluskey, Cummins, Daniel Lewis, McGuire, Owens and Lynne Thompson.

#### **8. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interest were received.

#### **9. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the Council meeting held on 20 April 2017 be approved as a correct record.

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

## **10. MAYOR'S COMMUNICATIONS**

### **Annual Council and Installation Reception**

The Mayor thanked all of the Councillors who attended his Installation Ceremony and Reception on 11 May 2017 and expressed the hope that they had all enjoyed themselves.

### **Mayor of Maghull Town Council Charity Event**

The Mayor reported that he and the Mayoress had attended their first engagement on 12 May 2017 at Maghull Town Hall which was a fundraiser event organised by Councillor June Burns, the Mayor of Maghull Town Council for her charity, the Honeysuckle Team. The Mayor reported that £700 was raised on the night and thanked Councillor Burns for the invitation and organising the event, and everyone who attended on the night.

## **11. LEADER OF THE COUNCIL**

It was moved by Councillor Grace, seconded by Councillor Fairclough and

RESOLVED:

That it be noted that Councillor Maher was appointed as the Leader of the Council by the Council on 21 May 2015 for a four year term of office or until such time as his term of office expires.

## **12. CABINET AND DEPUTY LEADER OF THE COUNCIL**

The Council considered the report of the Leader of the Council on the membership of the Cabinet.

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

RESOLVED:

That it be noted that the Cabinet comprising the Members indicated below had been appointed by the Council on 21 May 2015 for a four year term of office or until such time as their term of office expires, they are removed by the Leader or for any of the reasons set out in Paragraph 4 (a) to (c) of Chapter 5 in the Constitution:

**Cabinet (9)**

Portfolio	Member
Leader of the Council	Councillor Maher
Cabinet Member – Adult Social Care	Councillor Cummins
Cabinet Member – Children, Schools and Safeguarding	Councillor John Joseph Kelly
Cabinet Member – Communities and Housing	Councillor Hardy
Cabinet Member – Health and Wellbeing	Councillor Moncur
Cabinet Member – Locality Services and Deputy Leader of the Council	Councillor Fairclough
Cabinet Member – Planning and Building Control	Councillor Veidman
Cabinet Member – Regeneration and Skills	Councillor Atkinson
Cabinet Member – Regulatory, Compliance and Corporate Services	Councillor Lappin

**13. APPOINTMENT OF COMMITTEES AND WORKING GROUPS  
2017/18**

The Council considered the report of the Head of Regulation and Compliance which provided details of the allocation of Committee Places in accordance with the Political Balance Rules and the proposed Membership of the Committees and Working Groups for 2017/18.

It was moved by Councillor Maher, seconded by Councillor Grace:

“That

- (1) the allocation of Committee Places in accordance with the Political Balance Rules, as set out in the report be noted; and
- (2) the Members, Chairs and Vice-Chairs for the Committees and Working Groups as set out in the report be appointed for a period of twelve months until the Adjourned Annual Council Meeting to be held in May 2018.

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

An **amendment** was moved by Councillor Dawson, seconded by Councillor Brodie Browne that Paragraph (2) of the Motion be amended by the addition of the following text:

“except that the Chair of the Audit and Governance Committee be held by an Opposition Member.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **lost** by 35 votes to 22 with 1 abstention.

A **further amendment** was moved by Councillor Hands, seconded by Councillor Shaw that Paragraph (2) of the Motion be amended by the addition of the following text:

“except that the Council’s nomination to the Health and Wellbeing Board be modified by the inclusion of a Councillor from a Southport Ward to be nominated by the Leader of the Liberal Democrat Group. The issue of whether this be in addition to or a substitution to be determined by the Leader of the Council.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **lost** by 35 votes to 21 with 2 abstentions.

Thereafter, on a show of hands, the Mayor declared that the Motion was carried by 54 votes to 1 abstention and it was

RESOLVED:

That

- (1) the allocation of Committee places in accordance with the Political Balance Rules, as set out below and in the report, be noted;
- (2) the Members, Chairs and Vice-Chairs for the Committees and Working Groups set out below be appointed for a period of twelve months until the Adjourned Annual Council Meeting to be held in May 2018

**(A) OVERVIEW AND SCRUTINY COMMITTEES**

**OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH) (10)**

**(Plus 2 Associate Members)**  
(Lab 6 /Lib Dem 3 /Con 1 /Ind 0)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Page	Cllr. Michael O'Brien
2.	Vice-Chair: Cllr. Dams	Cllr. Webster
3.	Cllr. Bliss	Cllr. Jones
4.	Cllr. Burns	Cllr. Roche
5.	Cllr. Carr	Cllr. Dan T. Lewis
6.	Cllr. Linda Cluskey	Cllr. Carragher
7.	Cllr. Dawson	Cllr. Keith
8.	Cllr. McGuire	Cllr. Marianne Welsh
9.	Cllr. Owens	Cllr. Friel
10.	Cllr. Lynne Thompson	Cllr. Pullin

**Associate Members:-**

**(Non-voting Co-opted Members)** – Mr. Brian Clark and Mr. Roger Hutchings (Nominated by Healthwatch, Sefton)

**OVERVIEW AND SCRUTINY COMMITTEE (CHILDREN'S SERVICES AND SAFEGUARDING) (10)**

**(Plus 4 Education Added Members and 2 Associate Members)**

(Lab 6 /Lib Dem 2 /Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Murphy	Cllr. Michael O'Brien
2.	Vice-Chair: Cllr. Carragher	Cllr. Thomas
3.	Cllr. Bennett	Cllr. Gannon
4.	Cllr. Bradshaw	Cllr. Page
5.	Cllr. Hands	Cllr. Dodd
6.	Cllr. Keith	Cllr. Booth
7.	Cllr. Brenda O'Brien	Cllr. Carr
8.	Cllr. Pitt	Cllr. Jones
9.	Cllr. Spencer	Cllr. John Kelly
10.	Cllr. Webster	Cllr. Brennan

**Education Added Members:-**  
**(Voting Co-opted Members)**

Church Diocesan Representatives:  
Father D. Seddon and Mr. Stuart Harrison

Parent Governor Representatives:  
Mrs. C. Palmer – four year appointment until 22

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

January 2018 and one vacancy

**Associate Members:-  
(Non-voting Co-opted  
Members)**

Ms. Libby Kitt (Nominated by  
Healthwatch, Sefton) and Mrs. S. Cain

## **OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) (10)**

(Lab 6 /Lib Dem 3 /Con 1 / Ind 0)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Sayers	Cllr. Grace
2.	Vice-Chair: Cllr. Michael O'Brien	Cllr. Murphy
3.	Cllr. Bliss	Cllr. Jones
4.	Cllr. Carragher	Cllr. Thompson
5.	Cllr. Dan T. Lewis	Cllr. Carr
6.	Cllr. Pullin	Cllr. Keith
7.	Cllr. Roche	Cllr. McGinnity
8.	Cllr. Weavers	Cllr. Dawson
9.	Cllr. Webster	Cllr. Bradshaw
10.	Cllr. Bill Welsh	Cllr. Shaw

## **OVERVIEW AND SCRUTINY COMMITTEE (REGULATORY, COMPLIANCE AND CORPORATE SERVICES) (10)**

(Lab 6 /Lib Dem 2 /Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Bradshaw	Cllr. Thomas
2.	Vice-Chair: Cllr. Byrom	Cllr. Murphy
3.	Cllr. Booth	Cllr. Weavers
4.	Cllr. Linda Cluskey	Cllr. Dams
5.	Cllr. Grace	Cllr. Roche
6.	Cllr. Jamieson	Cllr. Jones
7.	Cllr. Daniel Lewis	Cllr. McGuire
8.	Cllr. McCann	Cllr. Bennett
9.	Cllr. McKinley	Cllr. Sayers
10.	Cllr. Owens	Cllr. Roscoe

## **(B) REGULATORY AND OTHER COMMITTEES**

### **APPEALS COMMITTEE**

Members of the Council (other than Cabinet Members) to form a Panel from which 3 Members are selected to form a politically balanced Committee. (Lab 2 / Lib Dem 1 / Con 0 / Ind 0)



**AUDIT AND GOVERNANCE COMMITTEE (10)**

(Lab 6 / Lib Dem 2 / Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Brennan	Cllr. McKinley
2.	Vice-Chair: Cllr. Roche	Cllr. Roscoe
3.	Cllr. Ashton	Cllr. Daniel Lewis
4.	Cllr. Bennett	Cllr. McCann
5.	Cllr. Bliss	Cllr. Jones
6.	Cllr. McGinnity	Cllr. Brenda O'Brien
7.	Cllr. Moncur	Cllr. Linda Cluskey
8.	Cllr. Sayers	Cllr. Dams
9.	Cllr. Shaw	Cllr. Hands
10.	Cllr. Anne Thompson	Cllr. Bradshaw

Membership is the Leader of the Council and the other Political Group Leaders (or their nominees) and 7 Non-Executive Members of the Council.

**HEARINGS SUB-COMMITTEE OF AUDIT & GOVERNANCE COMMITTEE**

All Members of the Audit and Governance Committee will form a Panel from which 3 Members will be selected to form a Sub-Committee.

**INITIAL ASSESSMENT SUB-COMMITTEE OF AUDIT & GOVERNANCE COMMITTEE**

All Members of the Audit and Governance Committee will form a Panel from which 3 Members will be selected to form a Sub-Committee.

**REVIEW SUB-COMMITTEE OF AUDIT & GOVERNANCE COMMITTEE**

All Members of the Audit and Governance Committee to form a Panel from which 3 Members will be selected to form a Sub-Committee.

**Co-opted Voting Members of Audit and Governance Standards Sub-Committees**

Parish Councillors J. Colbert (Aintree Village Parish Council), G. Lee (Melling Parish Council) and D. Warren (Hightown Parish Council) have been nominated by the Sefton Area Partnership of Local Councils –If any complaints are submitted in respect of the conduct of any Parish Councillor in the Borough, one of the Parish Councillors will be selected to form part of the 3 Member Panel on the Sub-Committees set out above.

**INDEPENDENT PERSONS (STANDARDS ISSUES)**

Mr. E. Davies  
Mr. J. Fraser

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

## **EMPLOYMENT PROCEDURE COMMITTEE**

Members of the Council to form a panel from which a minimum of 3 Members are selected to form a politically balanced Committee (Lab 2 /Lib Dem 1 /Con 0 /Ind 0). At least one member of the Cabinet to be included on the Committee.

## **HEALTH AND WELLBEING BOARD**

Members appointed by the Leader of the Council	Councillor Moncur – Cabinet Member – Health and Wellbeing (Chair)
	Councillor Cummins – Cabinet Member – Adult Social Care
	Councillor John Joseph Kelly – Cabinet Member – Children, Schools and Safeguarding
Director of Social Care and Health	Dwayne Johnson
Head of Health and Wellbeing	Matthew Ashton
Representative of NHS Southport and Formby Clinical Commissioning Group	Dr Andrew Mimmagh
Representative of NHS South Sefton Clinical Commissioning Group	Dr Rob Caudwell
Chief Officer of NHS South Sefton and NHS Southport and Formby Clinical Commissioning Groups	Fiona Taylor
Representative of NHS England	Richard Freeman
Representative of Healthwatch, Sefton	Maureen Kelly
Representative of the NHS Acute Provider Sector	Steve Warburton
Representative from the Every Child Matters Forum	Lorraine Webb
Representative from the Health and Social Care Forum	Andrew Booth
Representative from the Voluntary Community Faith Sector (representative to be agreed through Sefton CVS as the umbrella organisation for the voluntary community and faith sector)	Angela White

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 made under the Health and Social Care Act 2012 provide that the Board shall be a committee of the Council. The requirement for political balance does not apply to the Board and the Act requires that the Councillor Membership is nominated by the Executive Leader (Leader of the Council).

COUNCIL- TUESDAY 16TH MAY, 2017

## **LICENSING AND REGULATORY COMMITTEE (15)**

(Lab 8 /Lib Dem 5 /Con 1 /Ind 1)

	<b><u>Member</u></b>
1.	Chair: Cllr. John Kelly
2.	Vice-Chair: Cllr. Bradshaw
3.	Cllr. Jo Barton
4.	Cllr. Bliss
5.	Cllr. Burns
6.	Cllr. Dams
7.	Cllr. Dodd
8.	Cllr. Friel
9.	Cllr. Gannon
10.	Cllr. Keith
11.	Cllr. McGinnity
12.	Cllr. Page
13.	Cllr. Preece
14.	Cllr. Anne Thompson
15.	Cllr. Marianne Welsh

## **LICENSING AND REGULATORY (URGENT REFERRALS) COMMITTEE (3)**

(Lab 2 /Lib Dem 1 /Con 0 / Ind 0)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. John Kelly	Cllr. Friel
2.	Cllr. Bradshaw	Cllr. Burns
3.	Cllr. Preece	Cllr. Marianne Welsh

## **LICENSING SUB-COMMITTEE**

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

(Lab 2/Lib Dem 1/Con 0/ Ind 0))

## **LICENSING (SEXUAL ENTERTAINMENT VENUES) SUB-COMMITTEE**

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

(Lab 2 /Lib Dem 1 /Con 0 / Ind 0))

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

## **PAY AND GRADING COMMITTEE (7)**

(Lab 4 /Lib Dem 2 /Con 1 /Ind 0) – Including Cabinet Member –  
Regulatory, Compliance and Corporate Services

	<b><u>Member</u></b>
1.	Chair: Cllr.Lappin
2.	Vice-Chair: Cllr. Murphy
3.	Cllr. Ashton
4.	Cllr. Bliss
5.	Cllr. Burns
6.	Cllr. Dams
7.	Cllr. Shaw

## **PLANNING COMMITTEE (15)**

(Lab 9 /Lib Dem 4 /Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr. Veidman	Cllr. Burns
2.	Vice-Chair: Cllr. Michael O'Brien	Cllr. Byrom
3.	Cllr. Ashton	Cllr. Dodd
4.	Cllr. Dutton	Cllr. Jones
5.	Cllr. Hands	Cllr. McGuire
6.	Cllr. John Kelly	Cllr. Dams
7.	Cllr. Dan T. Lewis	Cllr. Sayers
8.	Cllr. Brenda O'Brien	Cllr. Grace
9.	Cllr. O'Hanlon	Cllr. Bennett
10.	Cllr. Preece	Cllr. Lynne Thompson
11.	Cllr. Roscoe	Cllr. Anne Thompson
12.	Cllr. Spencer	Cllr. McGinnity
13.	Cllr. Thomas	Cllr. Friel
14.	Cllr. Tweed	Cllr. Page
15.	Cllr. Marianne Welsh	Cllr. Booth

## **PLANNING (URGENT REFERRALS) COMMITTEE (3)**

(Lab 2 /Lib Dem 1 /Con 0 / Ind 0)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Chair: Cllr.Veidman	Cllr. Friel
2.	Cllr. Hands	Cllr. Preece
3.	Cllr. Michael O'Brien	Cllr. Byrom

## **PLANNING VISITING PANEL (15)**

The Panel comprises of the Members of the Planning Committee.

COUNCIL- TUESDAY 16TH MAY, 2017

**(C) LOCAL AREA COMMITTEES**

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

The Chair, Vice-Chair, Parish Council Representatives (where applicable) and Local Advisory Members to be appointed by the respective Area Committee.

**CENTRAL SEFTON AREA COMMITTEE (27)**

<b>Ward</b>	<b>Member</b>
Blundellsands	Cllr. Dams
	Cllr. Dan T. Lewis
	Cllr. Roscoe
Church	Cllr. Cummins
	Cllr. Veidman
	Cllr. Webster
Harington	Cllr. Dutton
	Cllr. Jamieson
	Cllr. Pitt
Manor	Cllr. Carragher
	Cllr. John Joseph Kelly
	Cllr. McGinnity
Molyneux	Cllr. Atkinson
	Cllr. Carr
	Cllr. Murphy
Park	Cllr. Burns
	Cllr. O'Hanlon
	Cllr. Sayers
Ravenmeols	Cllr. Bennett
	Cllr. McCann
	Cllr. Page
Sudell	Cllr. Gannon
	Cllr. McKinley
	Cllr. Owens
Victoria	Cllr. Byrom
	Cllr. Grace
	Cllr. Roche

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

## **SOUTH SEFTON AREA COMMITTEE (18)**

<b>Ward</b>	<b>Member</b>
Derby	Cllr. Michael O'Brien
	Cllr. *
	Cllr. Anne Thompson
Ford	Cllr. Kevin Cluskey
	Cllr. Lappin
	Cllr. Moncur
Linacre	Cllr. Fairclough
	Cllr. Friel
	Cllr. Brenda O'Brien
Litherland	Cllr. Hardy
	Cllr. John Kelly
	Cllr. Tweed
Netherton and Orrell	Cllr. Bradshaw
	Cllr. Brennan
	Cllr. Maher
St. Oswald	Cllr. Linda Cluskey
	Cllr. Spencer
	Cllr. Thomas

\*The Mayor, Councillor Robinson will not be a Member of the Area Committee during his year of office.

## **SOUTHPORT AREA COMMITTEE (21)**

<b>Ward</b>	<b>Member</b>
Ainsdale	Cllr. Jones
	Cllr. Preece
	Cllr. Lynne Thompson
Birkdale	Cllr. Brodie-Browne
	Cllr. Hands
	Cllr. Shaw
Cambridge	Cllr. Bliss
	Cllr. Keith
	Cllr. McGuire
Dukes	Cllr. Ball
	Cllr. David Barton
	Cllr. Dawson
Kew	Cllr. Booth
	Cllr. Pullin
	Cllr. Weavers
Meols	Cllr. Ashton
	Cllr. Jo Barton
	Cllr. Dodd
Norwood	Cllr. Daniel Lewis
	Cllr. Bill Welsh
	Cllr. Marianne Welsh

**(D) CONSULTATIVE BODIES**

**INDEPENDENT REMUNERATION PANEL (5 members)**

Mr. E. Davies	}	4 year term until May 2020
Mr. J. Fraser	}	
Mrs. S. Lowe	}	

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

**JOINT CONSULTATIVE COMMITTEE FOR TEACHING STAFFS**

**(9 Council Members plus 9 Teacher representatives)**

(Lab 5 /Lib Dem 2 /Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Cllr. Jo Barton	Cllr. Hands
2.	Cllr. Bradshaw	Cllr. Tweed
3.	Cllr. Brennan	Cllr. Sayers
4.	Cllr. Dutton	Cllr. Jones
5.	Cllr. Friel	Cllr. Brenda O'Brien
6.	Cllr. Keith	Cllr. Booth
7.	Cllr. John Joseph Kelly	Cllr. Burns
8	Cllr. McCann	Cllr. Bennett
9	Cllr. Page	Cllr. Michael O'Brien

**LOCAL JOINT CONSULTATIVE COMMITTEE**

**(12 Council Members plus 12 Trade Union Representatives)**

(Lab 7 /Lib Dem 3 /Con 1 /Ind 1)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Cllr. Jo Barton	Cllr. Daniel Lewis
2.	Cllr. Bliss	Cllr. Jones
3.	Cllr. Bradshaw	Cllr. Spencer
4.	Cllr. Brennan	Cllr. Grace
5.	Cllr. Dawson	Cllr. Keith
6.	Cllr. Dodd	Cllr. Bill Welsh
7.	Cllr. Gannon	Cllr. Bennett
8.	Cllr. Lappin	Cllr. Burns
9.	Cllr. Murphy	Cllr. McKinley
10.	Cllr. Michael O'Brien	Cllr. Carragher
11.	Cllr. Sayers	Cllr. Tweed
12.	Cllr. Webster	Cllr. Carr

# Agenda Item 3

COUNCIL- TUESDAY 16TH MAY, 2017

## **PUBLIC ENGAGEMENT AND CONSULTATION PANEL (4)**

(Lab 2 /Lib Dem 1 /Con 1 /Ind 0)

	<b><u>Member</u></b>	<b><u>Substitute</u></b>
1.	Cabinet Member – Regulatory, Compliance and Corporate Services – Cllr. Lappin	Cllr. Tweed
2.	Cllr. Byrom	Cllr. Owens
3.	Cllr. Jamieson	Cllr. Dutton
4.	Cllr. McGuire	Cllr. Lynne Thompson

## **(E) MAJOR SERVICE GOVERNANCE BODY**

### **FINANCE AND INFORMATION SERVICES OPERATIONAL BOARD (1)**

Cabinet Member – Regulatory, Compliance and Corporate Services  
(Councillor Lappin).

#### **14. TERMS OF REFERENCE FOR COMMITTEES AND WORKING GROUPS**

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

RESOLVED:

That the terms of reference of the Committees and Working Groups as set out in Chapters 6 and 7 of the Council Constitution be approved.

#### **15. APPOINTMENT OF REPRESENTATIVES ON MERSEYSIDE JOINT AUTHORITIES 2017/18**

The Council considered a schedule of the proposed representation on the Merseyside Joint Authority Bodies for 2017/18.

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

RESOLVED:

That the following Members be appointed to serve on the following Joint Authority Bodies in 2017/18:

#### **Joint Authority**

Liverpool City Region Combined  
Authority

#### **Representatives**

Leader of the Council (Councillor Maher)  
Substitute Member – Deputy Leader of the  
Council (Councillor Fairclough)



COUNCIL- TUESDAY 16TH MAY, 2017

Liverpool City Region Combined Authority Overview and Scrutiny Committee	Councillors Murphy (Lab) (Scrutiny Link), Dan T. Lewis (Lab) and Thomas (Lab)
Liverpool City Region Combined Authority Transport Committee	Councillors Carr (Lab), Dodd (LD), Friel (Lab) and McKinley (Lab)
Merseyside Fire and Rescue Authority	Councillors Byrom (Lab), Grace (Lab), Tweed (Lab) and Marianne Welsh (LD)
Merseyside Waste Disposal Authority	Councillors Michael O'Brien (Lab) and Roscoe (Lab)
Merseyside Police and Crime Panel (The appointments are agreed on a Pan-Merseyside basis)	Councillors Shaw (LD) and Thomas (Lab)

## **16. APPOINTMENT OF REPRESENTATIVES ON SEFTON PARTNERSHIP BODIES 2017/18**

The Council considered a schedule of the proposed representation on the Merseyside Joint Authorities for 2017/18.

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

RESOLVED:

That the following Members set out below, be appointed to serve on the Thematic Partnerships and the Area Partnerships in 2017/18:

<u>Partnership</u>	<u>Number of Representatives</u>	<u>Member</u>
Sefton Safer Communities Partnership	3	Cabinet Member - Communities and Housing (Councillor Hardy) and the two Council representatives on the Merseyside Police and Crime Panel (Councillors Shaw and Thomas)
Sefton Partnership for Older Citizens	1	Cabinet Member – Adult Social Care (Councillor Cummins)

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COUNCIL- TUESDAY 16TH MAY, 2017

## Area Partnerships

Crosby Area Partnership	2	1 Member of the Crosby locality to be appointed by the Central Sefton Area Committee plus 1 Cabinet Member appointed by the Leader of the Council (Councillor Cummins)
Formby Area Partnership	2	1 Member of the Formby locality to be appointed by the Central Sefton Area Committee plus 1 Cabinet Member appointed by the Leader of the Council (Councillor John Joseph Kelly)
Sefton East Area Partnership	2	1 Member of the Sefton East locality to be appointed Central Sefton Area Committee plus 1 Cabinet Member appointed by the Leader of the Council (Councillor Moncur)
South Sefton Area Partnership	2	Chair of South Sefton Area Committee plus 1 Cabinet Member appointed by the Leader of the Council (Councillor Hardy)
Southport Area Partnership	2	Chair of Southport Area Committee plus 1 Cabinet Member appointed by the Leader of the Council (Councillor Fairclough)

## **17. DATES OF COUNCIL MEETINGS 2017/18**

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

RESOLVED:

That it be noted that the Council meetings scheduled to be held during the Municipal Year 2017/18 are as follows:

COUNCIL- TUESDAY 16TH MAY, 2017

- 20 June 2017 (Extraordinary Meeting)
- 13 July 2017
- 21 September 2017
- 16 November 2017
- 25 January 2018
- 1 March 2018 (Budget Meeting)
- 19 April 2018

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

## **COUNCIL**

### **EXTRA – ORDINARY MEETING HELD AT THE TOWN HALL, BOOTLE ON TUESDAY 20TH JUNE, 2017**

**PRESENT:** The Mayor (Councillor Robinson) in the Chair  
The Deputy Chair (Councillor Brennan) Vice Chair

Councillors Ashton, Atkinson, David Barton, Bennett, Bliss, Bradshaw, Brodie - Browne, Burns, Byrom, Carragher, Linda Cluskey, Cummins, Dams, Fairclough, Gannon, Grace, Hands, Jamieson, Jones, Keith, John Kelly, John Joseph Kelly, Lappin, Daniel Lewis, Dan T. Lewis, Maher, McCann, McGinnity, McGuire, Moncur, Murphy, Brenda O'Brien, Michael O'Brien, O'Hanlon, Page, Pitt, Pullin, Roscoe, Sayers, Shaw, Spencer, Thomas, Anne Thompson, Lynne Thompson, Veidman, Weavers, Webster, Bill Welsh and Marianne Welsh

#### **18. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ball, Jo Barton, Booth, Carr, Kevin Cluskey, Dawson, Dodd, Dutton, Friel, Hardy, McKinley, Owens, Preece, Roche and Tweed.

#### **19. MINUTES SILENCE**

The Mayor reported that since the last Council Meeting had been held, a number of tragic events had occurred in Manchester and London and our thoughts and prayers go out to all the people who had lost their lives, those who had been injured and are still receiving hospital treatment and to their families and friends.

The Council and guests present then stood in silence for one minute as a mark of respect for the victims of the tragic events which had occurred in Manchester and London.

# Agenda Item 3

COUNCIL- TUESDAY 20TH JUNE, 2017

## **20. FREEDOM OF THE BOROUGH - THE DUKE OF LANCASTER'S REGIMENT**

It was moved by the Council's Armed Forces Champion, Councillor Brennan, seconded by Councillor Byrom; supported by Councillors Weavers, Bliss and Bennett and unanimously

RESOLVED:

That in accordance with Section 249 (5) of the Local Government Act 1972, this Council wishes to place on record its high appreciation of, and the debt of gratitude of The Borough to The Duke of Lancaster's Regiment and in the light of the long and honourable association between the Borough of Sefton and The Duke of Lancaster's Regiment, the Council resolves that the Honorary Freedom of the Borough be conferred on The Duke of Lancaster's Regiment and that it be granted the right, privilege, honour and distinction of marching through the streets of the Borough on all ceremonial occasions with colours flying, bands playing, drums beating and bayonets fixed.

<b>Report to:</b>	Cabinet Health and Wellbeing Board Overview and Scrutiny Committee (Children’s Services and Safeguarding) Overview and Scrutiny Committee (Adult Social Care and Health) Council	<b>Date of Meeting:</b>	25 May 2017 14 <sup>th</sup> June 2017  21 <sup>st</sup> June 2017  27 <sup>th</sup> June 2017  13 July 2017
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**Subject:** Public Health Annual Report 2016      **Wards Affected:** (All Wards);

**Report of:** Head of Health and Wellbeing

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

**Exempt/Confidential**                      No

**Purpose/Summary**

To present the Annual Report of the Director of Public Health 2016.

**Recommendation(s)**

The Cabinet is requested to receive the report and recommend it to Council for publication.

The Health and Wellbeing Board and the Overview and Scrutiny Committees are requested to note the content of the report

The Council is requested to:

1. receive the annual report of the Director of Public Health; and
2. note that the report will be published

**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	x		
2	Jobs and Prosperity	x		
3	Environmental Sustainability	x		

# Agenda Item 7

4	Health and Well-Being	x		
5	Children and Young People	x		
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council Services and Strengthening Local Democracy	x		

## Reasons for the Recommendation:

The report is a statutory independent report of the Director of Public Health and identifies key issues affecting health in the Sefton population.

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

### (A) Revenue Costs

No direct costs associated with the report.

### (B) Capital Costs

No direct costs associated with the report.

## Implications:

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

<b>Financial</b>	
<b>Legal</b> Section 73B (5) and (6) of the National Health Service 2006 Act, inserted by section 31 of the Health and Social Care Act 2012, provides that the Director of Public Health must produce an annual report and the local authority must publish 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:

This report should be taken into account in all service areas.



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

The Head of Corporate Resources has been consulted and has no comment on the report as there are no direct financial implications for the Council arising from the content of the report. (FD 464317) and the Head of Regulation and Compliance (LD3929/17) has been consulted and any comments have been incorporated into the report.

## **Implementation Date for the Decision**

Immediately following the Council meeting.

**Contact Officer:** Charlotte Smith

**Tel:** 0151 934 3901

**Email:** [charlotte.smith@sefton.gov.uk](mailto:charlotte.smith@sefton.gov.uk)

## **Background Papers:**

None.

# Agenda Item 7

## 1. Introduction/Background

The Director of Public Health (DPH) is required to produce an independent annual report on the health and wellbeing of their population highlighting key issues.

It is an important vehicle by which the DPH can identify key issues, celebrate success, flag up problems, report progress and, thereby, serve their local populations. It will also be a key resource to inform local inter-agency action.

The 2016 annual report is centred on the wider determinants of health. This report considers the root causes of health inequalities across Sefton, what actions are already being undertaken locally to address these issues, as well as recommendations for future actions.

This report has been developed through collaborative working with a range of Council and external partners, and the topic and content have been agreed with the portfolio holder for Health and Wellbeing.

## 2. Aims of the Report

- Contribute to improving the health and wellbeing of local populations.
- Reduce health inequalities.
- Promote action for better health, through measuring progress towards health targets.
- Assist with the planning and monitoring of local programmes and services that impact on health over time.
- Be relevant to the health of local populations with information analysed at the most appropriate population level.
- Must be integral to planning across all sectors and needs to promote action.
- Should include a clear set of recommendations that are targeted, realistic and achievable (SMART).

## 3. Structure of the Report

It is proposed that the PHAR will be structured around the 'nine key areas that improve public health and reduce inequalities' identified in the 2013 Kings Fund Report - Improving the public's health: a resource for local authorities (2013)

[https://www.kingsfund.org.uk/sites/files/kf/field/field\\_publication\\_file/improving-the-publics-health-kingsfund-dec13.pdf](https://www.kingsfund.org.uk/sites/files/kf/field/field_publication_file/improving-the-publics-health-kingsfund-dec13.pdf)

These nine areas are:

- The best start in life
- Healthy schools and pupils
- Helping people find good jobs and stay in work
- Active and safe travel
- Warmer and safer homes
- Access to green and open spaces and the role of leisure services
- Strong communities, wellbeing and resilience
- Public protection and regulatory services
- Health and spatial planning

## 4. Recommendations

The following recommendations will guide the work of Sefton Public Health Team in addressing the wider determinants of health over the coming year and beyond. Some recommendations relate to activity which the Public Health team will undertake itself, whilst others refer to work which we will progress in partnership with others within the Council and wider organisations. We will report on progress made against these recommendations in the 2017 Public Health Annual Report.

### 1. The best start in life

- Continue to develop and improve the new 0-19 Service by listening to the views of families and young people, to ensure that the priorities of families, children and young people in Sefton are addressed.
- Ensure that the new 0-19 service is linked into other services such as Living Well Sefton in order to provide a wider offer for families.
- Provide support for pregnant women on a range of health issues, including stop smoking services and breastfeeding support through development of a peer support model.

### 2. Healthy schools and pupils

- Develop and implement a Healthy Weight Declaration across Sefton, which will encourage healthier food and promote more physical activity within schools and other settings.
- Develop and promote resources for children and young people which focus on emotional resilience, as an essential life skill. This is an area identified as a priority by young people within Sefton.

### 3. Helping people find good jobs and stay in work

- Develop the Well Sefton programme to include opportunities to support enterprise and innovation activity, and promotion of Bootle as an area which actively encourages new investment and creation of future employment opportunities.
- Develop a plan to promote and protect the health of the workforce across the Council and wider organisations in both the public and private sector. This will include preventing ill-health and creating a health enhancing offer for employees.

### 4. Active and safe travel

- Continuing to support walking and cycling programmes, including safe cycle training in schools and community settings across Sefton.
- Continuing to support local employers to develop sustainable travel plans which encourage active travel and reduce the number of car journeys made.

### 5. Warmer and safer homes

- Continue to support the Council's intention to develop Selective and Additional (Housing in Multiple Occupation) Licensing within some areas of the borough, in order to ensure private landlord properties are of a decent standard.
- Consider how best to support local action to reduce levels of childhood injury in Sefton.

### 6. Access to greenspace and the role of leisure services

- Use the findings from the public consultation on greenspaces and parks in Sefton, to allocate resources in the most effective manner, and encourage increased use and

# Agenda Item 7

participation in the management of the natural resources within the borough, particularly by those groups who currently access it least.

- Work with Sports England and the Amateur Swimming Association through the new Swim Pilot Programme, to modernise local swimming facilities and introduce new and innovative ways of motivating people to swim.
- Maximise opportunities for health promoting activities and campaigns as part of Sefton's 'Year of the Coast 2017' and beyond.

## **7. Strong communities, wellbeing and resilience**

- Support positive behaviour change within local communities and working to promote both formal and informal volunteering opportunities including through 'Pay it Forward Day' and 'Good Deed Day'.
- Ensure that local organisations continue to work together through the Welfare Reform agenda to reduce the impact of welfare reforms on local communities.
- Ensure that large-scale health and wellbeing programmes under development locally, such as 'Well Sefton' and the 'CLAHRC – Improving resilience to debt in Central Southport' programme, continue to focus on the development of strong and resilient communities.

## **8. Protecting the health of the public**

- Continue to work at a Cheshire and Merseyside level on a programme of work designed to ensure full use of alcohol licensing powers available.
- Explore opportunities to raise awareness of problem gambling and available local services, particularly for young people.
- Establish an Air Quality Steering Group which will bring together partner organisations and provide a forum for collaborative work around air quality within Sefton.

## **9. Health and spatial planning**

- Provide training to colleagues within planning in relation the health of the local population and how planning decisions can have a positive impact on health.
- Work together to identify forthcoming large developments and where appropriate, carry out Health Impact Assessments to ensure that developments have a positive impact on local communities.

# Public Health Sefton 2016 Annual Report





Protecting the health  
of the public

**The best start in life**

Helping people  
find good jobs and  
stay in work

**Active  
and safe  
travel**

Access to  
greenspace  
and the role of  
leisure services

**Strong  
communities,  
wellbeing and  
resilience**

**Healthy schools  
and pupils**

**Warmer and safer  
homes**

**Health  
and spatial planning**

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## Matthew Ashton Director of Public Health



Public Health Team. For this reason, this report covers the work of a wide range of services and partners, to demonstrate the breadth of work that is underway across Sefton.

We would like to extend our thanks to colleagues across the Council and within our partner organisations for contributing to this report, and supporting our view that improving health and wellbeing really is everyone's business.

I also want to provide an update on last year's annual report. Last year the annual report 'Good Health in Tough Times' focused on what we can do together in Sefton to help people stay healthy, at a time of public sector funding cuts. The report captured the findings of the 'Good Health in Tough Times' workshop which brought together people from across Sefton. The workshop included representatives from the Council, health and social care and the voluntary, community and faith sector. It was motivating to see how we can work together to support our population despite the challenging financial climate.

Last year the annual report made a series of recommendations and challenges to the Council and partners. These recommendations and updates are contained at the back of this report in the appendix.

**Matthew Ashton**  
Director of Public Health  
Sefton Council

Welcome to this year's Public Health Annual Report for Sefton, and my first as Director of Public Health in Sefton.

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I started in Sefton in February 2016. Since then I have been impressed with the passion and commitment of council officers, elected members and partner organisations, in working together to improve health and wellbeing for people who live, work and play in Sefton.

It is for this reason that I have decided to focus my annual report on the 'wider determinants of health'.

We know that the causes of good health and indeed poor health are often rooted within the social, economic and physical environments where we are born, work and live. In the first chapter, we will introduce this idea in more detail, before going on to look at what we are doing in Sefton in relation to wider determinants of health.

The nature of wider determinants of health is very broad and often outside the control of the

## Councillor Ian Moncur, Cabinet Member for Health and Wellbeing



remains committed to protect the wellbeing of the most vulnerable, and tackling the root causes of health inequalities in the borough.

As portfolio holder for Public Health I endorse this report and hope you enjoy reading it. Please do get in touch with any feedback or suggestions for topics to cover in future reports.

Welcome to the 2016 Public Health Annual Report for Sefton Council.

The Public Health Annual Report is an opportunity to take stock of the health of people in Sefton and to look at what the Council and our partners in Sefton can do to maximise wellbeing.

This year the report will focus on the wide range of factors in our everyday lives that shape our health. These are called 'the wider determinants of health' and include housing, education, jobs and training, transport, the environment and our local communities.

The Council, and many partner organisations across Sefton are working hard to ensure people living in Sefton can grow up, work, and live in communities which help them to be healthy. This report provides an opportunity to share some of this good work.

It also provides an opportunity to think about how we can work together more effectively in the future, at a time of continued cuts to public funding. Despite these challenges the Council

**Councillor Ian Moncur**  
Cabinet Member for Health and Wellbeing  
Sefton Council







## National context

There have been a number of key documents produced in recent years which suggests how local areas can work in order to influence the wider determinants of health. These include:

- Institute of Health Equity (Feb 2010) '**Fair Society, Healthy Lives**' (Marmot Review)
- Improvement and Development Agency (March 2010) '**The Social Determinants of**

### Health and the Role of Local Government'

- Kings Fund (2013) '**Improving the public's health - A resource for local authorities**'
- Public Health England and Institute of Health Equity (September 2014) '**Local action on health inequalities - A series of evidence papers**'
- University of Liverpool and CLES (September 2014) '**Due North - Report of the Inquiry on Health Equity for the North**'

## Local context

Tackling the wider determinants of health is at the root of how Sefton Council and partners will operate in the future, and this is illustrated through the Sefton 2030 vision.



## Sefton's 2030 Vision

- Sefton residents are prepared for change and will look out for each other. People will take responsibility for their own health and well-being. Communities and individuals will benefit from volunteering opportunities. People will rely less on public sector services.
- We are supportive of communities where everyone has the opportunity to live an independent and proactive life.
- People enjoy being part of energetic local communities with their own unique identities and sense of pride.
- Sefton will develop strong public sector partnerships, an entrepreneurial culture and a strong workforce. Communities will benefit from integrated educational, learning and skills development links with business.
- Communities and businesses benefit from new digital technologies that keep people informed and connected.
- The community plays a key role in the regeneration of their area.
- Sefton's coastline and greenspaces are preserved and celebrated for the enjoyment of future generations. Everybody works together to keep Sefton clean and green.

## How have we developed this report?

The wider determinants of health are a broad topic area and a wealth of activity related to this is underway in Sefton on a daily basis. This report provides just a snapshot of this activity. It also focuses largely on work that can be directly influenced by the Council or by working with local partner organisations.

The format of this report is largely based on the Kings Fund document mentioned on page 6. It draws on available best practice and recommendations for activities that local areas can undertake to improve the wider determinants of health. For the best results, the Kings Fund recommend work on nine topic areas and these form the structure for the rest of this report.

- The best start in life
- Healthy schools and pupils
- Helping people find good jobs, stay in work
- Active and safe travel
- Warmer and safer homes
- Access to green and open spaces and the role of leisure services
- Strong communities, wellbeing and resilience
- Public protection and regulatory services
- Health and spatial planning

Each chapter within the report will consider;

- Why is this issue important?
- What could we do about this?
- Did you know? – Key facts about this issue in Sefton
- What are we doing in Sefton?
- What more should we do in Sefton?

The central pages within the report provide a snapshot of health within Sefton during 2016, and relevant local statistics are given at the end of the report.

In developing this report we have spoken to a range of colleagues from throughout the Council and other local organisations, who are responsible for work in relation to the different chapters. We have also discussed the report with local community organisations including Healthwatch Community Champions, who have provided us with case studies.

## Next steps

Each chapter contains recommendations which will guide the work of Sefton Public Health Team in addressing the wider determinants of health over the coming year and beyond. Some recommendations relate to activity which the Public Health Team will undertake itself, whilst others refer to work which we will progress in partnership with others within the Council and wider organisations. We will report on progress made against these recommendations in the 2017 Public Health Annual Report.

At the time of writing, a further audit of wider determinants of health activity was underway by the Public Health Team. This will provide a more detailed assessment of related work against existing evidence and will produce further recommendations.



# 1 The best start in life

## Why is this issue important?

The foundations for a healthy and fulfilling life are built in the first few years of a child's life. Even before birth, a mother's health before and during pregnancy can impact on the future health of her child. This is why it is important to focus on the health and wellbeing of pregnant women, and families with young children; making sure children have the best possible start in life.

When we are born, our early life experiences help to shape our future habits, behaviours and attitudes to the world around us. This means that positive early experiences, both with our family and in early years education settings, can provide us with better life chances and more chance of being healthy.

## What can we do about this?

Local authorities can ensure that the most vulnerable children and families are supported through targeted initiatives offering more intensive support to families with young children, as and when it is needed. This should be offered alongside universal services for all families with young children.

Provision of support for any vulnerable families during pregnancy and during early years (0-2) can improve a wide range of aspects of child and maternal wellbeing, including school readiness and maternal employment outcomes.

## Did you know?

- In 2015, 7 in 100 babies born in Sefton had a low birthweight and 1 in 100 had a very low birthweight, which is similar to the national average.
- Babies with a low birth weight are five times more likely to die in the first year of life than babies born with a birth weight in the normal range.
- Childhood immunisation rates for primary vaccinations (given in the first year of life) in Sefton are above 90%; this is significantly higher than England as a whole.

## What are we doing in Sefton?

In 2014, the Sefton Public Health Annual Report: Nurturing the hearts and minds of children, focused on children aged under 5 years. This report provided a detailed assessment of the health and wellbeing of children aged under-five in Sefton. Many of the issues highlighted in that report remain relevant today. This includes; protecting mothers and babies, and ensuring school readiness. A copy of this report can be found on Sefton Council's [website](#).

## Healthy Child Programme

Giving every child the best start in life remains the foundation of Sefton's Health and Wellbeing strategy. Sefton's continued commitment to this can be seen through development of the new 0-19 Healthy Child Programme, which will mean that health visitors and school nurses will be part

of a new integrated nursing team supporting children and families.

This new service will be provided in Sefton from April 2017 by Northwest Boroughs Healthcare NHS Foundation Trust (formerly 5 Boroughs Partnership). Alongside the universal services, which deliver a schedule of health and development reviews, screening tests, immunisations, health promotion and support in parenting to all families, the new service will support the most disadvantaged and vulnerable children and families through an intensive

support programme based on individual need. The mix of universal and more intensive support services will help us to reduce health inequalities among Sefton families.

Sefton Council is grateful to the help provided by NHS and voluntary sector organisations in shaping the new service, and especially thankful to those young people, parents and staff who responded to our consultation on services. Members of Sefton's Youth Cabinet also helped the council choose who would deliver the new service.

## Consultation on the new 0-19 Healthy Child Programme Service in Sefton

The development of the new 0-19 Healthy Child Programme Service has utilised the latest evidence and best practice, and the voice of parents and professionals working with young children and their families, to develop an offer which is appropriate for the needs of Sefton residents.

In developing the new service we needed to speak with families, young people and front line staff. The views of parents and young people highlighted changing needs and health priorities, suggesting ways services could be improved; including how the future service works with parents, children and young people. This has allowed the new service to be shaped around the people the service is intended to support.

## What more can we do in Sefton?

In 2017 and beyond we hope to do more work to give Sefton children the best start in life. We will do this by:

- Continuing to develop and improve the new 0-19 Service by listening to the views of families and young people, to ensure that the priorities of families, children and young people in Sefton are addressed.
- Ensuring that the new 0-19 service is linked into other services such as Living Well Sefton in order to provide a wider offer for families.
- Providing support for pregnant women on a range of health issues including stop smoking services and breastfeeding support through development of a peer support model.





# 2 Healthy schools and pupils

## Why is this issue important?

Helping each child and young person reach their full potential at school provides them with better life chances. It can also help them to live a longer and healthier life. Positive experiences we have at school can help us to develop interests and learn about the world around us in a way that can enrich our lives, and therefore the lives of others in our community.

recognising the features of exploitative friendships and tackling attitudes which can lead to bullying.

- Reduce the prevalence and impact of conduct disorders, through programmes aimed at improving social and emotional skills, attitudes and behaviours, and attainment.

Schools can be supported to provide healthier environments by:

- Encouraging more physical activity into the curriculum, and promote healthy eating.
- Developing a wide range of life skills for their pupils, including building emotional wellbeing and resilience to peer pressure, coping with social media use and media pressure.

## Did you know?

During the 2015/16 school year in Sefton:

- Seven out of 10 pupils gained a good level of development in the Early Years Foundation Stage. This is higher than the rates seen in the North West and England.
- Six out of 10 pupils achieved or exceeded the expected standard for reading, writing and maths in Key Stage 1. This is lower than the rates seen across the North West and nationally.
- One in 10 Sefton pupils in reception was obese, rising to 1 in 5 for pupils in Year 6.

high-quality education will ensure that children and young people, gain knowledge and develop a wide range of life-skills preparing them for future employment and social opportunities. Schools are also settings in which healthy behaviours can be influenced and developed, for example through supporting healthy diets. Conversely, we know that bullying within schools can have a negative impact on the emotional and mental wellbeing of pupils in both the short and longer term.

## What can we do about this?

In order to help schools ensure each child reaches their full potential, local authorities and partners can support schools, in order to:

- Reduce bullying through implementing evidence-based programmes and seek outside support when required. PSHE lessons provide an opportunity to talk to pupils about bullying and healthy/unhealthy relationships, including

## What are we doing in Sefton?

There are a range of initiatives aimed at children and young people underway in Sefton, designed to improve physical, mental and emotional wellbeing.

## Emotional wellbeing in schools

This service is delivered as a component of the School Nursing Service in Sefton, and is a targeted confidential service for children, young people and their families, providing support with emotional and mental health difficulties that fall below the threshold of other specialist services.

The service helps to support children and young people with anxiety, anger issues, low mood, low self-esteem, bullying or friendship difficulties, behavioural problems at home or school, self-harming behaviours, school difficulties. It recognises the importance of early identification, early assessment and early intervention, to improve the outcomes for children and young people across the borough.

*“ Within this role, I am able to provide accessible and timely access to evidence-based interventions for children and young people. I work jointly with families and young people to assess problems and develop interventions which support positive change.*

*I also work in partnership with School Nurses to develop capacity and capability around emotional health and wellbeing, as well as linking in with other professionals to ensure that children and young people achieve the best outcomes.*

**Cath Brindle**, Specialist School Nurse for Emotional Mental Health and Wellbeing

## Bully Busters



Sefton Council commission Bully Busters to work with schools. A team of specially trained staff operate the confidential telephone helpline and take calls from victims, parents or from people with information about the bullying of children. As well as acting as a listening ear service, the team provides practical advice and can act as a mediator between the organisation where the bullying is taking place and the parent/carer of the child involved. They also operate a full anti bullying initiative providing training and awareness sessions for young people, children, professionals, Governors and parents or carer's.

## Young Carers

A young carer is someone under 18 who helps look after someone in their family, or a friend, who is ill, disabled or misuses drugs or alcohol. The average age of a Young Carer is 12 years old with 1 in 3 young carers spending 11-20 hours per week caring. Evidence suggests that more than half (53%) of young carers have problems coping with school work and nearly 60% struggled to meet deadlines. Sefton Carers Centre has been working with schools in Sefton to help to support Young Carers and their families, and has recently hosted a Young Carers Awareness Day event in partnership with Greenbank High School in Birkdale.

At the event local schools and organisations were invited to hear about work being undertaken to identify young carers in the school setting and provide support on a holistic family approach using the Carers Trust Young Carers in Schools toolkit. Over 35 young carers have now been identified and the school is working towards



“ The support has helped me to achieve my goals and helped me to feel happy and secure. I just want other people to get the support I've had for them to have an easier, happier life and for people to know that there's always someone they can speak to. ”

**Olivia Rushton,**  
 a young carer  
 and pupil at  
 Greenbank  
 High School



## Active Sefton

Sefton's Sport & Recreation Service provides a range of programmes for children and young people in schools, with the aim of providing education around healthy eating, physical activity and healthy lifestyles. This includes Move It, Active Kids, Sportivate, Active Academies and many more. More information about the service can be found in Chapter 6 and here - [www.sefton.gov.uk/sport-leisure](http://www.sefton.gov.uk/sport-leisure).

### What more can we do in Sefton?

In 2017 and beyond we hope to do more work to ensure we have healthy schools and pupils in Sefton. We will do this by;

Developing and implementing a Healthy Weight Declaration across Sefton, which will encourage healthier food and promote physical activity within schools and other settings.

Developing and promoting resources for children and young people which focus on emotional resilience, as an essential life skill. This is an area identified as a priority by young people within Sefton.

the bronze level of the Young Carers in Schools programme which they hope to achieve prominently.

A free step by step guide to Supporting Young Carers in Schools is available to be used locally, for more information please contact John Hill, Sefton Carers Centre, **0151 288-6060** / [john.hill@carers.sefton.gov.uk](mailto:john.hill@carers.sefton.gov.uk)



# 3 Helping people find good jobs and stay in work

## Why is this issue important?

Finding a good job can ensure we are financially better off and gives us a sense of purpose in life. These factors generally have a positive effect on our physical and mental wellbeing, which can also be felt by our immediate family.

On the other hand, for people who experience unemployment, or insecure employment, there may be a negative impact on health and wellbeing. People with a long-term health condition or disability can face barriers to finding and staying in work, with around half of people with a long-term health problem experiencing difficulties within the workplace.

Whilst working is generally good for our health, the type of work we do is also important. Stress at work, job insecurity and a lack of control over work are associated with long-term physical and mental health problems. Most illnesses caused by work are musculoskeletal or related to stress, depression or anxiety.

## What can we do about this?

Councils and partner organisations can encourage uptake of supported employment schemes, such as apprenticeships. This is particularly important for groups such as those with a disability and disadvantaged in the job market; including long-term unemployed, older workers and young people aged 16-19 not in education, employment or training (NEET).

Councils can promote inclusive growth, this means that local investments and developments are used to create opportunities for all segments of the population and the benefits of this are distributed fairly across society.

Local authorities can play a role in supporting and challenging local businesses to do more to promote workforce health, and support employers in helping employees with health conditions.

## Did you know?

- Between January and December 2015 there were approximately 15,000 workless households – almost 1 in 5 of all households within Sefton.
- Following a decline in recent years Sefton's rate of 16 to 18-year-olds who are not in education, employment or training (NEET) has shown an increase in 2016. The rate in Sefton remains significantly higher than the England average.
- When surveyed 2.3% of Sefton employees had at least one day off due to sickness absence in the previous week, similar to the national average.

## What are we doing in Sefton?

There are a range of initiatives underway in Sefton by the Council and partner organisations to support people into good quality employment.



## Sefton@Work

Sefton@Work is a free service which provides employment information, advice and guidance to Sefton residents aged 16 and over. Sefton@Work offers a range of programmes including 'Ways to Work'. This initiative combines employment advice, guidance, job preparation skills and paid work placements for Sefton residents who have little or no work history. This programme aims to improve long term economic resilience by helping residents into the job market and through providing a working role model for children within the family.

Ways to Work is one of the first projects of its kind to be run through the Liverpool City Region Combined Authority and we are working closely with all the other local authorities to deliver a consistent offer. Part of the grant offer includes funding from a European fund called Youth Employment Initiative (YEI) which specifically targets people under 29 years old who have no work experience or little work history.

## Nature 4 Health

Sefton@Work has also been working with Mersey Forest as part of the Nature for Health programme, to improve mental wellbeing in those furthest from the job market and encourage skills development through participation in voluntary activity. The project



also aimed to increase the number of hours participants spent outdoors interacting with nature and participating in activities outside of their comfort zone.

Twelve participants were involved in the project; all were registered with Sefton@Work. The project was undertaken at SAFE Regeneration in Bootle and involved a 6 week course with 2 sessions per week, including horticulture, vegetable growing and art based activity.

Since the course seven participants have continued to attend SAFE Regeneration on a regular basis. Two have since gained employment; including one who has started an apprenticeship at SAFE Regeneration. Informal feedback found that some participants who were previously socially isolated had seen a noticeable improvement in attitude towards work.

**“** I was stuck in a bit of a rut and wasn't really doing anything; I heard about the Nature for Health Project through Sefton at work and thought I would visit SAFE to check it out. I was made to feel comfortable and instantly felt I wanted to get involved in the gardening and make a difference. I'm now really enjoying life and getting involved at SAFE, I have a job gardening and maintaining the grounds and things couldn't be better! **”**

Nature 4 Health participant

Some were now also engaging with Living Well Sefton – Sefton's integrated health and wellbeing service. A full evaluation of the project is currently underway by Liverpool John Moores University.

## What more can we do in Sefton?

In 2017 and beyond we hope to do more work to help people find good jobs and stay in work in Sefton. We will do this by:

- Developing the Well Sefton programme to include opportunities to support enterprise and innovation activity, and promotion of Bootle as an area which actively encourages new investment and creation of future employment opportunities.

- Developing a plan to promote and protect the health of the workforce across the Council and wider organisations in both public and private sector. This will include preventing ill-health and creating a health enhancing offer for employees.







# 4 Active and safe travel

## Why is this issue important?

Whether we are commuting to work, completing the school run, or on a more leisurely outing, how we get from A to B can have a major impact on our health and wellbeing.

Using active forms of transport like walking and cycling provides many health benefits. This includes helping us to achieve and maintain healthy body weight, reducing our risk of heart disease and stroke, and reducing our chances of developing diabetes. Building active travel into

our daily routines can also improve our mental wellbeing.

Active travel can reduce the number of short car journeys we take, which in turn can reduce congestion and improve air pollution. This also helps to make roads safer, especially for cyclists and pedestrians; and can make our communities more appealing and attractive.

## What can we do about this?

Both public and private sector organisations can promote cycling to work, which can lead to a healthier workforce and fewer days lost through ill-health. One way to achieve this is through the cycle to work scheme, which reduces the up-front cost of buying a bicycle. Councils can support cycle safety through cycle training and guided cycle routes to build the skills required to cycle safely.

In order to ensure safe travel Councils and partner organisations could consider:

- Developing safer routes to schools, colleges, and common destinations, in more densely populated areas, with high levels of road casualties.
- Create safe and attractive local environments which promote cycling and walking over car use.

*I knew I had to do more exercise, but the walking groups grabbed my attention as I knew I would meet people and just the fact you can walk and talk comfortably and you're doing it within a group is ideal for me. The walking groups have been a lifesaver for me as they have got me into a weekly routine again, I have dates and times in my diary each week and I know people are going to be at the walks rain or shine.*

**Doreen** has been walking with the Active Walks Programme for over 6 months to meet new people and improve her mood.

*I used to be a keen cyclist but I was knocked off my bike a couple of times. After the second accident, I lost my confidence riding on the road. This led to my fitness and mood dropping, and I suffered from depression. I attended a Dr Bike session, where Sefton's Cycling Development Officer not only fixed my bike but also explained what he was doing so I could fix it myself the next time. I went on to assist with the Dr Bike sessions as a volunteer and now have completed a City and Guilds level 2 in bike maintenance.*

*My confidence and self-esteem have improved and I am currently seeking employment as a bike mechanic.*

**Ken**

## Did you know?

- The Sefton rate of people killed and seriously injured on the roads is similar to the England average.
- Just over half of Adults in Sefton (56%) achieve the recommended 150 minutes of physical activity per week.
- Around 1 in 10 adults in Sefton cycle at least once a week. This means around 20,000 residents.

## What are we doing in Sefton?

The Local Transport Plan sets out the approach to travel within a local area, including the promotion of active and safe travel. For Sefton, this document is produced by Mersey Travel for the Liverpool City Region Combined Authority and is called '**A Transport Plan for Growth**'.

Sefton Council also provides a number of programmes which support people to walk and cycle more and to reduce the number of car journeys people make. 20 mph zones have been introduced in residential areas across Sefton to encourage people to drive more carefully and slowly and make neighbourhoods safer.

## Active Travel Sefton

Sefton's Active Travel Team provide a wide range of services to help get people who live, work and visit Sefton involved with cycling, walking and using sustainable transport. Active Travel Sefton provides a wide range of one-off events and week to week activities to join in with.

The Active Travel Sefton **website** brings together information on what is going on across the borough and includes a weekly timetable of activities as well as links to the Sefton Travel App and information for local businesses and employees.

A wide range of initiatives are delivered across the borough including:

## Schools and Colleges

Each year around 5000 school pupils take part in cycle skills sessions provided by the active travel team. The team also support initiatives such as walking buses, providing an active, safe, and car-free journey to school for hundreds of primary school children across Sefton.



## Community

Over 2600 people take part in 'Health Walks' and around 1200 people take part in led cycle rides each year in Sefton. Local health walks are offered across the whole of the borough and cater for all ages and abilities, and include Nordic Walk training. These provide a number of benefits to both physical and mental health.

Practical cycle maintenance training is also offered to residents, along with bike servicing at Dr Bike sessions and learn to ride sessions for complete non-cyclists or on-road cycle training for occasional riders.

On a weekly basis around 90 residents take part in Wheels for All cycling sessions which enable children and adults with disabilities and differing needs to engage in a quality cycling activity. Sefton's centres are equipped with a range of specially adapted cycles and welcome individuals, groups and families to be involved.

### Visitors and Local Business

The active travel team can offer businesses in Sefton support in developing travel plans and can also assist in the promotion of sustainable travel and provide practical and informative work based sessions to employers and their employees.

For visitors to Sefton, detailed information on how they can use walking and cycling is available from a range of sources including the **Active Travel Sefton** and the **VISIT Sefton and West Lancashire** websites. To encourage visitors to cycle whilst visiting the local area, bike hire is available from a number of popular locations across Sefton. Each year over 1500 people use these hire bikes to get around.

### What more can we do in Sefton?

In 2017 and beyond we hope to do more work to help people to engage in safer and more active travel in Sefton. We will do this by:

- Continuing to support walking and cycling programmes, including safe cycle training in schools and community settings across Sefton.
- Continuing to support local employers to develop sustainable travel plans which encourage active travel and reduce the number of car journeys made.



# 5 Warmer and safer homes

## Why is this issue important?

Living in a home that is warm, safe and in a good state of repair is fundamental to keeping ourselves well, whatever our age or circumstances. When our housing meets our needs we are better able to access services and build relationships with people living in our local community.

## What can we do about this?

Local authorities have statutory responsibilities for housing; including providing accommodation for people who are homeless, tackling homes that are of a poor standard and ensuring that enough affordable housing is available. Registered providers (housing associations) own and manage local supplies of socially rented housing, whilst other organisations such as Fire and Rescue Services work hard to ensure safety within homes.

Suggested actions that local organisations should take to ensure good quality housing include:

- Making homes warmer - Each year over 20,000 deaths in the winter months, in people aged over 65 are related to under-heated homes. These 'excess winter deaths' are caused by cold homes increasing the risk of cardiovascular disease, stroke and respiratory illness.
- Preventing accidents in the home - Each year in the UK over 1 million children attend A&E following an accident in the home.

## Did you know?

- Over 1 in 10 of households in Sefton is estimated to be living in fuel poverty. This is higher than the England average.
- In Sefton there are, on average, 20% more deaths in winter compared to non-winter months.
- Sefton's A&E attendance rate for children age 0-4 is significantly higher than the England rate.

## What are we doing in Sefton?

There are a range of initiatives underway in Sefton by the Council and partner organisations to ensure good quality housing within the borough.

### Affordable Warmth

In 2013, the Public Health Annual Report focused on affordable warmth activity in Sefton and a version of that report can be found [here](#).

### Hillary Drive Affordable Housing

Hillary Drive in Waterloo is an example of an affordable housing development, completed in April 2016. The mix of properties was developed in discussion with Sefton's Housing Team based on an identified need for local affordable housing, particularly smaller family homes and those that require ground floor accommodation.



The scheme has achieved Secure by Design accreditation, meaning that the properties are designed to ensure a safe and secure environment. The properties contain high levels of insulation, so they are more affordable to heat. Some units also meet Lifetime Homes criteria and include level access to front and rear of properties, level access showers in some ground floor flats and provisions for stair lifts in the houses. This means that the scheme will more easily adapt to ever-changing needs of our residents.

### Safe and Well Visits

Over the past year, Merseyside Fire and Rescue Service (MFRS) have been working with local Public Health Teams to broaden their current Home Fire Safety Check to tackle local health priorities. Under the banner of 'Safe and Well' the new visits will incorporate information on five key health issues, in addition to fire prevention and safety.

MFRS will start their visits in April 2017 and hope to visit over 7000 homes across Merseyside. In Sefton, their team of prevention advocates will refer those requiring further support into local health and wellbeing services such as Living Well Sefton.

#### Five key health areas for Safe and Well visits:

- Falls assessments
- Alcohol advice
- Smoking cessation
- Bowel cancer screening (over 60's)
- Blood pressure checks

### What more can we do in Sefton?

In 2017 and beyond we hope to do more work to ensure warmer and safer homes in Sefton. In Sefton:

- We know that conditions in the private rented sector in particular areas of the borough are poor, so we will continue to support the Council's intention to develop Selective and Additional (Housing in Multiple Occupation) Licensing within some areas of the borough, in order to ensure private landlord properties are of a decent standard.
- We will consider how best to support local action to reduce levels of childhood injury in Sefton.



## 6 Access to greenspace and the role of leisure services

### Why is this issue important?

Good quality and well-managed greenspaces provide a range of physical and mental health benefits for a local area. They also provide opportunities for biodiversity and can support better local air quality.

Time spent outdoors, either by the coast, woodland or in a park can increase our levels of wellbeing. Engaging in leisure activities can also help us to relax and unwind, and provides opportunities to meet new friends, and develop new skills and confidence.

Being able to access greenspace and leisure services means we are more likely to be physically active, helping to reduce the risk of a wide range of long-term health conditions including heart disease, musculoskeletal problems - such as arthritis and cancer.

### What can we do about this?

To increase access to open and greenspace, the local organisations should consider:

- Good maintenance of parks and greenspaces and in particular, ensuring that anti-social behaviour does not act as a barrier to the enjoyment of these areas.
- Working in new ways to ensure the financial viability of parks and greenspaces in the long term. This could include links with local third sector organisations and local businesses.

- Engaging with community groups and volunteers including 'friends of' groups in the ownership, management and maintenance of greenspaces. This encourages people to improve their local environment and provides health benefits for the volunteers.
- Planning the use of leisure facilities to maximise the health of local residents, with a particular focus on vulnerable groups.

### Did you know?

- Sefton has 8 leisure centres, and over 30 sport, exercise and health activities which operate under the banner of 'Active Sefton'.
- Sefton has 22 miles of coast, including beaches, sand dunes and coastal woodlands.
- Sefton has over 27 parks across the borough, as well as 61 play areas and 183 open spaces.
- 16% of Sefton residents are estimated to have visited outdoor spaces for exercise/health reasons in the last seven days, compared to 18% nationally.

### What are we doing in Sefton?

There are a range of initiatives underway in Sefton by the Council and partner organisations to ensure access to greenspace and leisure opportunities.



## Sefton's Sport & Recreation Service

Sefton's Sport and Recreation Service is directly responsible for six leisure facilities. This includes Dunes Splash World, Meadows Leisure Centre, Netherton Activity Centre, Litherland Sports Park, Crosby Lakeside Adventure Centre, and Bootle Leisure Centre.

The service is also responsible for the management of two major leisure management contracts at Formby Pool and Crosby Leisure Centre. Active Aquatics, Active Sports and Active Lifestyles programmes are also delivered by this service, which offer a vast range of local leisure activities including to those in need of additional support.

Sefton's leisure offer forms a major part of the cultural landscape of the borough. In addition to fulfilling the traditional leisure function of enabling people to be healthy and happy, the service is also highly valuable to the wider

economy by helping to make Sefton an attractive place to live, work and visit.

## Consultation on greenspaces

At the time of writing, Sefton Council was undertaking a public consultation to look at new ways of approaching access to and maintenance of local greenspace, at a time of financial restraint and cuts to public spending. The consultation considers how the natural greenspaces within Sefton can be protected so that future generations can enjoy them.

**active  
sefton**

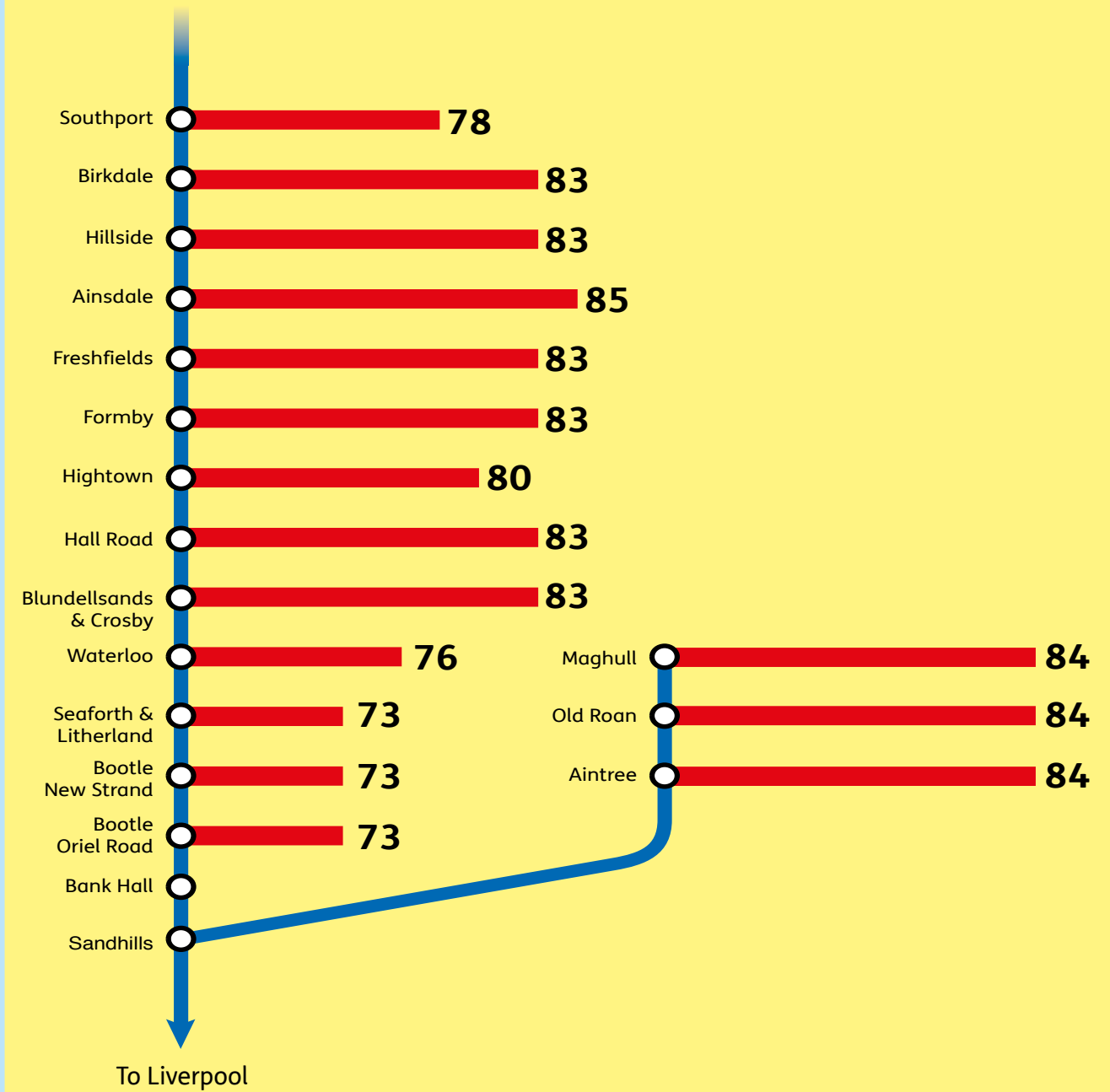
## Rimrose Valley, Forest School

A 12 week forest school was run from April 2016, for children from Hatton Hill Primary School After-School Club. It was funded by the Big Lottery Reaching Communities fund, in partnership with the Mersey Forest Nature4Health Project and Sefton Council Coast Rangers. The project aimed to increase use of nearby Rimrose Valley by both

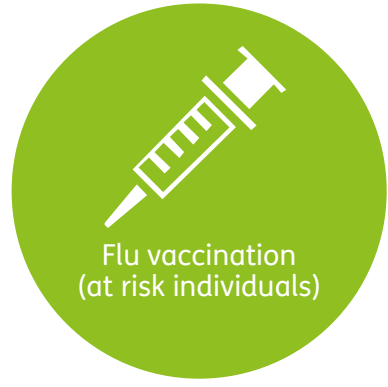


# Life Expectancy in Sefton

River  
Mersey



# Health & Wellbeing Indicators in Sefton 2016



## Key

Statistical significance compared to England average:











# 7 Strong communities, wellbeing and resilience

## Why is this issue important?

Communities have a unique role to play when it comes to our environment, safety, happiness and welfare. Supporting strong local communities is hugely important in ensuring people are healthy and able to support one another.

Having support from family, friends and others can improve your wellbeing, and it can also help you recover from illness. However, in communities where people don't have social support, levels of good health and wellbeing are more likely to be lower. For example, loneliness has been shown to be as bad for our health as moderate smoking, obesity or high blood pressure.

Most communities have both strengths and challenges. Strengths can be as simple as neighbours who look out for one another or residents who pick up litter on their street. Formal support networks such as luncheon clubs, knitting or gardening groups can also help to create strong communities. Recent changes to the welfare system and reduced public funding are challenges which have affected many local communities. This can be seen nationally through rising levels of personal debt and use of foodbanks. This issue was explored through the Public Health Annual Report 2015 called '**Good Health in Tough Times**'.

## What can we do about this?

In order to support local communities, Councils and partner organisations can:

- Use local knowledge to understand community strengths and challenges, and to plan local services better.
- Support community groups to provide services within communities, where appropriate and where they are best placed.

*“The Leadership Collaborative was an eye opening experience and a wonderful opportunity to meet people from a number of different sectors and share common stories of the challenges of leadership. I gained new insights in particular as to how the NHS operates and the differing perspectives on how to improve health and wellbeing. I look forward to continuing to collaboratively work with Well North as we seek to bring hope and regeneration to Bootle.”*

**Claire Morgans**, Chief Executive of the Bootle-based young person's charity Ykids and first became involved in Well Sefton through the Sefton Leadership Collaborative.

## Drop in activities at Strand by Me:

- **People First** – promotion of wellbeing for those with learning difficulties
- **British Lung Foundation** - monthly meetings of the Sefton Breathe Easy Group
- **Mersey Care** - Drug and alcohol clinic and mental health drop in service
- **May Logan Centre** – Weekly health check services
- **The Alzheimer's Society** - monthly drop in service and help to develop plans for a Dementia friendly shopping centre.
- **Galloway's Society for the Blind** - regular monthly drop in service
- **Strand House** – Residents meeting and drop-in surgery two mornings a week
- **Chiropody service** – monthly 'treat your feet' service
- **Veterans in Sefton** – weekly clinic for those with Post Traumatic Stress Disorder





- Support residents to volunteer and take part in good neighbour activities, including befriending.
- Provide support for those most affected by recent changes to the welfare system, for example, through debt advice.

### Did you know?

- Sefton is the happiest place in Merseyside (Government's wellbeing survey).
- Sefton has over 1300 active local charity and community groups, as listed on the Sefton VCF Direct [website](#).
- 7% of people in Sefton are estimated to have low life satisfaction (compared to 5% for England as a whole).
- 21% of people in Sefton are estimated to have high anxiety, similar to the England average.

### What are we doing in Sefton?

There are a range of initiatives underway in Sefton by the Council and partner organisations to support strong local communities.

#### Areas of statutory responsibility for the Council:

- Food safety, including hot food takeaways
- Alcohol and gambling licencing
- Control of illicit tobacco and fire safety
- Sunbed shops
- Tattoo shops
- Air quality and pollution control.

### Well Sefton

Sefton is one of nine Well North pilot areas. The programme is designed to improve health and wellbeing areas through the development of enterprising and resilient communities.

In developing the programme Sefton Council Public Health Team have been working with Sefton Council for Voluntary Services, Sefton's Clinical Commissioning Groups, local GPs and representatives from several local community groups and social enterprises.

Well Sefton's mission statement is Building a Brighter Bootle, and focuses on four topic areas:

- Developing Community Leaders
- Encouraging investment in Bootle
- Connecting partners to enable more access to community-based services
- Using food as a platform to build community resilience

### Strand by Me – Community Asset Workers

In 2015, Sefton Council and South Sefton Clinical Commissioning Group invested in a team of Community Asset Workers. The role of the team was to:

- Identify community skills, assets, issues and needs; ensuring that local people have their say in community activities.
- Develop support networks between individuals and community groups.
- Empower local people to develop their own potential and to improve their communities.

Since then the team have undertaken a wide range of activities to support local community groups and have also taken over the day to day management of the Strand by Me shop

in Bootle Strand Shopping Arcade, which has provided a base from which to work directly with communities. On average, around 20 people a day visit the Strand By Me shop; some with a particular purpose, for example, to have a health check, to find out how to volunteer or stop smoking (or both)! But increasingly it is just to 'find out what's going on'.

Informality is important to the work of the Asset Officers. Although 'a friendly face, a cup of tea and a chat' may be all that's required as a starting point, the team are always looking for opportunities to identify people's skills and talents and help people to develop.

Some case studies illustrating the work of the team are given below.

#### Case Study: Mrs Smith

A diagnosis of Chronic Obstructive Pulmonary Disease and changes in family demographics had left Mrs Smith, from Bootle, isolated in her flat. She has lost confidence in her ability to connect with other people; "I did not go out unless I really had to for nearly two years".

Following her first meeting with the asset team, Mrs Smith has since been linked to the Breathe Easy Group that now runs out of Strand By Me once a month. She is also now using Netherton Feelgood Factory healthy living courses and accessing a chair based exercise class, and has become the secretary of a local resident group.

### What more can we do in Sefton?

In 2017 and beyond we hope to do more work to support resilience in local communities, by working closely with local third sector organisations. We will do this by:

- Supporting positive behaviour change within local communities and working to promote both formal and informal volunteering opportunities including through 'Pay it Forward Day' and 'Good Deed Day'.
- Ensuring that local organisations continue to work together through the Welfare Reform agenda to reduce the impact of welfare reforms on local communities.
- Ensuring that large-scale health and wellbeing programmes under development locally, such as 'Well Sefton' and the Collaboration for Leadership in Applied Health Research and Care – Improving resilience to debt in Central Southport' programme, continue to focus on the development of strong and resilient communities.

#### Case Study: Clive's Story

Clive wanted to find an organisation that could support him as a dad and recognised that there are lots of other dads who would like to get support from people who have similar experience with regard to child access and child support. Clive is currently being supported to apply for funding through the new Living Well Sefton Fund.

# 8 Protecting the health of the public

## Why is this issue important?

The Council has responsibility for ensuring the health and safety of local residents. It does this by regulating some of the activities that are carried out in the borough, to make sure that relevant policies and laws are complied with.

The Council will inspect all food premises to ensure any food served has been prepared hygienically and in a way that will not make anyone ill. In addition, licences to sell alcohol from off-licences or pubs and bars are issued when the applicant can demonstrate that no public nuisance or increase in crime will happen as a result.

In ensuring compliance with all relevant laws, the Council can make sure that activities in the borough reach a minimum acceptable standard. This helps to protect local communities from any harm such as noise or other nuisance.

Where possible, good practice suggests that the Council should also undertake work alongside these processes to ensure that the health of local residents is not only protected but is also improved.

## What can we do about this?

The potential impact of the above areas of regulation on local communities is significant. A few examples of the impact of these activities on health are given below.

**Alcohol:** Alcohol-related harm costs the UK economy an estimated £20 billion a year and the health service £1.7 billion/yr.

**Hot Food Takeaways:** Hot food takeaways often selling food which is high in saturated fat, salt and sugar. In the UK there is a direct link between communities with high numbers of takeaways and high levels of obesity.

**Betting shops:** Problem gambling can have a negatively impact on family life, relationships, employment, finance, sleep, anxiety and depression. The highest rates of problem gambling are among lower income groups and the youngest age groups. Recent evidence suggested that problem gambling costs the UK between £260m and £570m a year across health, welfare and employment, housing, and criminal justice (IPPR, 2016).

**Sunbed shops:** The NHS spends approximately £70m on skin cancer each year, with the main causes being UV radiation from the sun and sun beds. The risk of malignant melanoma is increased by 59% in those who being to use sunbeds under age 35 (for other skin cancers risk also raised around 29-67%).

**Air quality:** Each year in the UK around 40,000 deaths are attributable to outdoor air pollution. The resulting costs to the NHS and business total more than £20 billion. The impact of air pollution has been linked to cancer, asthma, stroke and heart disease, diabetes, obesity, and changes linked to dementia (RCPCH and RCP, February 2016).

## Did you know?

- There are 822 establishments in Sefton which hold a licence to sell alcohol and 107 that hold a gambling licence.
- There are currently 4 air quality management areas within Sefton.
- In Sefton 4% of adult deaths are estimated to be due to particulate air pollution (fine particulate matter, PM2.5).

## What are we doing in Sefton?

Sefton Council is undertaking a range of activity to ensure the health of local residents above the minimum legislation.

## Air Quality

Sefton produces an Air Quality Annual Statement (AQAS) in line with statutory guidance. This report for the borough is based on comprehensive air quality monitoring data. The most recent document was produced in August 2016 and found that air quality within Sefton was largely within national standards. However, there are pockets of the borough that have been adversely affected and this has mainly been caused by

HGV vehicles and general traffic on local roads. This has led to the designation of four air quality management areas within Sefton, and actions have been undertaken to improve levels of air quality within these areas.

There are a number of ongoing and planned developments in the borough, which are aimed at growing the local economy, providing employment for local people and attracting further inward investment. This includes the expansion of the port. Whilst providing many benefits to the borough, these plans are also likely to increase traffic movement. It is, therefore, important to work jointly across departments within the Council and with other local partner organisations to mitigate against any impact on air quality of these developments.

Public Health is committed to closer working with Sefton's Air Quality Team, and in 2016 the Director of Public Health provided the foreword for the AQAS Report. Another example of this joint working is the Ecostars project.

## Ecostars:

Emissions from freight traffic, particularly HGVs have been shown to be a significant contributor to pollution levels in some parts of Sefton. To improve air quality in these areas, an ECO Stars fleet recognition scheme has been introduced. The scheme provides free advice to operators on how to operate their vehicle fleets more efficiently to reduce fuel consumption, CO2 emissions and air pollution. Through the scheme, operators are assessed on their individual vehicles and overall approach to fleet management, and awarded a star rating.

A first phase of the scheme was run between 2013-2015, during which a total of 40 operators had joined the scheme, with around 80% receiving star ratings of 4 or 5 (out of 5).

The scheme has also just received additional funding until 2019 and it is expected that at least a further 15 operators will join the scheme during this time.



## Alcohol Licensing

Alcohol misuse across Cheshire and Merseyside (C&M) costs around £994 million each year (£412 per head of population). Of these costs, only £218 million are direct costs to the NHS.

Sefton Council are working with CHAMPS, the public health collaborative led by the Cheshire & Merseyside Directors of Public Health, in developing a broad approach to tackling harm from alcohol, through the use of current licencing legislation.

This will involve a range of work including:

- Campaigns which aim for greater enforcement of the law prohibiting the sale of alcohol to people who are already drunk.
- Engaging with off-licences and encouraging them to voluntarily restrict the sale of high-strength products.
- Development of best practice in relation to local licencing strategies.

## What more can we do in Sefton?

In 2017 and beyond we hope to do more work to ensure public protection activities contribute as much as possible to improving the health of local communities. For example, equipment to monitor fine particulate matter (PM2.5) has been purchased and will be installed in one of the air quality monitoring stations in Bootle shortly.

Further work in 2017 will include:

- Continuing to work at a Cheshire and Merseyside level to ensure full use of alcohol licensing powers available.
- Exploring opportunities to raise awareness of problem gambling and available local services, particularly for young people.
- Establishing an Air Quality Steering Group which will bring together partner organisations and provide a forum for collaborative work around air quality within Sefton.



# 9 Health and spatial planning

## Why is this issue important?

The places and spaces in which we live have the potential to make a huge impact on our lives, whether it is our house, our local park or our local high streets.

The planning system sets out the requirements for new development and therefore governs many of the physical changes that could happen in our local environment. It is really important that in making these decisions, there is careful consideration of the impact on the health of local communities.

Good planning decisions can improve the quality and layout of new housing and garden space. It can also improve road safety, community safety and support the 'viability' of neighbourhoods through the provision of facilities like shops and schools. There are also mechanisms available within the planning process to ensure developers provide infrastructure to support new developments such as greenspace, foot and cycle paths.

## What can we do about this?

Evidence suggests that the Councils should undertake some of the following actions to ensure planning decisions support the health of local communities.

- The Local Plan governs how planning decisions are made within a local area.

Each Local Plan and its supporting documents should include health and wellbeing as a core objective and address local health needs throughout.

- Officers making planning decisions should have knowledge of the health of the local population and how planning decisions may impact on health.
- Health Impact Assessments should be encouraged in relation to large developments to ensure the health impact on local communities is fully considered.
- Local planning policy should be used to limit groupings of fast food outlets, betting shops and other uses which may be detrimental to health.

## Did you know?

- Sefton's Local Plan has just been adopted which sets out the borough's approach to planning within the area over the next 15 years.
- Dukes ward has the highest concentration of hot food takeaways followed by Church ward with 39 and 25 outlets respectively.

## What are we doing in Sefton?

Sefton's Draft Local Plan includes several policies to make sure that new development in the borough contributes to the health and wellbeing of local communities, by maximising opportunities for people to lead a healthy and

active lifestyle. Policies include encouraging provision of a range of amenities which will benefit health and wellbeing including:

- A choice of homes to meet current and future need
- Jobs
- Safe waste storage or recycling opportunities
- Safe and attractive public areas which minimise opportunity for crime and reduce the fear of crime, and which promote social cohesion
- Opportunities for people to take physical exercise through walking, cycling, outdoor recreation and sport
- Appropriately located food and drink shops, hot food takeaways and drinking establishments
- Accessible homes, education, jobs, public transport services, health and other services
- Measures to ensure homes are warm and affordable to heat

### What more can we do in Sefton?

In 2017 and beyond we hope to do more work to ensure planning decisions contribute to the health of local communities. We will do this in the following ways:

- Providing training to colleagues within planning in relation the health of the local population and how planning decisions can have a positive impact on health.
- Working together to identify forthcoming large developments and where appropriate, carry out Health Impact Assessments to ensure that developments have a positive impact on local communities.

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Sefton's draft Local Plan also contains a policy which aims to ensure that food and drink outlets which have the potential to negatively impact on local communities are appropriately located. This will include restricting groupings of hot food takeaways where they may harm public health or the amenity of neighbourhoods through noise or odours. There are further restrictions where the proposed outlet is near to residential areas and schools.

At the time of writing a Supplementary Planning Document is also currently undergoing consultation with the public which will set out more detail about the new policy for food and drink outlets. This document will also cover a similar approach to betting shops, as part of measures to prevent harm from problem gambling within local communities.

## Key Recommendations

The following recommendations will guide the work of Sefton Public Health Team in addressing the wider determinants of health over the coming year and beyond. Some recommendations relate to activity which the Public Health Team will undertake itself, whilst others refer to work which we will progress in partnership with others within the Council and wider organisations. We will report on progress made against these recommendations in the 2017 Public Health Annual Report.

### 1. The best start in life

- Continue to develop and improve the new 0-19 Service by listening to the views of families and young people, to ensure that the priorities of families, children and young people in Sefton are addressed.
- Ensure that the new 0-19 service is linked into other services such as Living Well Sefton in order to provide a wider offer for families.
- Provide support for pregnant women on a range of health issues, including stop smoking services and breastfeeding support through development of a peer support model.

### 2. Healthy schools and pupils

- Develop and implement a Healthy Weight Declaration across Sefton, which will encourage healthier food and promote more physical activity within schools and other settings.
- Develop and promote resources for children and young people which focus on emotional resilience, as an essential life skill. This is an area identified as a priority by young people within Sefton.

### 3. Helping people find good jobs and stay in work

- Develop the Well Sefton programme to include opportunities to support enterprise and innovation activity, and promotion of Bootle as an area which actively encourages new investment and creation of future employment opportunities.
- Develop a plan to promote and protect the health of the workforce across the Council and wider organisations in both the public and private sector. This will include preventing ill-health and creating a health enhancing offer for employees.

### 4. Active and safe travel

- Continuing to support walking and cycling programmes, including safe cycle training in schools and community settings across Sefton.
- Continuing to support local employers to develop sustainable travel plans which encourage active travel and reduce the number of car journeys made.

### 5. Warmer and safer homes

- Continue to support the Council's intention to develop Selective and Additional (Housing in Multiple Occupation) Licensing within some areas of the borough, in order to ensure private landlord properties are of a decent standard.
- Consider the most appropriate support required to reduce levels of childhood injuries within Sefton, and ensure this is reflected in current service provision.



## 6. Access to greenspace and the role of leisure services

- Use the findings from the public consultation on greenspaces and parks in Sefton, to allocate resources in the most effective manner, and encourage increased use and participation in the management of the natural resources within the borough, particularly by those groups who currently access it least.
- Work with Sports England and the Amateur Swimming Association through the new Swim Pilot Programme, to modernise local swimming facilities and introduce new and innovative ways of motivating people to swim.
- Maximise opportunities for health promoting activities and campaigns as part of Sefton's 'Year of the Coast 2017' and beyond.

## Strong communities, wellbeing and resilience

- Support positive behaviour change within local communities and working to promote both formal and informal volunteering opportunities including through 'Pay it Forward Day' and 'Good Deed Day'.
- Ensure that local organisations continue to work together through the Welfare Reform agenda to reduce the impact of welfare reforms on local communities.
- Ensure that large-scale health and wellbeing programmes under development locally, such as 'Well Sefton' and the 'CLAHRC – Improving resilience to debt in Central Southport' programme, continue to focus on the development of strong and resilient communities.

## 8. Protecting the health of the public

- Continue to work at a Cheshire and Merseyside level on a programme of work designed to ensure full use of alcohol licensing powers available.
- Explore opportunities to raise awareness of problem gambling and available local services, particularly for young people.
- Establish an Air Quality Steering Group which will bring together partner organisations and provide a forum for collaborative work around air quality within Sefton.

## 9. Health and spatial planning

- Provide training to colleagues within planning in relation the health of the local population and how planning decisions can have a positive impact on health.
- Work together to identify forthcoming large developments and where appropriate, carry out Health Impact Assessments to ensure that developments have a positive impact on local communities.

# Data Table

### Key:

Statistical comparison to England average

■ Worse
 ■ Similar
 ■ Better

Indicator	Measure	Time period	Sefton	North West	England
Infant Mortality	Rate per 1,000 births	2013-15	4.6	4.2	3.9
Low birth weight babies	Percentage	2015	2.5	2.8	2.8
Breastfeeding Initiation	Percentage	2014/15	56.0	64.6	74.3
Hospital admissions for deliberate and unintentional injuries to children (0-4 yrs)	Rate per 10,000 population	2015/16	93.6	182.0	104.2
5 Year Old Children Free from Dental Decay	Percentage	2014/15	77.3	66.6	75.2
Child Excess Weight in 4-5 year olds	Percentage	2015/16	24.7	23.2	22.1
Child Excess Weight in 10-11 year olds	Percentage	2015/16	35.2	35.2	34.2
Under 18 conception rate	Rate per 1,000 females aged 15-17	2015	21.0	24.7	20.8
First Time Entrants to the Youth Justice System	Rate per 100,000 population aged 10-17	2015	269.9	336.1	368.6
Fuel Poverty	Percentage	2014	11.2	11.2	10.6
Households in Temporary Accommodation	Rate per 1,000 households	2015/16	0.1	0.5	3.1
Excess Weight in Adults	Percentage	2013-15	69.7	66.6	64.8
Eating '5 a day' on a 'usual day'	Percentage	2015	45.3	48.1	52.3
Achieving at least 150 minutes physical activity per week	Percentage	2015	56.4	53.7	57.0
Smoking Prevalence	Percentage	2015	14.3	18.6	16.9
Injuries due to falls in people aged 65 and over	Directly standardised rate per 100,000 population	2014/15	2,398.0	2,465.0	2,125.0
Hospital Admissions for alcohol related conditions	Directly standardised rate per 100,000 population	2014/15	766.0	741.0	641.0
HIV late diagnosis	Percentage	2013-15	48.3	46.3	40.0

## Data Table (continued)

### Key:

Statistical comparison to England average

■ Worse   
 ■ Similar   
 ■ Better

Indicator	Measure	Time period	Sefton	North West	England
Chlamydia detection rate (15-24 year olds)	Rate per 100,000 people aged 15 to 24	2015	2,217.0	2,328.0	1,887.0
Flu Vaccination Coverage (65+)	Percentage	2015/16	73.7	73.7	71.0
Flu Vaccination Coverage (At risk individuals)	Percentage	2015/16	46.5	49.0	45.1
Emergency readmissions within 30 days of discharge from hospital	Percentage	2011/12	11.9	12.4	11.8
Male Life Expectancy at Birth	Years	2013-15	78.3	78.1	79.5
Female Life Expectancy at Birth	Years	2013-15	82.2	81.8	83.1
Male Healthy Life Expectancy at Birth	Years	2013-15	61.2	61.1	63.4
Female Healthy Life Expectancy at Birth	Years	2013-15	63.0	62.0	64.1
Mortality from causes considered preventable	Directly standardised rate per 100,000 population	2013-15	219.8	224.9	184.5
Under 75 mortality from all cardiovascular diseases	Directly standardised rate per 100,000 population	2013-15	77.5	88.5	74.6
Under 75 mortality from cancer	Directly standardised rate per 100,000 population	2013-15	155.9	153.9	138.8
Under 75 mortality from liver disease	Directly standardised rate per 100,000 population	2013-15	26.1	25.9	18.0
Under 75 mortality from respiratory diseases	Directly standardised rate per 100,000 population	2013-15	38.1	44.3	33.1
Excess Winter Deaths	Percentage	Aug 14- July 15	32.4	27.3	27.7
Suicide rate	Directly standardised rate per 100,000 population	2013-15	12.6	11.3	10.1

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## Appendix A:

An update on recommendations from the 2015 Public Health Annual Report

- We need to agree the best way to measure the impact of austerity on people living in Sefton. This will help us decide what to do to help people where it matters most**

In 2016, the Welfare Reform and Anti-Poverty Action Plan has been refreshed and sets out the ambition to address the pressures felt by low-income households in Sefton. It sets out a multi-agency approach to address the impact of changes contained in the Government's Welfare Reform programme, alongside Sefton's commitment to addressing poverty. As part of this action plan, data is regularly collated and reviewed to monitor the impact of reduced incomes and benefits locally.

- The Council and the NHS should always work together to provide the best possible social, health and wellbeing services**

The Council and the two local Clinical Commissioning Groups have a joint commissioning group that reports to the Sefton Health and Well-being Board Executive Group. There are a number of joint projects which have been developed through this collaboration including a healthy weight project and work on emotional wellbeing and resilience.

- Services should be designed through working together. The people of Sefton's voice needs to be heard and valued along with those who deliver services**

Over the past 12 months, we have commissioned a number of services including the new 0-19

service and substance misuse service. Both have sought the views of local residents in order to shape how the service should be delivered in Sefton.

In developing the 0-19 service we sought the views of:

- Staff who currently work in with children and young people across Sefton
- Members of the public including young people

These views not only shaped the design of the new service (more details of this can be found in Chapter 1: The best start in life), but also development of the Council's Children's and Young People's Emotional and Wellbeing Strategy.

- Services should work together to reduce duplication and service competition, and this way of working should be at the forefront of all partnership working**

We have been working with our partners across Sefton to reduce any duplication. An example of this is through Living Well Sefton, which is a new service with a focus on supporting people with issues that may be affecting their health and wellbeing. In this service, multiple providers work together, share resources, develop consistent approaches and have a single referral pathway for local residents.

- All partners should commit to developing "communities of practice" – this is a forum for services to share good practice, exchange ideas and solve problems together**

Within Sefton, and across the region, there is a range of ways partners have been working

together to share ideas and examples of good practice. Examples of this include both the domestic violence prevention strategy and alcohol licencing work which have involved collaboration across the Cheshire and Merseyside area.

### 6. Promote and reward new ideas amongst service providers

The Living Well Sefton community resilience grants are an example of how innovation can be rewarded within local third sector organisations. Projects receiving funding include:

- Sefton OPERA – Funding for swimming lessons for older people at Bootle and Formby.
- Seaforth Information Network Group – Kids Kitchen – summer holiday meals for families.
- Company of Men - Men On Track – establishment of a buddy network to decrease social isolation and increase physical activity.
- Eden Tots Healthy Cooking Classes – development of healthy cook and eat sessions with families attending the play group.
- Art for Art's Sake – therapeutic art and photography classes funding equipment and materials.

### 7. All services working with the public should be prepared to make every contact count. For example, Making Every Contact Count (MECC) is a simple approach that helps improve health. It is a method that supports & encourages conversations that help people consider ways to improve their own health

Delivery of Making Every Contact Count (MECC) training for workers in Sefton commenced in

January 2017. Over ten training sessions have been delivered and over 200 individuals have been trained.

### 8. Involve communities, and encourage self-support and support from others in the community

The CLAHRC programme 'Improving resilience to debt in Central Southport' is actively engaging local residents and stakeholders in identifying and making changes to improve the delivery of local debt advice services. The project involves finding and training local resident advisors, who are given the skills to support with local consultation and research.

Support has also been provided to Sefton Council for Voluntary Service to promote 'Pay it Forward' day and related activities which encourage small-scale community action and acts of kindness in order to support local community wellbeing.

### 9. We should all focus on what works well, not what is wrong, and share this

This recommendation is part of a wider organisational cultural change within Sefton Council and partner organisations, which is illustrated by the new Sefton 2030 Vision set out in the introduction to this report.

Part of the function of this Annual Report is to share examples of what is working well from within the team and across local organisations. Public Health remains committed to this and will continue to look for opportunities to learn from and share best practice from within Sefton and further afield.

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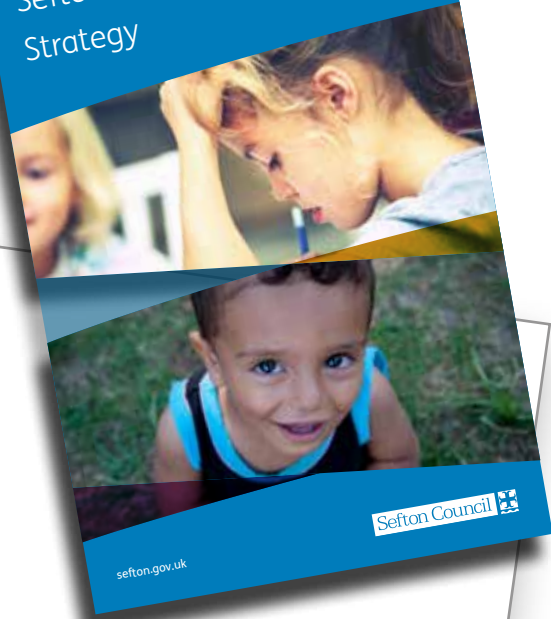




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Sefton's Corporate Parenting  
Strategy



**Sefton Borough Council.**

Inspection of services for children in need of help and protection, children looked after and care leavers.  
Report Published 27th June 2016

**Inspection findings**

**Sefton Corporate Parenting Board**

"The corporate parenting board has appropriate oversight of important issues and the work of the board contributes to the improvement of outcomes for children looked after in Sefton. Chaired by the lead member and with membership from across the council and wider partnerships, including care leavers, it has been instrumental in setting up effective systems for monitoring children and young people looked after placed in Sefton and those from other areas, ensuring that they are safe and receiving appropriate services. Strong challenge from board members and especially the MAD group is evident. The annual survey in relation to the pledge for children who are looked after is an example of good practice because it is clear that children and young people are listened to and that action is taken as a result. An example is the development of an action plan to promote advocacy to children and young people after increasing numbers reported that they did not know about the service."

**MAD Group, Participation and Involvement**

"Participation and involvement of young people is a strength in Sefton and this is creating meaningful opportunities for young people to engage in strategic thinking and planning. The MAD group has strongly influenced actions in important areas and the group provides a range of training to foster carers and elected members. It exerts influence in most important strategic groups and planning forums. Moreover, its contribution is highly valued by senior leaders, staff and elected members"



## Overview & Scrutiny



### SEFTON COUNCIL OVERVIEW AND SCRUTINY ANNUAL REPORT 2016/17

Sefton Council 



# Overview & Scrutiny



**'Valuing  
Improvement'**

[www.sefton.gov.uk](http://www.sefton.gov.uk)



## Overview and Scrutiny Management Board



**Councillor Dave Robinson**  
*Chair of the Overview and Scrutiny Management Board*

It gives me great pleasure to introduce the Annual Report of the Overview and Scrutiny Management Board for 2016/17.

The Overview and Scrutiny Management Board has met five times during 2016/17.

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

Members have welcomed the Cabinet Member update reports and attendance of relevant Cabinet Members at Overview and Scrutiny Committee meetings. This process will remain in place despite Cabinet Member decisions being managed electronically.

The Management Board has offered support and guidance, where necessary, in the promotion of mini-reviews/single item meetings with a view to being more productive and adding value with reduced resources. This has been welcomed by all Committees and we hope to build on the successes from the previous years to ensure we continually improve.

The Council had appointed Councillor Paula Murphy (Scrutiny Link) and Councillor Dan T. Lewis onto the Liverpool City Region (LCR) Combined Authority Scrutiny Panel; and Councillor Murphy submitted regular progress reports in relation to the operation of the LCR Scrutiny Panel throughout the year.

The Management Board supports Overview and Scrutiny Training being offered to all Members of the Council, Co-opted Members and Advisory Members of the Overview and Scrutiny Committees. As such and as in previous years, a training event was held on 4 October 2016 facilitated by Councillor John Lamb, (Trafford M.B.C.) an Associate of North West Employers. Seven Members attended the training session which meant that to date 49 Members of the Council had attended



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Overview and Scrutiny Committee training. Positive feedback had been received in respect of the training event.

The Management Board had considered the following issues during 2016/17:-

- Regular progress reports on the position of Working Groups established by the Council's four Overview and Scrutiny Committees; and the establishment of two cross-cutting Scrutiny Reviews by the Management Board relating to Early Intervention and Prevention Strategy/Marmott Indicators and the Council's Performance Framework. Work on the Early Intervention and Prevention Strategy remains on-going and at present it is anticipated that any recommendations will be reported to the Management Board in September 2017
- the Liverpool City Region Scrutiny Panel relating to:-
  - its Work Programme for 2016/17
  - the establishment of a Working Group to investigate the theme of Employment, Learning and Skills
- the Overview and Scrutiny Training event held on 4 October 2016 as referred to above
- the Communities and Local Government Select Committee inquiry into overview and scrutiny in local government
- the methods for the selection of Working Group review topics for 2017/18

## The Year Ahead

Given the scale of the financial and service challenges facing the Council the year ahead will be extremely busy for Overview and Scrutiny Committees and the Management Board to scrutinise such challenges and how they impact on the Council's statutory requirement to remain financially sustainable and the desire to deliver the Sefton 2030 Vision and the Councils Core Purpose.

Finally, I would like to take this opportunity to thank the Officers of the Democratic Services Team for all their hard work during the year.

**Councillor Dave Robinson**  
**July 2017**



During 2016/17 the following Members served on the Committees indicated-

## Overview & Scrutiny Management Board

Councillor Robinson (Chair)  
Councillor Byrom (Vice-Chair)  
Councillor Dams  
Councillor John Kelly  
Councillor Michael O'Brien  
Councillor Murphy  
Councillor Page  
Councillor Webster

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

Chair: Cllr. Page  
Vice-Chair: Cllr. Dams  
Cllr. Burns  
Cllr. Carr  
Cllr. Linda Cluskey  
Cllr. Dawson  
Cllr. Dutton (subsequently replaced by Cllr Jones. Cllr Jones subsequently replaced by Cllr Bliss)  
Cllr. McGuire  
Cllr. Owens  
Cllr. Lynne Thompson  
  
Mr. B. Clark and Mr. R Hutchings – Healthwatch Representatives

## Overview & Scrutiny Committee (Children's Services and Safeguarding)

Chair: Cllr. Murphy  
Vice-Chair: Cllr. Webster  
Cllr. Bennett  
Cllr. Bradshaw  
Cllr. Carragher  
Cllr. Hands  
Cllr. Keith  
Cllr. Brenda O'Brien  
Cllr. Pitt  
Cllr. Spencer  
  
Mr. S. Harrison – Church Diocesan Representative  
Father D. Seddon - Church Diocesan Representative  
Mrs. C. Palmer - Parent Governor Representative  
Mrs. S. Cain - Advisory Member  
Ms. L. Kitt - Healthwatch Representative



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## Overview & Scrutiny Committee (Regeneration and Skills)

Chair: Cllr. Sayers  
Vice-Chair: Cllr. Michael O'Brien  
Cllr. Bliss  
Cllr. Carragher  
Cllr. Dan T. Lewis  
Cllr. Pullin  
Cllr. Roche  
Cllr. Weavers  
Cllr. Webster  
Cllr. Bill Welsh

## Overview & Scrutiny Committee (Regulatory, Compliance and Corporate Services)

Chair: Cllr. Robinson  
Vice-Chair: Cllr. Byrom  
Cllr. Booth  
Cllr. Linda Cluskey  
Cllr. Grace  
Cllr. Jamieson  
Cllr. Daniel Lewis  
Cllr. McCann  
Cllr. McKinley  
Cllr. Owens



## Adult Social Care and Health



**Councillor Catie Page**  
*Chair of the Overview & Scrutiny Committee*  
**(Adult Social Care and Health)**

**It is my pleasure to introduce the 2016/17 Annual Report of the Overview and Scrutiny Committee (Adult Social Care and Health).**

### **Introduction**

This is my fifth Annual Report as Chair of the Overview and Scrutiny Committee (Adult Social Care and Health). I believe that the Committee has built on the existing good working relationships with many of our health partners. The trust that has been established has meant that we are recognised in our role of “critical friend”; we are listened to and have been able to have a positive influence on the development of health and adult social care services within Sefton. This Report is presented to the Council and a wider audience beyond in the hope that the information it contains will contribute to the debate and discussion about the provision of health and adult social care services for Sefton residents and their development, improvement and access.

The Committee met formally on six occasions during 2015/16, including a Special Meeting primarily to consider the Orthopaedic case for change. Two informal meetings were also held, one to receive a presentation from Healthwatch on GP data and the other to consider draft Quality Accounts, details of which are outlined below.

### **NHS Trust Quality Accounts**

As usual, the Committee commenced 2016/17 with the consideration of draft Quality Accounts from local healthcare providers. This provided Committee Members with an opportunity to comment on the performance of local NHS Trusts during the preceding twelve months, particularly in relation to patient experience, safety and clinical effectiveness. A number of local NHS Trusts submitted their draft Quality Accounts for consideration and comment in April/May 2016 and it is always a challenge to provide adequate time to consider all the draft Quality Accounts in sufficient detail. I attended a separate event hosted by Knowsley Clinical Commissioning Group (CCG), to receive a briefing on all the draft Quality Accounts and an informal meeting of the Committee was held during May 2016, dedicated to considering the four draft Quality Accounts from the following Providers:-

- Access Sefton / Improving Access to Psychological Therapies ( IAPT);
- Liverpool Community Health Trust;
- Southport and Ormskirk Hospital NHS Trust; and



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- North West Ambulance Service NHS Trust.

The Providers concerned sent representatives to respond to our questioning and the Committee sought input from a representative of the two Sefton Clinical Commissioning Groups, together with Healthwatch Sefton representatives. This proved to be an effective approach in scrutinising the four of the draft Quality Accounts concerned.

## **Clinical Commissioning Groups (CCGs)**

Throughout 2016/17 the Committee received regular update reports from the two Clinical Commissioning Groups (CCGs) within Sefton, namely the South Sefton Clinical Commissioning Group and the Southport and Formby Clinical Commissioning Group. This was the fourth year of full operation for the CCGs and I attended a number of their “Big Chat” and “Shaping Sefton” events which are designed to engage with local communities.

The CCGs reported to the Committee on a range of activities designed to promote health and wellbeing amongst residents. I believe that excellent relationships exist between the Committee and officers of the CCGs, particularly the Chief Officer who attends virtually every Committee meeting and has always been willing to take up issues raised by Members and explain aspects of the services provided.

Updates submitted by the CCGs have included details of CCG Board meetings, to which members of the public are invited; representatives and elections for CCG governing bodies; quality, innovation, productivity and prevention (QIPP); Sustainability and Transformation Planning (STP) for Cheshire and Merseyside; strategic planning for the CCGs; “Big Chat” events used to shape services; plus details of the following:-

- Schemes shortlisted for national awards;
- NHS diabetes prevention programme to be piloted in Sefton;
- Celebrating nursing in Sefton and beyond;
- NHS England CCG assurance results – 2015/16;
- Improving financial performance;
- Repeat prescription ordering pilot;
- Sefton residents give views in review of Liverpool Women’s Hospital Review;
- CCGs shortlisted for prestigious Health Service Journal award;
- Day on the shop floor for CCG Chief Officer;
- Community health services update – in respect of South Sefton and Southport and Formby;
- Improving financial performance – savings achieved;
- Joint Health - new musculoskeletal clinical assessment service for Southport and Formby;
- Repeat prescription ordering pilot;
- Sefton residents asked to “Examine their Options” for treatment;
- Working in partnership to promote flu vaccinations;
- Recognition for cancer recovery programme in Southport and Formby;
- CCGs named finalists in prestigious health awards – apprenticeship scheme;



- Young Advisors “takeover” EPEG;
- Getting healthy on the airwaves;
- Innovation award for Care Home Innovation Programme (CHIP);
- Joint working with Liverpool CCG;
- More practices sign up to repeat prescription medicines scheme;
- Improving financial performance against targets;
- Transfer of Community Services update;
- Trinity Practice, Southport;
- Healthier You: National Diabetes Prevention Programme;
- CCGs support new antibiotics campaign; and
- CCGs Chief Officer celebrates 35 years with new roles.

Throughout the year the CCGs have also submitted statistics to the Committee on Health Provider Performance which has enabled us to check the key performance areas of our local NHS Trusts, including A&E monitoring.

As we finish the year, I am conscious of the proposals to merge Liverpool, Southport and Formby, and South Sefton Clinical Commissioning Groups and I await the outcome with interest to see what the year ahead will bring.

## **Review of Services**

Throughout 2016/17 the Committee received a number of reports and presentations on important services undergoing reviews, most notably the review of Women's and Neonatal Services at Liverpool Women's NHS Foundation Trust. This review will continue into 2017/18 and I anticipate the outcome to be reported back to the Committee at some stage.

A review also took place on Orthopaedic Services and towards the end of 2016/17 the Committee was asked to determine whether the case for change constituted a substantial variation. The Committee agreed that it did and the Council subsequently endorsed our decision. As we move forward into 2017/18 I am aware that a Joint Health Scrutiny Committee will now be established with our colleagues at Liverpool and Knowsley Councils, to consider the proposals for Orthopaedic Services in greater depth and I await the outcome of that review with interest.

## **NHS Trusts / Partners**

Throughout 2016/17 the Committee received a number of reports and presentations on work and activities undertaken by various NHS Trusts and other bodies. I also attended separate NHS England briefings on GP surgeries within the Freshfield and Hightown areas. Attendance at meetings by NHS representatives has enabled Committee Members to scrutinise NHS performance in the following areas:-

- Southport and Ormskirk Hospital NHS Trust - update reports in respect of performance and management arrangements;
- Mersey Care NHS Foundation Trust – in relation to an update regarding the proposed Medium Secure Unit in Maghull;
- Cheshire and Wirral Partnership NHS Foundation Trust – in relation to actions being undertaken to improve performance by the Sefton Improving Access to Psychological Therapies (IAPT) Service; and





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- NHS England – in respect of the relocation of primary medical services from premises at Parkhaven Trust to Maghull Health Centre.

## **Adult Social Care and Public Health**

During the year the Committee received reports on Adult Social Care and Public Health Complaints Annual Report for both 2014/15 and 2015/16, informing Members of actions being undertaken in responding to complaints. The Committee welcomed the opportunity to scrutinise the areas where complaints are received for these Council activities and to understand how learning from complaints will take place, to inform improvements for the future. I am grateful to Tina Wilkins, the Council's Head of Adult Social Care, for being so candid in her reporting of these matters to the Committee.

## **The Sefton 2030 Vision**

During 2016/17 the Committee was invited to contribute towards developing the aspirational 2030 Vision for the future of Sefton and its communities, by providing comments back to the Council's Cabinet on the Vision. I am much obliged to Jan McMahon, the Council's Head of Strategic Support, for including the Committee in this piece of work and would like to think there may be other opportunities for the Committee to contribute towards future planning for the Borough.

## **Scrutiny Review Working Groups**

During 2016/17 the Committee established a Residential and Care Homes Working Group, comprised of certain Members of the Committee, which undertook a review on the current care home market within Sefton. This particularly took into account current and future population needs, demand and market supply, together with the Council's "market shaping" duties arising from the Care Act. Although the review has over-run slightly, I am confident that the Final Report to be produced by the Working Group will be well worth waiting for and I look forward to receiving it.

The Committee also established a Working Group to consider complaints regarding GP Practices. Despite the best efforts of my Vice-Chair and our Senior Democratic Services Officer, it proved to be impossible to convene an initial meeting to suit the range of partners who we hoped to engage in this important piece of work. I am grateful though, to my Vice-Chair for raising the issue in the first place, as he hoped to emulate our Adult Social Care and Public Health colleagues by facing up to complaints and learning from them, with a forward thinking approach.

## **Site Visits**

During 2016/17 Members of the Committee decided to visit some residential and care homes within the Borough. We subsequently delegated this task to Members of our Residential and Care Homes Working Group and I understand that successful visits were undertaken, providing ideal opportunities for those Members to ask questions and to view and scrutinise the services provided at the homes concerned. Looking ahead to 2017/18, I look forward to considering aspects of health and care provision that Committee Members may wish to consider visiting.





## **Pre-Scrutiny and the Key Decision Forward Plan**

As ever, the Key Decision Forward Plan provided the Committee with an opportunity to pre-scrutinise Key Decision items from the Council's Forward Plans as each of the latest Forward Plans are submitted to the Committee as part of its Work Programme update. The pre-scrutiny process assists the Cabinet and Cabinet Members to make effective decisions by examining issues beforehand and making recommendations prior to a determination being made.

## **Cabinet Member Reports**

The regular attendance at meetings of both Councillor Paul Cummins, Cabinet Member - Health and Social Care, and Councillor Ian Moncur, Cabinet Member – Health and Wellbeing, has been very much appreciated by Members of the Committee. Throughout the year I have agreed the inclusion of all the relevant Cabinet Member Update Reports on agendas as I feel that it is particularly important to include regular updates major areas of the Council's activities, particularly as budgets have become increasingly under pressure. The Cabinet Members' attendance, together with the presence of senior officers from both the Council's Adult Social Care and Public Health service areas, has been very useful and provides Members with an opportunity to raise question and scrutinise any developments within those Council Portfolio areas.

The Cabinet Member Update Reports - Adult Social Care, have included the following matters:-

- Day Care Modernisation;
- Supported Living, including Tenancies and Shared Lives;
- Personalisation - roll-out plan and communications information;
- Mental Health, including Service Team Restructure;
- Reassessment Activity;
- Assessed and Supported Year in Employment (ASYE) Updates;
- Sensory Services;
- Fee Consultation with Care Home Providers;
- Quality and Monitoring of Services;
- Transforming Care: Implementation of National Plans across Cheshire and Merseyside;
- Domiciliary Care Contract Extension;
- Adult Forum;
- Care Home Closure, Southport;
- Annual Christmas Shutdown 2016/7 – impact on winter-related pressures within the NHS; and
- Adult Social Care Service Refresh.

The Cabinet Member Update Reports – Health and Wellbeing have included the following matters:-

- Briefing on Well North and Well Sefton:
  - What is 'Well North'?
  - What is 'Well Sefton'?



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- How are we managing 'Well Sefton'?
- Our Activities and Learning So Far on Well North and Well Sefton; and
- Next Steps – Well Sefton / Well North Workshop 18/19 July 2016;
- Integrated Wellness Service – June Update;
- Substance Misuse - Commissioned Services for Adults;
- Central Southport Involvement in Research;
- 0-19 Integrated Healthy Child Programme Procurement and Commissioning Progress Report – background, outcome of procurement and mobilisation;
  - Parents;
  - Children Transitioning into Year 6;
  - Young People;
- Provision of the Influenza Immunisation for Sefton Council Staff Covering the 2016/17 Seasonal Flu Season – background, staff take-up and next steps;
- Air Quality and Health Update;
- Updates on the Sexual Health Service Clinic, including Locations in South Sefton – background and next steps;
- Formby Pool - Contract;
- High Ropes Course;
- Obesity Update;
- Soft Drinks Industry Levy;
- Public Health Annual Report (PHAR);
- Stop Smoking Service;
- Domestic Abuse;
- Key Statistics and National Institute for Health and Care Excellence (NICE) Shared Learning Awards 2016;
- Declaration on Healthy Weight;
- NHS England funding for Pre-Exposure Prophylaxis (PrEP) for prevention of HIV;
- Recruitment of a Public Health Apprentice in Public Health;
- Suicide Prevention; and
- Sefton Swim Local Pilot.

## **Sefton Healthwatch**

Back in 2014/15 the Committee was fortunate in securing the services of two Advisory Members from Sefton Healthwatch who were able to bring additional experience and expertise to the table, and this practice has continued into 2016/17.

I have also met informally with the Healthwatch representatives, together with the Chair of the Organisation and my Vice-Chair, and these informal meetings have proved to be very useful, enabling us to discuss a range of issues and strengthen the relationship between Sefton Healthwatch and the Committee.

## **Contributions Made During 2015/16**

The attendance of representatives of organisations and partners, including senior officers and members of NHS Trusts, has been much appreciated and I would like to thank all our partners for their openness and their responses to our requests and suggestions. I have also appreciated the advice and support of Fiona Taylor, Chief Officer for both the Sefton Clinical Commissioning Groups (CCGs), Dwayne



Johnson, the Council's Director of Social Care and Health, Tina Wilkins, Head of Adult Social Care and Matt Ashton, Director of Public Health during 2016/17.

I am grateful to all the Members of the Committee for their support and for the enthusiastic way that they have contributed to our work. I would also like to express my gratitude to those members of the public who attended the Committee during 2016/17. My particular appreciation goes to our Democratic Services Officers for their commitment, advice and support and specifically the officer who supports the Committee, Debbie Campbell, for her hard work, commitment and patience.

## **The Year Ahead**

With on-going pressures on social care and health services at a time when public expectations remain high, I am conscious that the Committee will face fresh challenges during 2017/18. The proposed merger of Liverpool, Southport and Formby, and South Sefton Clinical Commissioning Groups is an interesting development I want to watch closely. The outcome of the Review of Services at Liverpool Women's NHS Foundation Trust is anticipated at some stage. A Joint Health Scrutiny Committee will also be established with fellow Members from Liverpool and Knowsley Councils, to consider the proposals for Orthopaedic Services in greater detail. Despite all of these challenges, I am confident that the Committee will rise to meet the expectations upon it.

**Councillor Catie Page**  
**July 2017**



## Children's Services and Safeguarding



**Councillor Paula Murphy**  
*Chair of the Overview and Scrutiny Committee  
(Children's Services and Safeguarding)*

### **I am pleased to introduce Sefton Council's Overview and Scrutiny Committee (Children's Services and Safeguarding) Annual Report 2016/17 to the Council.**

During 2016/17 the Committee met on 7 occasions, two of those Meetings were Special Meetings and were arranged so that the Committee could scrutinise in detail two specific issues.

At its meeting on 12 July 2016, the Committee received a report in relation to the findings of an OFSTED Inspection relating to Children's Social Care. The Inspection had resulted in 11 recommendations for the Local Authority. I must highlight that although the judgement was "requires improvement to become good" there were good practices of Social Work in the Borough. The Committee requested that a Special Meeting be arranged once Officers had drafted the Improvement Plan in order that the Committee could scrutinise the Plan before being submitted to OFSTED. That Meeting took place on 5 September 2017 and the Committee raised many issues, it is fair to say that full and frank scrutiny was undertaken. The Committee will continue to be updated on the progress of implementation of the Improvement Plan relating to Children's Social Care.

The Committee also set its' programme of work for the coming Municipal Year 2016/17 and agreed to establish Scrutiny Review Working Group to investigate the Children and Adolescent Mental Health Service. The Working Group has made excellent progress. However the complexities of the Children and Adolescent Mental Health Service have delayed the completion date of the review. It is anticipated that the Final Report of the Working Group will be submitted to the Committee on 26 September 2017.

The Council set out on an exciting journey of "Imagine Sefton 2030" which has led to the Sefton 2030 Vision. This piece of work began its' journey approximately 18 months ago, the Council worked closely with partners, businesses, private sector organisations, the voluntary, community and faith sector and the community to help it understand what mattered and to be ambitious for the Borough and its communities in the future.

A detailed report was submitted to all four Overview and Scrutiny Committees and the Overview and Scrutiny Committee (Children's Services and Safeguarding) welcomed two of Sefton's Young Advisors who attended Committee to present the innovative ways they had engaged with Schools across the Borough in undertaking the consultation and engagement process. I think it is fair to say that all Committee Members were enlightened by the enthusiastic energy and the professional conduct of Sefton's Young Advisors. I would like to take this opportunity to thank everyone involved in this ambitious piece of work and look forward to being involved further.

On 27 September 2016, the Committee welcomed Carole Hill, Healthy Liverpool Integrated Programme Director and Dr. Chris Grant, Healthy Liverpool Hospitals Programme Director who were in attendance regarding Liverpool Women's NHS Foundation Trust, and presenting the case for change for women's and neonatal services for the North Mersey population. Members of the Committee raised various issues. This issue will continue to be on the Scrutiny radar with a view to inviting a representative to a future Meeting of the Committee to report on conclusions.

At the same Meeting the Committee scrutinised the draft Children and Young People's Emotional Health and Wellbeing Strategy, the draft Strategy had been produced in consultation with Children and Young People across the Borough. Sefton's Young Advisors facilitated the consultation process and the Committee paid its tribute to the excellent work undertaken by Sefton's Young Advisors and congratulated them on their valuable input in developing the draft Strategy.

It was a pleasure to invite the newly appointed Independent Chair of the Sefton Safeguarding Children's Board to provide an overview about the Safeguarding Board and its statutory functions.

The Committee, after receiving the outcome of the Joint Inspection undertaken by OFSTED and the Care Quality Commission of the Special Educational Needs and Disability Service, requested that a Special Meeting be arranged for the Committee to scrutinise the draft Statement of Action.

The Committee met on 4 April 2017 and key points were raised. The Committee will continue to receive updates in relation to the progress of the five areas of concern detailed in the Statement of Action.

Other agenda items considered and scrutinised during the year included the following:-

- Signposting to Sefton's Local Offer for Children with Disabilities;
- Update relating to Academies;
- Sefton Corporate Parenting Board Annual Activities 2016;
- Children and Young People's Action Plan – Performance Dashboard;
- Update on the Work of the Fostering Service;
- Outreach Support Services for Mainstream Education;
- Response to Bullying in Schools;
- Annual report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2015/16;
- Breastfeeding in Sefton; and

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- Update on School Performance.

## **Cabinet Member Reports**

In order to keep Overview and Scrutiny Members informed, the Overview and Scrutiny Management Board had previously agreed for relevant Cabinet Member Reports for the Children, Schools and Safeguarding portfolio to be submitted to appropriate Overview and Scrutiny Committee Chairs for them to determine what items should be reported to Committee. During 2015/16, I have again requested Cabinet Member Update Reports to be included on Committee agendas for general information purposes for Members of the Committee. The Cabinet Member was able to attend 3 of the 7 meetings of the Committee to elaborate on issues and respond to questions, as appropriate. Items considered within Cabinet Member reports have included issues relating to:-

- Children's Social Care – Inspection by Ofsted;
- The Government White Paper – “Education Excellence Everywhere”;
- The Introduction of a National Funding Formula for Schools;
- Primary School Admissions for September 2016;
- Education Green Paper – “Schools that Work for Everyone” a School Seminar;
- Early Years National Formulae 3-4 Year Old Entitlement to Child Care Funding;
- Putting Children First – Children's Social Care;
- Local Safeguarding Children's Board OFSTED Improvement Plan;
- Academisation;
- South Sefton College; and
- SEND Inspection.

## **The Year Ahead – 2017/18**

I am sure that the Committee will look forward to the new Municipal Year as it works as a critical friend to our Cabinet Member and partners. The Committee will be examining the Core Purposes of the Council and in light of the recent Ofsted inspections, key areas for us to investigate in order that the services we provide are continually improved to benefit all who live and work in the Borough.

I am particularly appreciative of our Democratic Services Officers for their commitment, advice and support and especially to the responsible officer during 2016/17, Ruth Harrison, for her assistance.

I would also like to take this opportunity to thank all Committee Members, officers and partners for their support, hard work and contributions to our endeavours throughout the year. In addition, I would like to place on record my thanks to our Cabinet Member, Councillor John Joseph Kelly, for taking the time to attend our Committee meetings. This has greatly assisted the Committee and is much appreciated by the Members.

**Councillor Paula Murphy**  
**July 2017**



## Regeneration and Skills



**Councillor John Sayers**  
Chair of the Overview and Scrutiny Committee  
(Regeneration and Skills)

**It gives me great pleasure to introduce Sefton Council's Overview and Scrutiny Committee (Regeneration and Skills) Annual Report 2016/17.**

As the new Chair, it has been a pleasure and privilege to chair the Committee during the year. The Committee met on five occasions during the year, and we were grateful to all those who were invited to attend and the various Council Officers who presented reports and offered guidance, advice and support to the Committee.

As Chair, I have built strong relationships with the four Cabinet Members whose portfolios are within our Terms of Reference. As part of that process, we have continued to welcome update reports from Cabinet Members on to our agendas. This ensures that the Committee are briefed upon current Cabinet Member activities. It also allows the Committee to make judgements and offer assistance to the Cabinet Members where they agree it's required.

The Committee considered one Cabinet decision that had been "called-in" during the year 2016/17 in relation to the Southport Development Framework.

The Committee resolved that it was not concerned about the decision made by the Cabinet and so the decision was implemented immediately.

The call-in mechanism allows at least three Members, who are not Members of the Cabinet, to call in a decision for further review. There are certain stipulations associated with what constitutes a valid call-in and the Committee must, in the first instance, determine if the call in is a valid one. When considering a call-in at Committee, there is a set procedure to be followed and this assists the Committee in ensuring that they receive all the evidence required to determine if the original decision was a sound one.

The Floods and Water Management Act 2010 has placed a number of duties on Local Authorities, in particular those that are Lead Local Flooding Authorities (LLFA).

I note that in previous years this Committee has been instrumental in ensuring that the Council complies with the sentiments of the Act by working with Cabinet to



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ensure that the Council are fulfilling its duty as a LLFA. This year being no exception, the Committee received an Annual Report on Flood and Coastal Risk Management.

The Committee will continue to monitor compliance with the Act.

Members raised concerns regarding the alleged increased risk of flooding as a consequence of the extensive work undertaken by the Royal Society for the Protection of Birds (RSPB) on Marshside Road, Southport. The Committee received a report addressing those concerns in July 2016 and were satisfied that there was no evidence that the site management work undertaken by RSPB was increasing the risk of flooding or was outside the site management plan.

## **Merseyside Recycling and Waste Authority – Annual Report**

The Committee welcomed the Chief Executive, Mr Carl Beer, Merseyside Recycling and Waste Authority to the Committee. Mr Carl Beer presented the Service Plan for the Merseyside Recycling and Waste Authority. The presentation detailed Sefton's progress in relation to meeting household recycling targets compared with its counterparts across Merseyside. It was pleasing to learn that Sefton are the leading Authority in terms of household recycling rates across Merseyside. I would like to take this opportunity to thank all the residents of Sefton for all their efforts in recycling their household waste.

The Committee will continue to scrutinise the service plan on an annual basis and we look forward to working with the Partnership to ensure that the targets are met.

## **Review of Winter Service Policy and Operational Plan**

The Committee welcomed the Annual Report reviewing the winter service policy and operational plan. The pre-scrutiny process allows Overview and Scrutiny Committees to pre-scrutinise reports such as this and feed comments back to the Cabinet Member or Cabinet for consideration. In terms of the Winter Service Policy/Operational Plan, the role of the Overview and Scrutiny Committee is to ensure that the policy and plan are "fit for purpose" in the coming Winter months and it's fair to say that the plan was "fit for purpose" and all roads across Sefton were deemed to be safe during the Winter months 2016/17.

The Winter Service Policy and Operational Plan is subject to an annual reassessment and consultation and in that respect the Committee will continue to monitor this on an annual basis.

The Committee received an invitation to attend a detailed briefing session in relation to the winter gritting processes and the forecasting and computer systems the Council uses in making decisions regarding the gritting of roads.

I personally found the session informative and was enlightened to understand the various factors that have to be considered when making decisions on the forecasting and making decisions on the gritting of roads throughout Sefton.





## **United Utilities – Surface Water and the Increase of Charges**

The former Chair of the Overview and Scrutiny Committee (Regeneration and Skills) Councillor Kelly reported on the deliberations that had taken place on a regional basis regarding the increase of surface water charges to Schools.

It was reported that data has shown the North West region was spending £16,000,000 more than a similar area of the South East for water service charges. North West schools were paying, on average, 2.5 times more than the South East due to existing differences in how regional water companies are allowed to charge.

With this in mind a network officer group including North West schools finance officers forum was established with a view to securing a reduction in surface water charges to schools across the North West.

The Committee invited representatives from United Utilities and OFWAT to attend its Meeting. Members of the Committee held the representatives to account and set out the reasons why it thought the charging scheme was unfair and discriminated against Schools across the North West.

United Utilities undertook to investigate a “schools solution” for all Schools across the North West.

As Chair of the Committee, I have been invited to attend a meeting with United Utilities in relation to introducing a concession for schools, which at this stage is looking promising.

I would like to take this opportunity to thank the network group for all their hard work and special thanks to Members of the Committee and the Leader of the Council who were in attendance when the Committee met with representatives of United Utilities and OFWAT.

The Council set out on an exciting journey of “Imagine Sefton 2030” which has led to the Sefton 2030 Vision. This piece of work began its’ journey approximately 18 months ago, the Council worked closely with partners, businesses, private sector organisations, the voluntary, community and faith sector and the community to help it understand what mattered and to be ambitious for the Borough and its communities in the future.

A detailed report was submitted to all four Overview and Scrutiny Committees and the Overview and Scrutiny Committee (Regeneration and Skills) submitted comments to be included within the Performance Framework, ensuring that progress in achieving the Sefton 2030 Vision is monitored.

I would like to take this opportunity to thank everyone involved in this ambitious piece of work and we look forward to being involved further.

The Committee also received reports/presentations in relation to:-

- Adoption of Sefton Playing Pitch Strategy;



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- Update on the process of Developing a Neighbourhood Plan;
- Pre-scrutiny of the Selective and Additional (HMO) Licensing Schemes – Introduction of the Business Case;
- Action Plan for Employment;
- Street Cleansing, Fly Tipping and Litter Bins;
- Pre-scrutiny of the Flood and Defence Policies; and
- Update on the Carbon Footprint and Energy Efficiency of the Borough and the way it is aligned to the 2030 Vision.

## CURRENT WORKING GROUPS

Peer Review Working Group - In July 2016 the Committee established the Peer Review Working Group, Working Group Members met on numerous occasions to ensure that the recommendations of the Home Office Peer review had been implemented, that Members were satisfied that the findings of the report were accurate and sought assurances that those leading on the agenda in Sefton had a sound approach.

The Final Report of the Working Group has been completed and is scheduled to be submitted to the Committee at its first Meeting on 4 July 2017.

Parks and Greenspaces Working Group – At the same Meeting in July 2016 the Committee established the Parks and Greenspaces Working Group, Working Group Members have met on several occasions and this work is ongoing. We anticipate that the Final Report will be submitted to the Meeting of the Committee in September 2017.

The Committee received update reports in relation to the implementation of recommendations of the following review work undertaken by Working Groups of this Committee:-

- Shale Gas (Fracking) Working Group;
- NEET (Not in Education, Employment or Training) Working Group (*Joint Review with the Overview and Scrutiny Committee (Children's Services)*)
- Employment Development and Development of Local Town Centres and Economies Working Group; and
- Port Master Plan Working Group

The Committee will continue to receive those update reports on an annual basis.

## The Year Ahead

The Committee will continue to keep abreast of the various matters as listed throughout my report.

The Committee completed its Programme of Work for the Municipal Year 2016/17, subject to the following reports being carried forward into the Committees Programme of Work for the Municipal Year 2017/18:-



- Refuse Collection;
- New Houses being sold as Leasehold; and
- Peer Review Working Group – Final Report.

I would like to take this opportunity to thank Committee Members, Officers and Partner Organisations for all their hard work, dedication and support throughout the year.

I am particularly appreciative of our Democratic Services Officers for their commitment, advice and support during 2016/17.

I would also like to thank my Vice-Chair, Councillor O'Brien for all of his help and assistance through the Year.

**Councillor John Sayers**  
**July 2017**



## Regulatory, Compliance and Corporate Services



**Councillor Dave Robinson**  
*Chair of the Overview and Scrutiny Committee*  
**(Regulatory, Compliance and Corporate Services)**

**On behalf of the Members of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) it gives me great pleasure to introduce the 2016/17 Annual Report.**

During the year the Committee has met six times and considered matters relating to financial issues and updates associated with the 2016/17 revenue budget, financial management across the Council, the 2017/18 Budget and the Medium Term Financial Plan 2018/20; the Sefton 2030 Vision; the Code of Practice for Enforcement Agent Services; Local Air Quality Management; Disposal of Surplus Council Owned Land; the Commissioning and Procurement Policy; Levels of Disciplinary, Grievance and Sickness; Service Standards; Council Tax and Business Rates Collection; the Review of the Council Tax Reduction Scheme; Customer Experience of Claiming Council Administered Benefits and Financial Support; and the arvato Contract;

The Committee also received regular Work Programme and Cabinet Member update reports; and established two Working Groups to review the topics of:-

- (1) Accommodation Strategy/Agile Working; and
- (2) Licensing/Child Sexual Exploitation (this was a joint Working Group with Members of the Overview and Scrutiny Committee (Children's Services and Safeguarding))

At the request of Cabinet at its meeting held on 23 June 2016 the Committee also established a Working Group to review the operation of Area Committees.

The Committee received many presentations and this enabled Members to engage with colleagues from within and outside of the Council on topics identified below.

## Vision – Sefton 2030

The Committee was presented with a [report](#) requesting the Committee to review the draft Sefton 2030 Vision and Outcomes Framework and engagement feedback and provide any comments thereon to Cabinet.

The report indicated that through Imagine Sefton 2030 the Council had been leading on developing a new vision for the borough, working closely with partners, businesses, private sector organisations, the voluntary, community and faith sector and the community to help it understand what mattered and to be ambitious for the Borough and its communities in the future; that following various consultation exercises (including views from consultations associated with Sefton Strategic Needs Assessment, Health and Wellbeing Strategy, Carers and Dementia Strategies, Town Centre Investment, Local Plan and other engagement activity) feedback gathered had been reviewed and analysed during the development of the draft Vision and Outcomes Framework; and that extensive engagement had taken place with the Council workforce, the majority of whom lived in Sefton, and that a number of themes began to emerge. The themes were then tested out with partners and although both groups expressed what they wanted to see in 2030 differently, the report detailed comments/views on what the following recurring themes should look like:-

- Resilient people and places
- Growing, living and ageing well
- A great place to live, work and play
- Activities, sociability and hosting
- Image and Environment
- Accessible and linked
- Right for business
- Digital, Science and Technology

Attached as Annex A to the report was a copy of the Vision and Outcomes Framework.

Attached as [Annex B](#) to the report was a copy of the Imagine Sefton 2030 Vision Consultation Report - August 2016

## 2016/17 and 2017/18 Revenue Budget and Medium Term Financial Plan 2018/20

A major part of the Committee's work involved scrutinising the proposed budget for 2016/17 and the Medium Term Financial Plan 2018/20; and the Committee was presented with a [report](#) which provided details of the development of a 3 year financial strategy for the period 2017/18 – 2019/20 which reflected the current financial challenges facing the Council during the period, the proposed approach to meeting those challenges and how they reflected the Council's statutory requirement to remain financially sustainable and the desire to deliver the Sefton 2030 Vision and the Council's Core Purpose.





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The Committee was advised that due to central government policy, the Council will have lost 51% of Government funding between 2011 and 2020 and that given the scale of the financial and service challenges facing the Council, it would have to make some difficult decisions on how it delivers its services, the level at which it continues to deliver them and also develop an appropriate Council Tax Strategy.

The report set out the detailed approach to the delivery of the three year financial strategy, which included:

- The Sefton 2030 Vision and the approved Core Purpose
- The national and local financial context within which the Council is operating;
- The funding gap facing the Council for the 3 year period 2017/18 to 2019/20;
- The approach to delivering both the aspirations of the Sefton 2030 Vision and a financially sustainable Council;
- The financial, service and community impact of the Budget including the reserves position of the Council; and
- The draft capital programme for the 3 year period.

The report also indicated that in order to support the above approach the Council had developed a [Framework for Change](#) which comprised of the following four pillars:

- Economic Growth
- Public Sector Reform
- Service delivery options and
- Strategic Investment

The Committee will continue to monitor and scrutinise the Revenue Budget during the course of 2017/18.

## Review of the Council Tax Reduction Scheme

The Committee was presented with a [report](#) on the review of the Local Council Tax Reduction Scheme (LCTR) 2016/17; and which indicated that LCTR replaced Council Tax Benefit with effect from the 1 April 2013; that the local scheme rules only applied to working age customers; that pensioners were protected by legislation and must be provided with the level of council tax support specified by the Government; and that the total grant of £24.2m transferred to the Council, Police and Crime Commissioner, and Fire Service in 2013/14 to fund the local scheme was £3.0m (11%) lower than had previously been provided to fund council tax benefit in 2012/13. As a result the Council had to introduce changes to the national default council tax support scheme in order to ensure that the local council tax support scheme was cost neutral; and that the Council was unable to alter the pensioner scheme rules so the saving requirement had to be met by reducing the level of



support provided to working age claimants and through technical changes to empty property discounts.

The report also indicated that the Council was required by law to review the scheme each year irrespective of whether it was being amended; and that In order to satisfy the requirement to review the Council Tax Reduction Scheme the following key areas were evaluated:

- Claimant caseload
- Scheme expenditure
- Impact on the most vulnerable claimants
- Welfare reform changes
- Council Tax collection
- Attachment of Benefits
- Review of scheme principles
- Council Tax Exceptional Hardship fund

The report concluded that from its inception in April 2013, the LCTR scheme had delivered financial support to a significant number of vulnerable residents; that a full equality impact assessment was published as part of the design and implementation of LCTR for 2013/14; and that this assessment had been reviewed in the context of the proposed options for 2016/17 and it was found that there was no disproportionate impacts as the mitigating actions put in place for the 2013/14 scheme remained.

Update On Listed Budget Savings Performance and Forecast on Council Tax and Business Rates Collection

## **Code of Practice for Enforcement Agent Services**

The Committee was presented with a [report](#) that reviewed how well the Enforcement Agent's Code of Practice was meeting its objectives particularly with regard to the requirements to deal with and assess vulnerability.

Regarding the identification of mental health issues and vulnerability the report described how enforcement agent staff, both office based and field agents, underwent extensive training on vulnerability and that they all received welfare training and were issued with guidelines from organisations such as MIND and the Royal College of Psychiatrists on how to identify potential mental health issues. Staff were also taught questions and techniques with trigger words that may identify a person with mental health issues. Cases were referred to in-house specialist welfare advisors who would undertake further sensitive enquiries, liaise with the Council and where appropriate would signpost to specialist advice agencies.

The report also indicated that during the period 1 August 2015 and 31 July 2016 Sefton Council sent 8,633 cases to the Enforcement Agent companies; that 493 potentially vulnerable cases were identified; and that the Revenue Service would put a marker on those cases which had been returned to the Council relating to

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vulnerability issues, and would review the vulnerability status on a regular basis and check if the status had changed.

The report also detailed that Sefton Council's Revenues service had recently introduced a new process whereby a customer identified as having a vulnerability that merited prevention or cessation of enforcement had an indicator placed against their account; that such cases were individually monitored where there were arrears and a collection strategy commenced appropriate to the type of vulnerability and the information available; that for example, markers were placed on Care Leavers accounts to ensure that intervention took place by the Council before cases were referred for enforcement action; and that residents in receipt of council tax support were first referred for debt collection activity rather than enforcement action to avoid statutory charges being added to their account.

The report concluded by requesting the Committee's comments about the Sefton Council Code of Practice for Enforcement Agent Services for submission to the Cabinet Member - Regulatory, Compliance and Corporate Services.

Attached as [Appendix A](#) to the report was a copy of the Code of Practice for Enforcement Agent Services and the Committee recommended that the Cabinet Member – Regulatory, Compliance and Corporate Services be requested to amend the Code of Conduct Enforcement Agency Procedures as follows:-

- (A) In the Compliance Stage section, remove the words “and there are no other adults available in the household” from Part 4 relating to heavily pregnant women; and
- (B) In the Enforcement Stage section add the words “and refused” to the penultimate paragraph on page 9 relating to gifts and bribes to Enforcement Agents.

## Local Air Quality Management

The Committee was presented with a [report](#) that updated on Air Quality Management in Sefton and indicated that the concept of Local Air Quality Management (LAQM) was introduced under the Environment Act 1995 (the Act); that evidence had shown that certain atmospheric pollutants were linked to poor health; that the Act placed a statutory duty on all Local Authorities to review and assess air quality in their areas at regular intervals; that the Air Quality Regulations, made under the Act, specified the pollutants that must be considered and set standards and objectives for each of the pollutants, which were referred to as National Air Quality Standard (NAQS) Objectives; and that real time monitoring stations were located at:-

- Waterloo Primary School, Crosby Road North, Waterloo
- Hawthorne Road opposite KFC, Litherland
- Lathom Close, Seaforth
- Millers Bridge, Bootle
- A565, Crosby Road South (previously located at St Joan of Arc School)



The report also indicated that as part of the ongoing air quality assessment process the boundaries of 5 AQMAs have been identified across the Borough where NAQS objectives had not been met and these were located at:-

- A565 Crosby Road North, Waterloo
- A5036 Princess Way, Seaforth
- A5058 Millers Bridge, Bootle
- A565 Crosby Road North and South Road Junction, Waterloo
- B5422 Hawthorne Road and Church Road Junction, Litherland.

## **Disposal of Surplus Council Owned Land**

The Committee was presented with a [report](#) that advised of the current position in respect of the Asset Disposal Policy (the Policy) and process; and that provided an overview of best value and an analysis of prior years' outcomes in terms of capital receipts.

The report indicated that the Policy set out the principles, methodology and procedural aspects of how the Council selected assets for disposal and proceeded to dispose of them; that a key element of the process was the identification and approval of a shortlist of assets to be disposed of in any particular period; that the disposal short list identified the assets that could be brought forward for disposal within the next 12 to 24 months to form a pipeline of transactions which would aim to realise the identified receipts target; that an appropriate disposal method was selected for each asset in consultation with Cabinet Member - Regulatory, Compliance and Corporate Services; and that the disposal terms for each asset would be reported in accordance with the Council's Policy.

## **Commissioning and Procurement Policy**

The Committee received a [presentation](#) that updated on the Commissioning and Procurement Policy and information was provided on:-

- The Strategic Support Unit that comprised of Performance and Intelligence, Commissioning Support and Procurement teams
- Key activities undertaken in 2015/16 relating to Strategic Support Unit staffing restructure, Framework for Change, LCR Procurement Hub Project, Review of Contract Procedure Rules and processes, Social Value Task and Finish Group and Imagine Sefton - Vision 2030
- Commissioning Support activities relating to Remodelled Adult Social Care Reablement Service, Remodelling Adult Social Community Day Care Services, Remodelling Supported Living Services, Completed Pre-Paid Cards Pilot, Fee Negotiations – National Living/Minimum Wage, Adult Social Care Market Management, Integrated Wellness Service, Redesign 0-19 Service and Dynamic Purchasing System for Children's Placements
- Procurement activity for the period 2013/14 to date
- The next steps which included a complete review of Contract Procedure Rules and Processes, a complete refresh of the Commissioning Framework,



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Implementation of the Performance Framework, LCR Procurement Hub – LCR and local approaches, Workforce Development and support for commissioning and procurement activity

## Levels of Disciplinary, Grievance and Sickness

The Committee was presented with a [report](#) that provided information on the levels of discipline, grievance and sickness absence within the Council (excluding schools). The report indicated that based on current records the total number of 'available days', from 1 April 2016 to 30 June 2016, was 147,215 Full Time Equivalent (FTE) days; that the total sickness absence, both long and short term, was 7,471 FTE days which equated to 5.07%; that this comprised 1.99% short term and 3.08% long term absences; and that the overall Corporate target was 4% (short term 2.2%; long term 1.8%), and that the targets were currently being exceeded.

[Annex 1](#) attached to the report illustrated departmental performance for the Quarter 1 period; whilst [Annex 2](#) provided data across a period of 12 months to 30 June 2016 and therefore provided a wider analysis of absence levels across departments; and [Annex 3](#) provided a breakdown of formal cases for January 2016 to October 2016.

## Service Standards

The Committee was advised that Heads of Service were responsible for updating their Service Standards to reflect any changes to standards arising from approved savings or for operational reasons; and a copy of the latest [Service Standards document](#) published on the Council's website was attached to the agenda for the information of Members.

## Council Tax and Business Rates Collection

The Committee was presented with a [report](#) that indicated that Council Tax income was shared between the billing authority (Sefton Council) and the two major precepting authorities (the Fire and Rescue Authority, and the Police and Crime Commissioner) pro-rata to their demand on the Collection Fund; that the Council's Budget included a Council Tax Requirement of £111.644m for 2016/17 (including Parish Precepts), which represented 85.4% of the net Council Tax income of £130.689m; that the forecast outturn at the end of September 2016 was a surplus of -£1.583m on Council Tax income. This was due to the surplus on the fund at the end of 2015/16 being higher than estimated at -£0.462m; the gross Council Tax Charges in 2016/17 being higher than estimated at -£0.636m, a change of -£0.024m from July; and Council Tax Reduction Scheme discounts being lower than estimated at -£0.327m, a change of +£0.032m from July.

Concerning Business Rates the forecast outturn at the end of August 2016 was a deficit of £1.950m (£2.246m to the end of July) on Business Rates income. This was due to the surplus on the fund at the end of 2015/16 being lower than estimated £2.438m; and the in-year budget variations to date in 2016/17 of -£0.488m which





were largely due to the rateable value of properties increasing since December 2015 rather than reducing as forecast.

## **Customer Experience of Claiming Council Administered Benefits and Financial Support**

The Committee was presented with a [report](#) that updated on the implementation of the recommendations and actions contained in the Customer Experience of Claiming Council Administered Benefits and Financial Support Working Group's Final report that would support Sefton residents to receive improved customer services, not only in their engagement with Sefton Council but with partner agencies such as the Department for Work and Pensions and One Vision Housing; that particular regard was given to the interaction between centrally administered benefits, such as Universal Credit, Job Seekers allowance and the locally administered Housing Benefit and Council Tax support; that the increasing demands on customer services had been highlighted by the Government's Welfare Reform Agenda; and that Sefton Council with Partners had established a One-Sefton approach to the action plan and were encouraging all partners, the community and organisations to play their part by not only making our services more accessible to those most in need; but by joining up with partners from voluntary and advice organisations to make sure that the support the Council provided could lift people out of poverty and mitigate, where possible, the impacts of the welfare reform programme.

The report concluded that a programme of work was also being considered in the context of other major change agendas that were being implemented in the Council including:

- Public Sector Reform Programme
- Digital Inclusion Agenda
- Welfare Reform and Anti-Poverty Agenda

## **arvato Contract**

The Committee received a [presentation](#) on the arvato contract and in particular which updated on ICT and Transactional Services that related to:-

- the current contract with arvato, the provider of ICT and transactional services, ending in September 2018
- the Cabinet, in January 2017, agreeing future delivery models and that work was now commencing on implementing the appropriate project and exit plans
- the proposed operating models relating to ICT, Customer Services, Revenues and Benefits, Transactional Human Resources and Payroll and Accounts Payable
- the evaluation methodology used to determine the delivery models
- the recommendation to bring the Customer Services, Revenues and Benefits, Transactional Human Resources and Payroll and Accounts Payable service in house and to procure a new prime contractor in relation to ICT
- the implications and key issues/ risks arising from the recommendations
- the work being undertaken to secure the implementation of the recommendations which centred on agreeing an exit plan with arvato to



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October 2018; agreeing joint and internal governance arrangements; the establishment of an Internal Project Board, work streams and project plans; the identification of what was required regarding the transformation of ICT and how quickly could this be done; staff engagement; and the requirement to utilise external expertise

## **Cabinet Member Reports**

In keeping with previous years and in order to keep Members informed, the Overview and Scrutiny Management Board agreed for relevant Cabinet Member Reports to be submitted to appropriate Overview and Scrutiny Committees. The Terms of Reference of the Overview and Scrutiny Committee covered the portfolio of the Cabinet Member – Regulatory, Compliance and Corporate Services.

## **Pre-Scrutiny – The Key Decision Forward Plan**

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

## **Working Groups**

The Committee had established three Working Groups and information is provided below on each:-

### **Accommodation Strategy/Agile Working**

The Working Group was established to agree and confirm the approach to the delivery of the Council's Accommodation Strategy for the period 2016/17 to 2020; to investigate and confirm the principles in relation to 'Agile working' that should be adopted to support the delivery of the Accommodation Strategy; to confirm the key deliverables that should be considered from adopting an agile working strategy including staff and Member engagement and training; and to evaluate the resource impact of the proposals made.

The Working Group's [Final Report](#) was approved by Cabinet on 22 June 2017.

### **Licensing/Child Sexual Exploitation**

The Working Group was established to review the Council's legal and safeguarding position in relation to the issue of any licence following allegations of child sexual exploitation; to consider whether all relevant pathways, methods of referral are sound with respect to escalation of CSE referrals; to ensure that key sectors are informed and aware of how to raise concerns concerning CSE; and to liaise with the Home Office and lobby for legislative change should the need arise.



The Working Group's Final Report will be considered by the Overview and Scrutiny Committee and the Cabinet at their meetings to be held on 12 September and 5 October 2017 respectively.

## **Area Committees**

The Working Group was established to review the findings of the public consultation exercise undertaken on the role of Area Committees, and the other issues set out in the report submitted to the Cabinet on 23 June 2016; review modern methods of engagement between councils and their councillors and councillors and their communities, including the operation of community forums by other local authorities, the use of social media and guidance on its use; to consider whether a programme of communication training for members should be developed with particular emphasis on the social media aspects of modern communication in their role as 'Community Champions'; to review ways of communicating information about councillors' expenditure in their wards and associated decision making processes; to consider whether a system of escalation for the public where a councillor cannot be contacted, does not respond to contact or does not make themselves available for surgeries etc. can be developed; to consider whether methods for citizens to formally engage with its Council are made as simple and effective as possible through the provisions within the Council Constitution for petitions, questions attendance at meetings etc.; to consider how section 106 and Community Infrastructure Levy funding would be spent in a revised Area Committee structure; and to consider the remit of Area Committees.

The Working Group's Final Report will be considered by the Overview and Scrutiny Committee and the Cabinet at their meetings to be held on 12 September and 5 October 2017 respectively.

## **The Year Ahead**

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

- The consideration of budget proposals and savings and the Medium Term Financial Plan
- Review the Council Tax Reduction Scheme during the fifth year of operation
- Monitoring the operation of the Procurement Strategy
- Update on the disposal of surplus council owned land
- Monitoring reports on the implementation of recommendations arising from Overview and Scrutiny Working Group reviews
- Other service operational reports as deemed appropriate by the Committee

I envisage the forthcoming year to be extremely busy and challenging for the Committee given the difficult budgetary challenges and financial savings that have to be met in Sefton.

On behalf of the Committee I would like to thank everyone who has contributed to our work over the past year. I would personally like to thank all Members of the Committee, Councillor Paulette Lappin, Cabinet Member – Regulatory, Compliance



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and Corporate Services and officers who have attended meetings for their support to me over the past year and provided the Committee with valuable information.

I would also like to send my best wishes to my colleague Councillor Sue Bradshaw who succeeds me as the Chair of the Committee.

**Councillor Dave Robinson**  
**July 2017**



# Agenda Item 9

<b>Report to:</b>	Council	<b>Date of Meeting:</b>	Thursday 13 July 2017
<b>Subject:</b>	Proposed Public Space Protection Order-Dog Control		
<b>Report of:</b>	Head of Regulation and Compliance	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Cabinet Member - Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To present for consideration the draft Public Space Protection Order – Dog Control, under the Anti –Social Behaviour Crime and Policing Act 2014.

To provide an overview of the public consultation on proposed additional dog control measures through a proposed Public Space Protection Order (PSPO).

## Recommendation(s):

That Council consider the resolution of Licensing & Regulatory Committee on the 19<sup>th</sup> June 2016 for the revised report, Proposed Public Space Protection Order-Dog Control, to be approved as follows:

(1) The Public Space Protection Order (PSPO) Dog Control be implemented as follows:

- (i) continue with the offences of not removing dog's fouling forthwith;
- (ii) restrict the number of dogs that can be walked by one person to a maximum of 6;
- (iii) prohibit dogs from entering enclosed playgrounds;
- (iv) prohibit dogs from entering marked or fenced sports pitches during specified periods;
- (v) dogs to be kept on a lead within defined picnic sites and family areas;
- (vi) dogs to be kept on a lead within all public roads and footways;
- (vii) dogs to be kept on a lead within all cemeteries and crematoria;
- (viii) dogs to be placed on a lead when directed by an authorised officer, to prevent a nuisance or behaviour likely to cause annoyance or disturbance to the public;

(2) the following restrictions/requirements **will not** be included within the proposal:

- (i) prohibiting dogs from open playgrounds;
- (ii) dogs to be kept on leads in designated wildlife areas;
- (iii) dogs to be kept on leads in designated nature reserves;



# Agenda Item 9

- (iv) prohibiting dogs from designated beach areas – “dog free zones” (except for existing Dog Free Zones under current bylaws);
  - (v) dogs to be kept on leads within fenced conservation areas when livestock are present;
  - (vi) persons in charge of a dog to have a receptacle with them to remove dog fouling; and
- (3) Officers be commended for the high levels of public engagement undertaken through a range of consultation channels in preparing the Public Space Protection Order – Dog Control.

## **Reasons for the Recommendation(s):**

The proposals are intended to address irresponsible dog control and protect the public from anti-social behaviour that is having or likely to have a detrimental effect on the quality life of those in the locality.

## **Alternative Options Considered and Rejected:** (including any Risk Implications)

Members could take no action, following the PSPO consultation. In doing so, Members should note that the existing Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order will expire in October 2017 leaving the Council with no power to tackle dog fouling in the Borough.

A wide range of options were considered as part of the public consultation including prohibiting dogs or requiring dogs to be on a lead in certain defined areas. The view from those consulted was that to prohibit dogs from open playgrounds and specified zones, (except for existing Dog Free Zones under current bylaws), on beaches along with requiring dogs to be kept on a lead in designated wildlife areas, local nature reserves and fenced conservation was unacceptable. If members are minded to agree with this consultation response this may reduce the ability to control dogs in these locations and result in irresponsible and anti- social behaviour.

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

### **(A) Revenue Costs**

A small cost will be associated with ensuring that designated areas and restrictions are publicised including the use of relevant signage where appropriate. This will be met from Services existing budgets.

### **(B) Capital Costs**

None

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
<b>Legal Implications:</b> The consultation process had adhered to statutory requirements and good practice identified in case law. The decision making process, if members determine to proceed with the PSPO, will follow the necessary and appropriate decision making route.
<b>Equality Implications:</b> There are no equality implications.

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: This order will ensure dogs are prohibited from entering enclosed playgrounds and certain sports facilities thereby ensuring children can play without disturbance in a secure environment.
Facilitate confident and resilient communities: Not applicable.
Commission, broker and provide core services: Not applicable.
Place – leadership and influencer: Not applicable.
Drivers of change and reform: This order will encourage responsible dog ownership by ensuring dogs are on a lead or prohibited from entering key areas to the benefit of the community and will seek to reduce the levels of dog fouling within the Borough.
Facilitate sustainable economic prosperity: Not applicable.
Greater income for social investment: Not applicable.
Cleaner Greener It is anticipated that proposals to require fouling to be picked up forthwith, will impact upon the level of dog fouling.

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

### **(A) Internal Consultations**

The Head of Corporate Resources (FD 4731 /17) has been consulted and notes the report indicates the costs of publicity and signage can be met from existing budgets. The Head of Regulation and Compliance (LD 4015/17) has been consulted and any comments have been incorporated into the report.

### **(B) External Consultations**

Following approval by the Public Engagement & Consultation Panel a public consultation took place between 6th February and 11th April 2017. Information was provided in various formats and many respondents used the online e consult on the Council's website to submit their answers and comments. Key partners identified within the target group and Merseyside Police were contacted. In addition, Sefton CVS were contacted to enable engagement with relevant groups. Following contact with the lead officer meetings were held with Southport Visual Impairment Group, Adult Learning Centre and Sefton Pension Advocacy Centres across the Borough.

The Public Engagement & Consultation Panel was updated on the 19<sup>th</sup> May on the findings of the consultation and the methods that were used. The panel fully supported the findings of the report and the level of consultation carried out.

The consultation is considered to be successful in that it has resulted in high levels of public engagement through a range of consultation channels. The consultation itself has prompted much consideration and discussion amongst responders. The recommendations have attempted to navigate the best path through those responses to reflect the views that have been expressed.

Officers are hopeful that the level of engagement can continue to the wider and greater benefit of the communities and localities.

### **Implementation Date for the Decision**

Immediately following the Council meeting.

<b>Contact Officer:</b>	Rob Monks
<b>Telephone Number:</b>	0151 934 4035
<b>Email Address:</b>	<a href="mailto:Robert.monks@sefton.gov.uk">Robert.monks@sefton.gov.uk</a>

## **Appendices:**

The following appendices are attached to this report:

Appendix 1 – Draft Sefton Metropolitan Borough Council Public Space Protection Order (Dog Control) 2017

## **Background Papers:**

**The following maps and lists are detailed at the end of this report:**

Village Park, Ainsdale  
Bedford Park, Birkdale  
Botanic Gardens, Southport  
Bowersdale Park, Seaforth 2  
Duke Street Park, Formby  
Hatton Hill Park, Litherland  
Hesketh Park, Southport  
Children's Play Park, Hightown  
Killen Green, Netherton  
Kings Gardens, Southport  
Marian Gardens, Netherton  
Moorside Park, Crosby  
North Park, Bootle  
Orrell Mount, Bootle  
South Park, Bootle  
Victoria Park, Crosby  
List of Rugby/Football Pitches/Bowling Greens/Children's Playgrounds/Tennis Courts/Multi-Use Game Areas/Picnic Areas.

# Agenda Item 9

## 1. Introduction/Background

- 1.1 A Public Space Protection Order [PSPOs] is an official measure that is an enforceable part of the Anti – Social Behaviour Crime and Policing Act 2014.
- 1.2 PSPOs can be used to protect the public from behaviour that is having or is likely to have a detrimental effect on the quality of life of those in the locality and is persistent and unreasonable or likely to be.
- 1.3 The Anti-social Behaviour Act 2014 requires that Local Authorities conduct necessary consultation and publicity before any order is made, varied or revoked. The necessary consultation is defined as consulting with:-
  - The Chief of Police and local policing body.
  - Community representatives the local authority thinks is appropriate to consult with.
  - The owners or occupiers of land within the designated area to which the order will apply.
- 1.4 The report detailed above provides a comprehensive list of the target groups that was part of the consultation process. This list included, The Policing and Crime Commissioner, Area Police Commander for Sefton, ward and parish councillors, local animal charities and veterinary surgeons, Natural England, Lancashire Wildlife Trust and Friends of Park Groups etc.
- 1.5 PSPOs last for 3 years once approved and are enforced by delegated council officers, police officers and police community support officers. At the end of this period the order can be amended or extended for a further 3 years.
- 1.6 A breach of the order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice [FPN] to discharge the offender's liability for the offence or a fine up to £1000 on prosecution. A level set at £75 reduced to £50 if paid within 10 days would be consistent with fines set for other environmental offences enforced by the Council e.g. littering.
- 1.7 Sefton Council has a number of existing powers to deal with dog control including The Fouling of Land by Dogs (Metropolitan Borough Of Sefton) Order 2014 which allows £75 FPN against offenders who fail to remove their dogs fouling forthwith and various Dog related acts which allow prosecution for dog owners when the dog is dangerously out of control in a public or private place or in breach of local byelaws.
- 1.8 However officers from the Dog Warden, Parks & Greenspaces and Coast and Countryside Services remain concerned that various instances including dogs acting aggressively or in a threatening manner, or not under control, increased



levels of fouling left by dog walkers on the highway, within parks, recreational areas and coastal locations, disturbance of animals, wildlife and nesting sites and dogs being out of control in and around e.g. children's play facilities and within the grounds of cemeteries are not being effectively addressed.

- 1.9 In addition failure to introduce a PSPO for dog fouling would from October 2017, leave the Council with no powers to tackle dog walkers who fail to pick up their dogs fouling forthwith. The existing Fouling of Land by Dogs [Metropolitan Borough of Sefton] Order 2014 expires in October 2017 with any future or existing orders to be made under the Anti- Social Behaviour Act 2014.as PSPOs.
- 1.10 By Introducing the proposed offences on dog control within the framework of a PSPO it is believed that it will strengthen existing powers and enables dedicated officers to deal with offences in a timely manner to the benefit of local communities across Sefton.

## **2. Public Consultation**

- 2.1 The Gunning Principles on consultation which are derived from case law are as follows:-
  - Consultation should occur when proposals are at a formative stage;
  - Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
  - Consultations should allow adequate time for consideration and response;
  - The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit;
  - There must be clear evidence that the decision maker has considered the consultation responses before taking its decision.
- 2.2 The principles have been reviewed and refined many times in subsequent case law, they are essentially still a good starting point for consultation. The consultation approved by the Public Engagement & Consultation panel on the 26<sup>th</sup> January 2017 and ran from the 6<sup>th</sup> February to the 11<sup>th</sup> April 2017 with 1032 questionnaires returned within those dates.
- 2.3 The majority of responders used the online e consult on the Council's website to submit their answers.In total 121 hard copies were received together with 22 easy read versions. Audio versions were also supplied as requested.
- 2.4 Five local meetings were also facilitated across the borough to encourage participation. The details are listed:

Visual Impairment Group, Southport - 1st February  
Sefton Pensioners Advocacy Centre, Linacre Mission- 14th February  
Adult Learning Centre, Stanley Road, Bootle- 22nd February

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Sefton Pensioners Advocacy Centre - Lord St West Church, Southport-22nd February

Sefton Pensioners Advocacy Centre- Maghull -28th February

In total approximately 110 residents attended the meetings.

- 2.5 Sefton Council for Voluntary Service were contacted directly and provided support to enable ethnic and migrant groups to be engaged with this proposal. The offer to speak to groups that fall within their wider contact list was also suggested.
- 2.6 Interested parties identified as part of the target audience, were contacted at the beginning of the consultation by email or letter.eg Kennel Club, Sefton animal charities and local vets etc. A full list is provided within the Public Engagement & Consultation Panel Report dated 19<sup>th</sup> May 2017.
- 2.7 The consultation was promoted through published material on the Council and My Sefton websites. A press release was issued on the 6<sup>th</sup> February and as a result the Liverpool Echo, Southport Visitor and Champion newspapers ran stories. Tweets were sent out during the consultation together with information put on the Councils Facebook page.

### **3. Consultation outcome**

- 3.1 Detailed consideration has been given to the completed responses to the questionnaire (1032) which contained an additional 654 comments. A petition was also received that stated that the petitioners “believe that the facility to walk dogs off lead on our coastline and Local Nature Reserves is crucial to the health and wellbeing of Sefton residents and their dogs. We do not believe that this should be prohibited by a Public Spaces Protection Order”. In total 836 people signed the petition raising their objection to this proposal.
- 3.2 During the consultation period a number of external agencies, target groups and individuals not only responded to the consultation questions but sent emails / letters direct to the lead officer to ensure their comments would be included.
- 3.3 Following closure of the Consultation period the Council have been made aware of an on line petition entitled “Stop Sefton banning off lead exercise for dogs”. This was ultimately presented to the Council prior to Licencing & Regulatory Committee (19<sup>th</sup> June 2017), contact has been made with the representative promoting the petition and a meeting is proposed in the near future. The petition it has been signed by 4,562 people. It states:

“The Council is seeking powers that will enable it to stop dogs from being exercised off lead in public places including parks, woodlands, sand dunes and beaches. We do not want them to do this!

Why is this important?

Dogs have a right to appropriate exercise under the Animal Welfare Act 2006. The RSPCA and Kennel Club agree that this includes regular off lead exercise and socialisation. The Council is seeking powers to ban this in almost all public spaces and make it a criminal offence. It is a disproportionate blanket approach and does not address the lack of resources to tackle real issues of concern such as dog fouling and irresponsible ownership. There are better balanced and more effective ways of working with dog owners and the community. It will have a negative impact on dogs and on people by creating a disincentive to use our countryside and adopt a healthy lifestyle of regular exercise.”

#### **4. Report to Licensing & Regulatory Committee**

- 4.1 On the 19<sup>th</sup> June, the Committee considered a petition presented by Mrs Lyn Hilton, signed by 4,562 people, in respect of the proposed Public Space Protection Order – Dog Control, Mrs Hilton was thanked for her presentation and the issues raised by the petition were taken into account during the determination of the decision on the report (minute No.6)

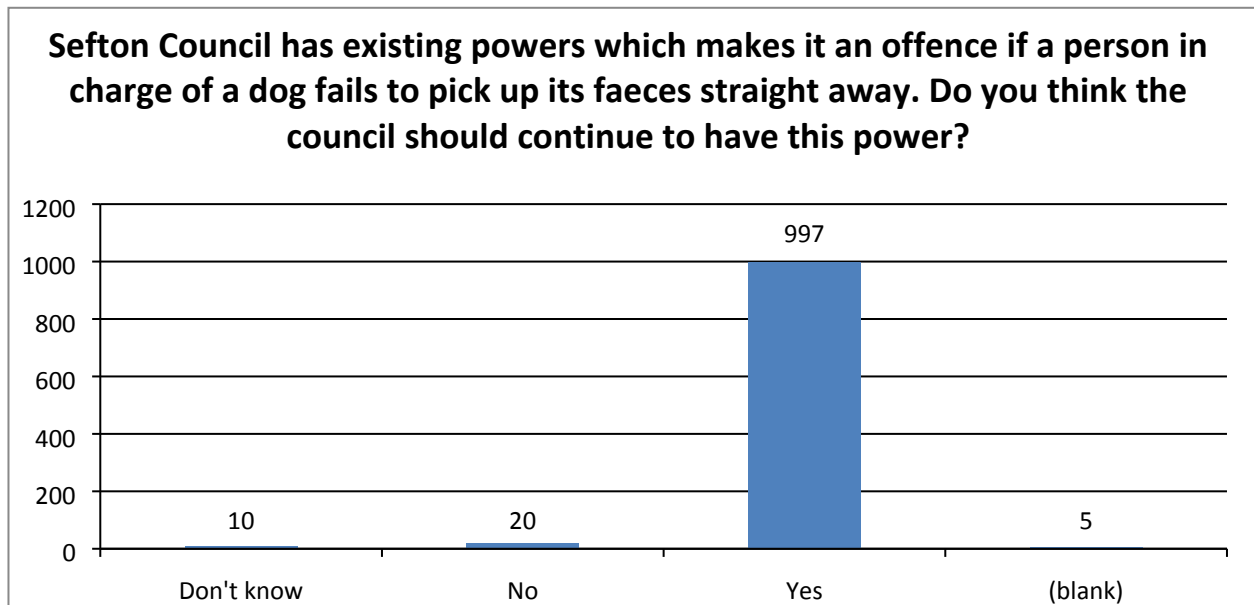
The Committee considered the report and resolved that subject to amendments being made to the report as indicated, the revised report be submitted to Full Council for approval.(minute No.7)

# Agenda Item 9

## Summary of Responses to Consultation Questions for proposed inclusion within the PSPO

Set out below are the responses to the Consultations questions:

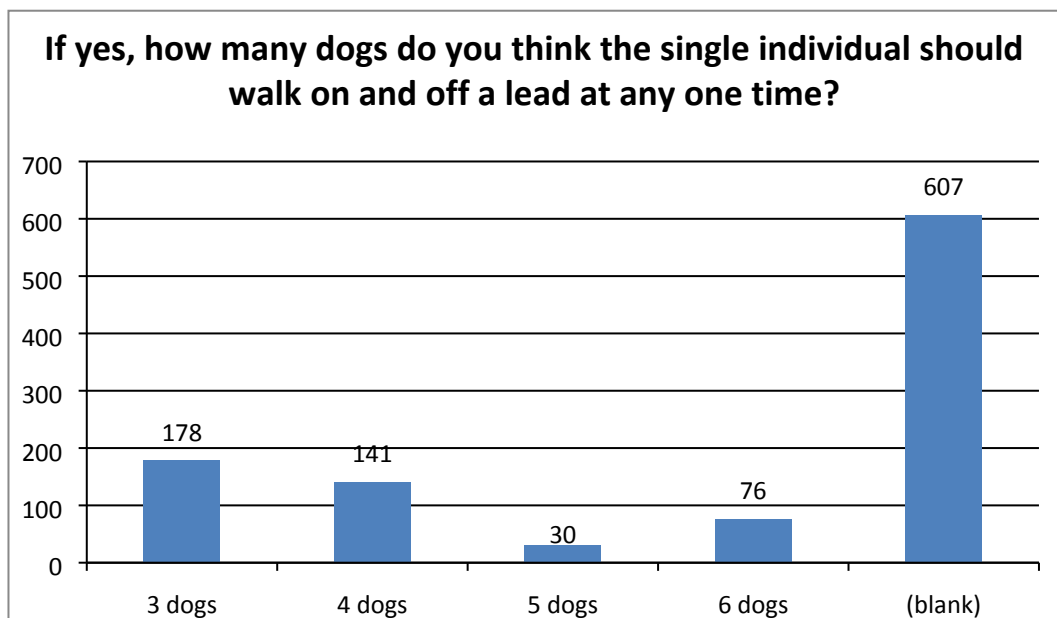
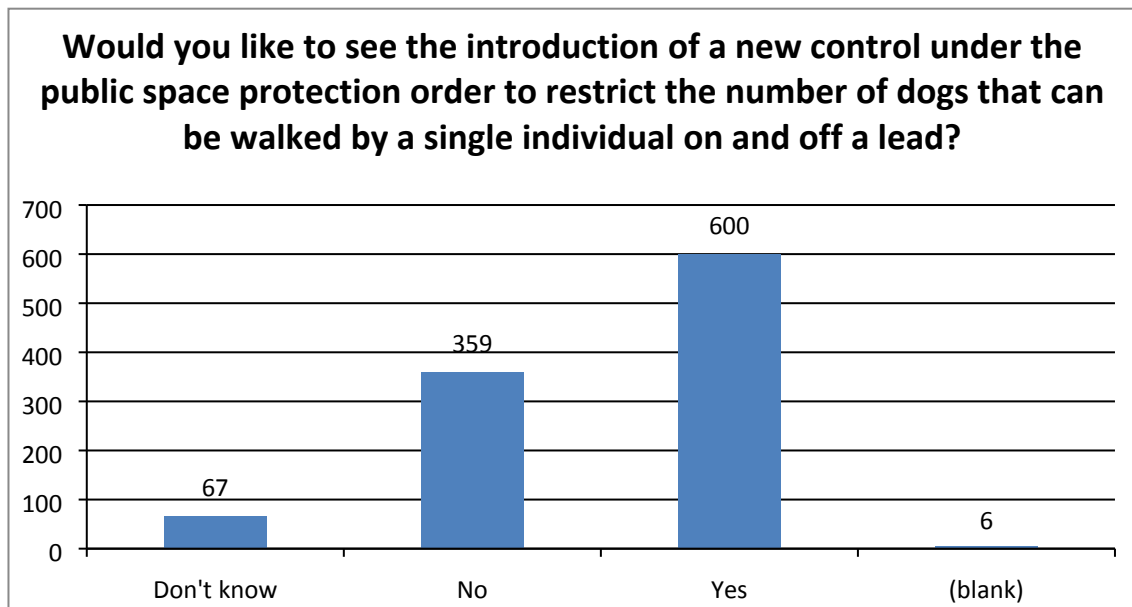
### Proposal



### Observations

There is clear support for a continuation of this power to make it an offence for dog faeces not to be picked up forthwith. Failure to include this offence within the proposed PSPO would leave the Council without any means of tackling offenders from October 2017.

## Proposal



## Evidence

In the last two years officers within the Dog Warden, Coast & Countryside and Parks and Green space Service have seen an increase in commercial dog walkers or individual dog walkers, walking large groups of dogs at one time, on and off the lead.

As a result officers have been required to approach these dog walkers as it was identified they had little or no control or following complaints to the officers whilst on site or during routine patrols.

Whilst a clear majority of respondents are in favour of control the number of dogs that can be walked agreement on the number is less clear. This is confirmed by the



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significant number of respondents who failed to complete the question relating the actual number of dogs that should be walked by an individual.

In addition several representations were made by commercial walkers indicating that if a low number was chosen ( less than 6) this would significantly impact upon their business.

The Department for Environment Food and Rural Affairs [DEFRA] guidance

<https://www.gov.uk/government/publications/dog-control-orders>

suggests that based on expert advice a limit of a maximum 6 dogs are walked at any one time by an individual on or off the lead. The Kennel Club and Dogs Trust who were part of this consultation have made the following observations on this proposal.

The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog walker, the dogs being walked, whether leads are used and the location where the walking is taking place. Both charities both put forward the view that arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that will often simply displace and intensify problems in other areas.

An experienced dog walker may be able to keep a large number of dogs under control during a walk, whereas an inexperienced private dog owner may struggle to keep single dog under control.

The Kennel Club acknowledged DEFRA guidance which cites expert advice that the maximum number of dogs someone can control is six, but felt limits can encourage some commercial dog walkers to leave excess dogs in their vehicles, which can give rise to welfare concerns.

If a maximum number of dogs is being considered due to issues arising from commercial dog walkers, they suggest that councils look at accreditation schemes that have worked very successfully in places. Accreditation can ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.

Council officers from Parks & Green Spaces, Coast & Countryside and Dog Warden services have encountered individual dog walkers walking up to 15 dogs at one time; this raises concern regarding the ability of the walker to control such dogs and the safety of dogs and others which is supported by concerns raised from members of the public.

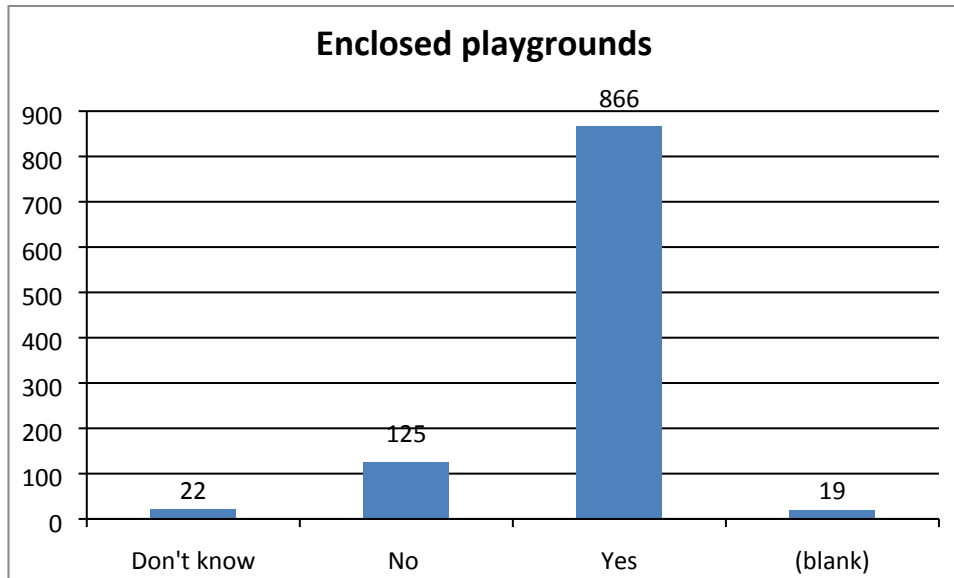
## Observations

There is support for the limitation of the number of dogs to be walked by an individual to 6 (in line with DEFRA guidance) and in addition the Council should explore the potential

for introducing a voluntary accreditation scheme for dog walkers and particularly commercial walkers to ensure good practise will be employed.

## Proposal

**Would you like to see the introduction of a new control under the public space protection order to prohibit a dog entering the following areas?**



## Evidence

It is clear that there is an expectation that if the playground is enclosed then access to it is restricted and children can play without disturbance in a secure environment. Allowing dogs into such enclosed areas creates the potential for children to feel intimidated or under risk of attack from dogs as well as the potential for contact with dog fouling.

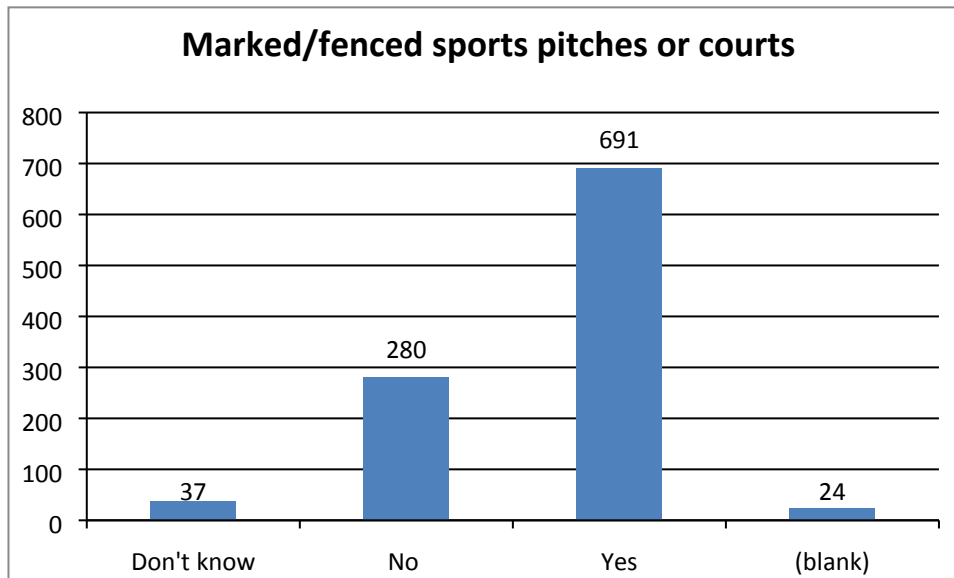
To a younger child even the smaller size dogs can appear intimidating relative to the size of the child.

Observations The consultation results show overwhelming support for prohibiting dogs from enclosed play areas and should be included within the PSPO.

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## Proposal

**Would you like to see the introduction of a new control under the public space protection order to prohibit a dog entering the following areas?**



## Evidence

The majority of anecdotal complaints from park users on the frontline which are received by Parks and Greenspaces mainly relate to dogs out of control and dog fouling.

Consistently over the last few years these have focussed on sports pitches and fenced ball courts mainly relating to fouling issues and the action that needs to be taken by these site users to remove this fouling before any game or activity can be played.

The majority of pitches and venues are affected because of irresponsible owners.

Unfortunately participants in sporting activity face the unpleasant and potentially unhealthy prospect of coming into contact with dog fouling left on marked / fenced sports pitches or courts as a result of irresponsible dog owners who fail to pick up after their dog has fouled.

Restricting dogs from these areas also allows sports users to use the facilities without disruption, danger of attack or any perceived intimidation from the presence of dogs.

The responders are supportive of the proposed requirement for dogs to be prohibited from entering any marked or fenced sports pitches. This includes all multi games use sports facilities including bowling greens and any pitch which is used for sport and defined by a spray or painted white line.

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Observations In recognition of the seasonality of certain sports it is proposed that restrictions prohibiting dogs from certain sports pitches will only be imposed during that particular season therefore Football and Rugby pitches will be marked for use from the 1<sup>st</sup> September until the 31<sup>st</sup> May each year. Cricket outfields will be marked for use from the 1<sup>st</sup> April to the 30<sup>th</sup> September each year and dogs prohibited during these periods

Any fenced games areas i.e. tennis courts, bowling greens, basketball courts football corals and multi-use game areas are prohibited from taking dogs into these areas all year round. Comments received by the Manging Agent for Sefton's Amateur Football Leagues are detailed below to support this intervention.

*'Parks & Greenspaces work with a managing agent who organise all footballing activity on Sefton's football pitches at both adult and junior level. In terms of the disruption to their activities throughout the football season they support the exclusion of dogs from football pitches during the period in which they are marked and in use and cite the following reasoning.*

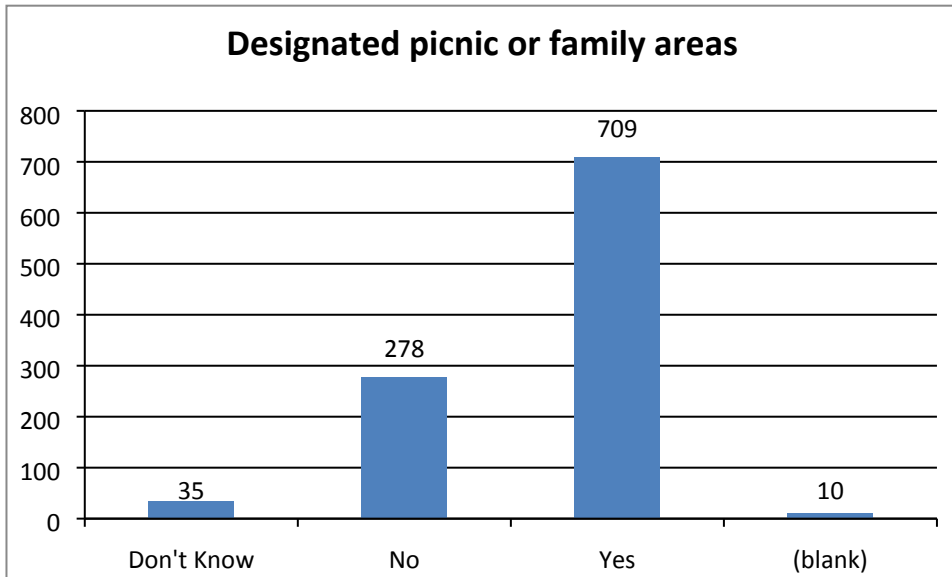
*As a pre-requisite to football matches it is required by match officials that all football pitches are checked for dog faeces before a match can safely take place. This means that a combination of match officials, team trainers and players (including children) have to check the pitches for faeces and then remove it. This is time consuming and unpleasant for users and officials and poses a clear health risk.*

*The managing agent fields complaints' every week from both players and parents of players with regards to the presence of dog faeces and dogs on pitches. Incidents and conflicts occur weekly on all sites between footballers and dog walkers relating to issues of aggressive dogs and dog fouling. The managing agent states that they have had to purchase various means to remove faeces safely out of their own funds.'*

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## Proposal

**Would you like to see the introduction of a new control under the public space protection order requiring dogs to be kept on a lead within the following locations?**



## Evidence

Responders have indicated that dog walkers with designated picnic or families areas should keep their dog on a lead at all times when in these defined locations.

This control will enable designated picnic and family areas within parks to create a zone that allows users to use this area without disruption, perceived or actual risk of attack, and perceived or actual intimidation from the presence of dogs off leads.

This control will also promote responsible dog ownership and hopefully will increase the likelihood of dog owners picking up fouling from their dogs in the designated areas and the wider park

Nominated sites will be identified using a mixture of signs, maps stickers, stencils and coloured ground posts to clearly identify and defines these areas.

Nominated sites have been chosen with a common sense approach and in the main are located around or near areas within parks where children and families are more likely to be located, such as at children's playgrounds. These sites have also been chosen on the basis that they are reasonably well defined and demarcated by existing features in the parks such as footpaths or fences.

The nominated family/picnic areas are relatively small within the sites that are chosen and are designed to give choices to all park users.

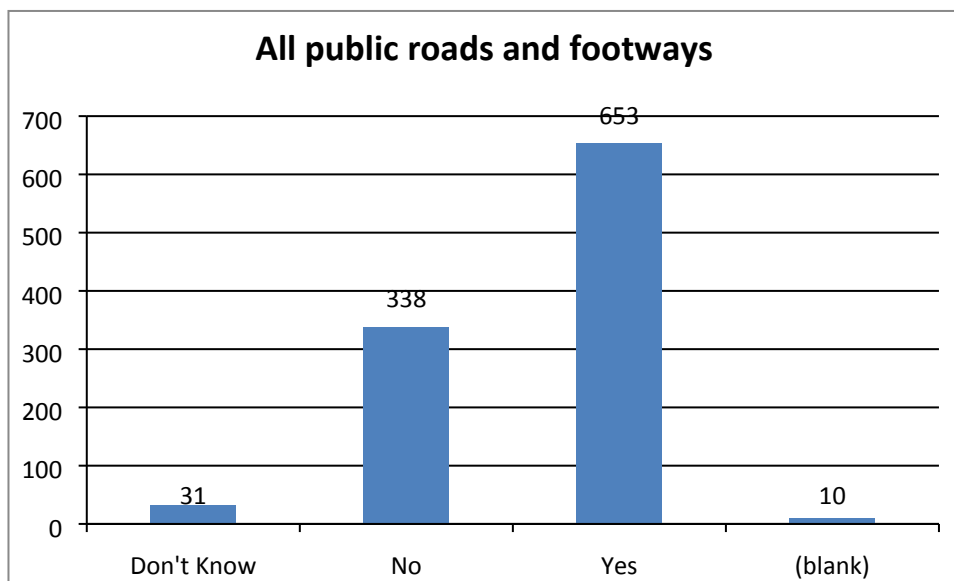
## Observations

By ensuring dogs are on leads within picnic areas it will ensure better control of dogs within these areas and will prevent any dog within this area from creating a nuisance to other users of these facilities. i.e. begging for food, or disturbing family meal times or other users.

This approach is designed to offer all park users choices with regards to the presence of dogs in parks. It is hoped that this will lessen if not eradicate the chances of conflicts between different user groups

## Proposal

**Would you like to see the introduction of a new control under the public space protection order to keep a dog on a lead in the following areas?**



## Evidence

Complaints have been made to Sefton Dog Warden Service, with concerns raised by Merseyside Police Dog Section and Guide Dogs for the Blind in Merseyside about owners walking their dogs off the lead on the public highways. These complaints and concerns relate to actual attacks or threats of attack from uncontrolled dogs to other pedestrians, dogs or dog walkers, guide dogs or dogs running into traffic or jumping up and frightening cyclists or pedestrians

As part of the consultation the visually impairment group raised concerns about dogs on the highway being walked off the lead and threatening or attacking their dogs. Equally concerns were raised about dogs walked on extended leads with either their dog or themselves being wrapped up in the lead. In support of the proposed control the Service Delivery Manager for Guide dogs for the Blind in Merseyside wrote



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*“I am very pleased to hear that Sefton Council are looking to implement a public space protection order, specifically, I am pleased to hear that dogs will be required to be on a lead on the highway and footpaths.*

*We have had a number of attacks on our working dogs in the area as a result of other dogs being off lead and out of control. This has resulted in some guide dog owners feeling anxious about going out.*

*I am sure that this protection order will serve to reassure guide dog owners in the Sefton area and we would welcome the order. “*

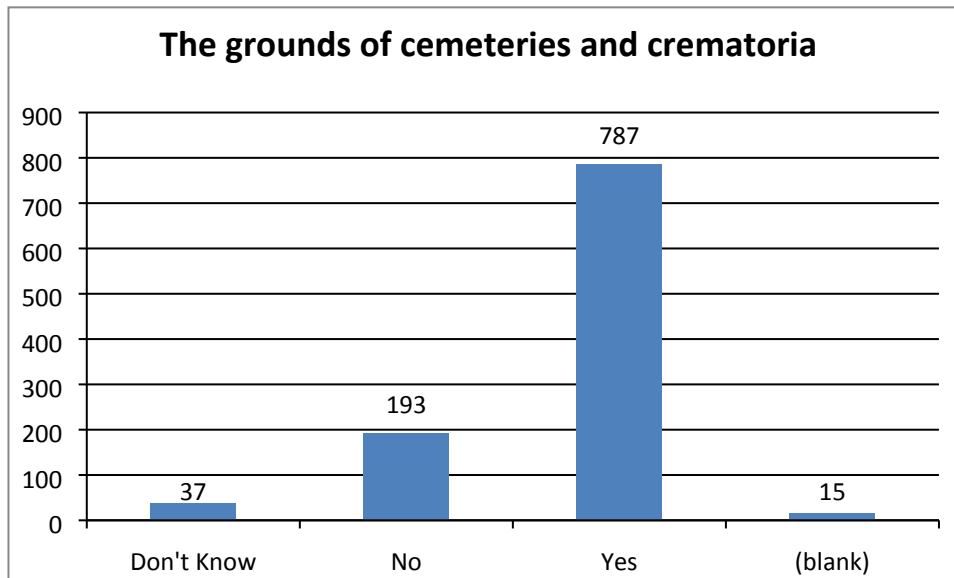
Collectively concerns are centred on the safety of pedestrians, cyclist and dog walkers who can feel threatened when dogs are not under control on a lead. Having the dog on a lead increases the ability of the dog walkers to react immediately to any situation that may present itself and reduce the threat or any injures to their dog or other users of the public highway.

During the consultation several comments where received regarding the lack of control given by extendable leads this is acknowledged and to address the draft PSPO suggests dogs on public roads / footways must be walked on leads with a maximum 2 metres in length to ensure they have sufficient control of their dog when in this defined location.

Observations It is proposed to define roads and footpaths that will be affected by this requirement as any” land within the Metropolitan Borough of Sefton which is designated carriageway [A or B classified roads] together with the adjoining footpaths and verges of such carriageways. It will therefore relate to “the highway” and will not include for example public footpaths or canal towpaths.

## Proposal

**Would you like to see the introduction of a new control under the public space protection order to keep a dog on a lead in the following areas?**



## Evidence

Information provided by the Locality Service who take responsibility for this area of the authority have indicated that anecdotally 20 complaints have been received over the last 2 years and that officers regularly observe dogs being allowed to run uncontrolled through graves, or greenspaces within the grounds disturbing and scaring mourners; urinating on headstones and fouling on peoples' graves.

Complaints have also been received by the Dog Warden Team over a similar time frame relating to dogs walked off the lead acting in an aggressive manner were the complainants felt threatened or their dogs were attacked.

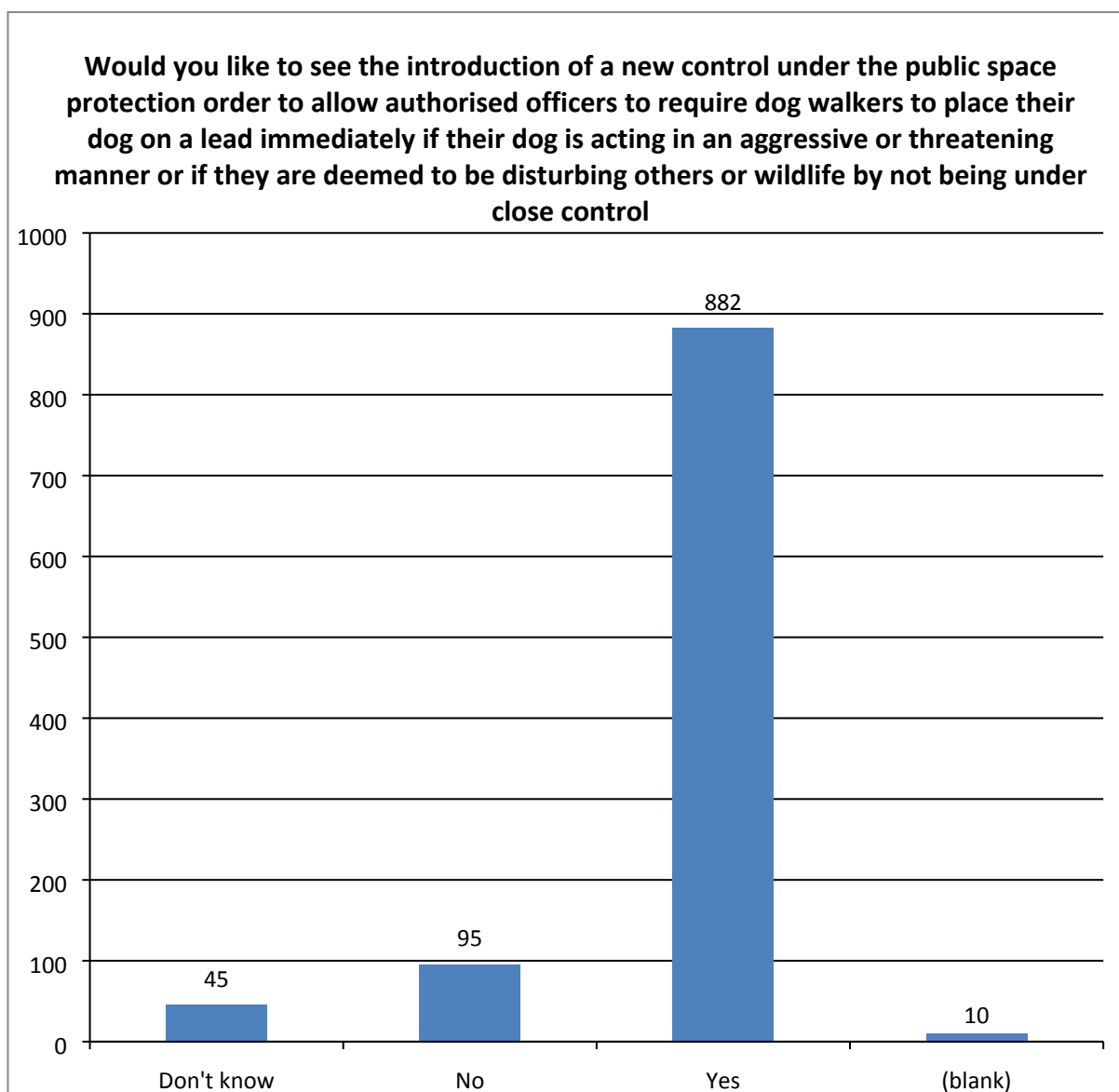
Such action has a detrimental effect to the quality of life of those in the locality and is likely to be persistent or continuing in nature as families and friends of the deceased visit these grounds to pay their respect.

Mourners value well-maintained and tranquil grounds to reflect upon the loss of a loved one, friend or colleague. Visitors also enjoy the benefits of these passive greenspaces, including responsible dog owners and their well-behaved dogs.

Observations These concerns are clearly recognised and supported by respondents and by proposing all dogs are on leads of maximum 2 metres in length to ensure they have sufficient control of their dog when in this defined location. Thereby ensure that the wellbeing of all mourners and visitors is maintained.

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## Proposal



## Evidence

Currently there is no power to require a dog owner to put a dog on a lead when judged considered to be out of control, acting aggressively, causing alarm, distress or nuisance to other site users, disturbing or potentially disturbing wildlife and sensitive habitats or exhibiting threatening behaviour.

Offenders can be prosecuted in some circumstances where the legislation or local bye law allows however this is a lengthy process and does not necessarily resolve the situation “on the ground” especially if the owner is un co-operative and causing disturbance to others.

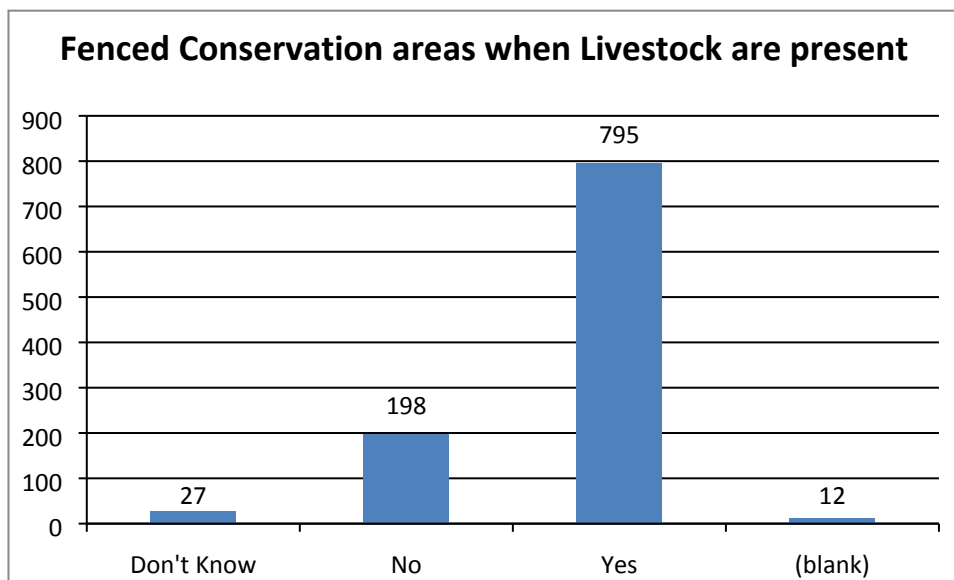
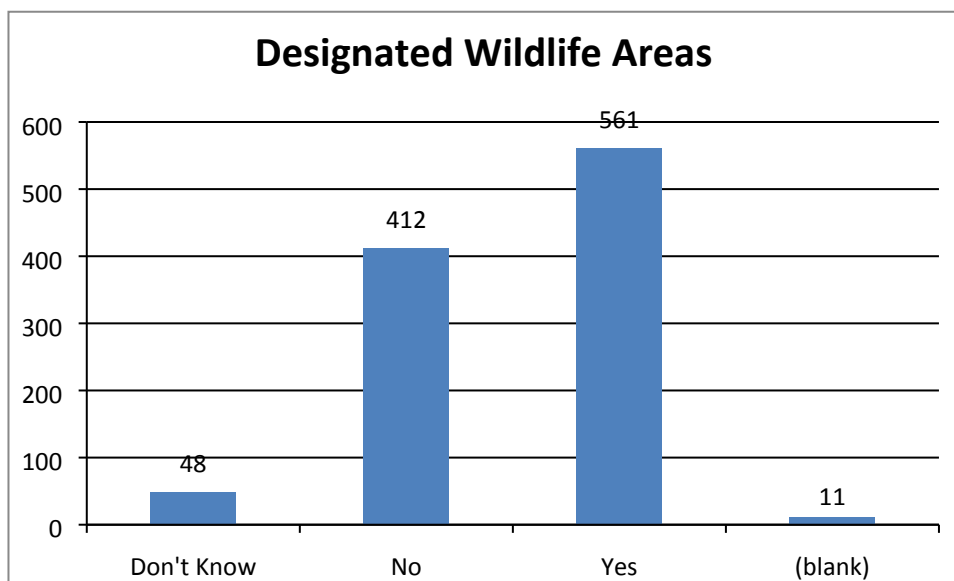
## Observations

The proposal to create this new power which is overwhelmingly supported by respondents provides an immediate threat of action and sanction if the dog owner remains un cooperative and it is anticipated will greatly assist authorised officers in controlling such anti-social behaviour.

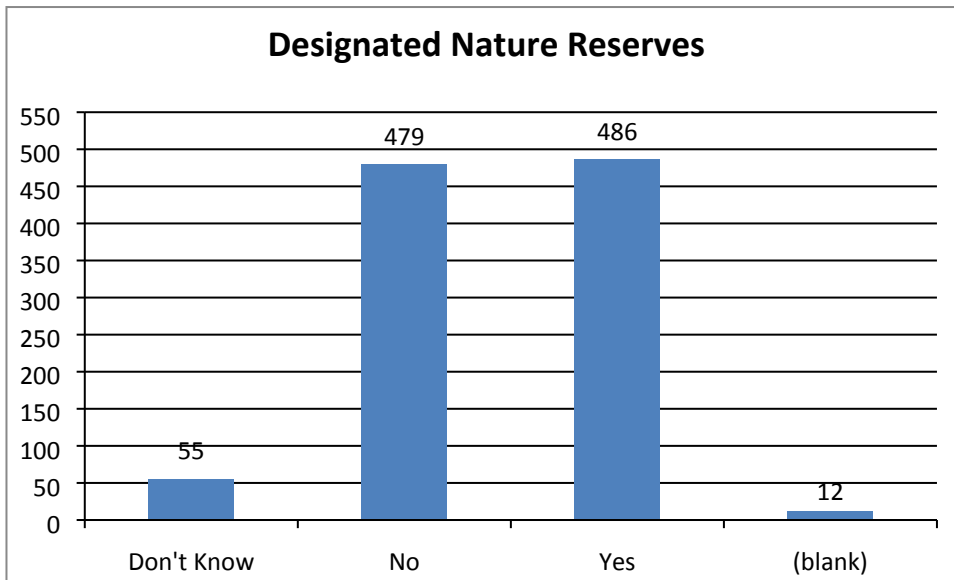
## **Summary of Responses to Consultation Questions for proposed exclusion from the PSPO**

Set out below are the responses to the Consultations questions:

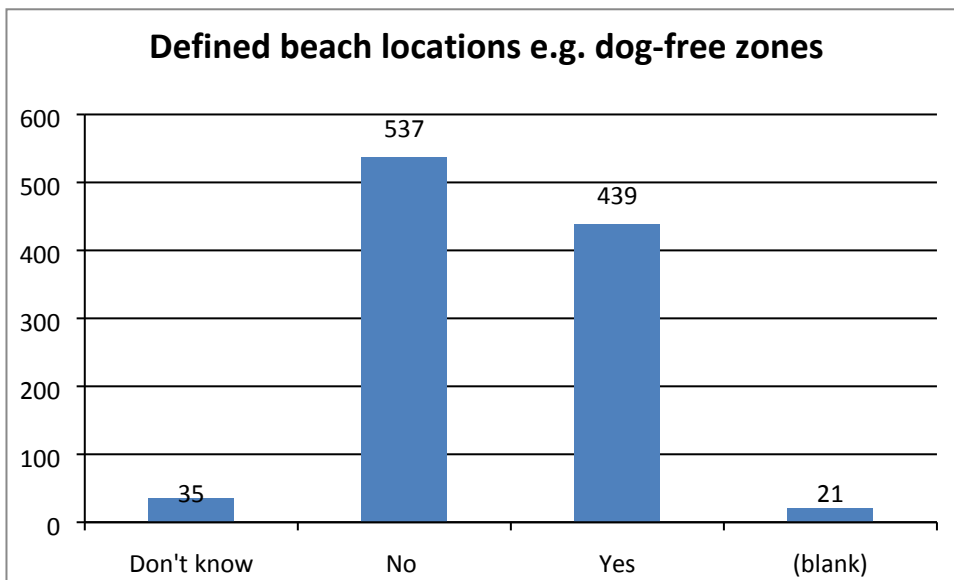
**Would you like to see the introduction of a new control under the public space protection order requiring dogs to be kept on a lead within the following locations?**

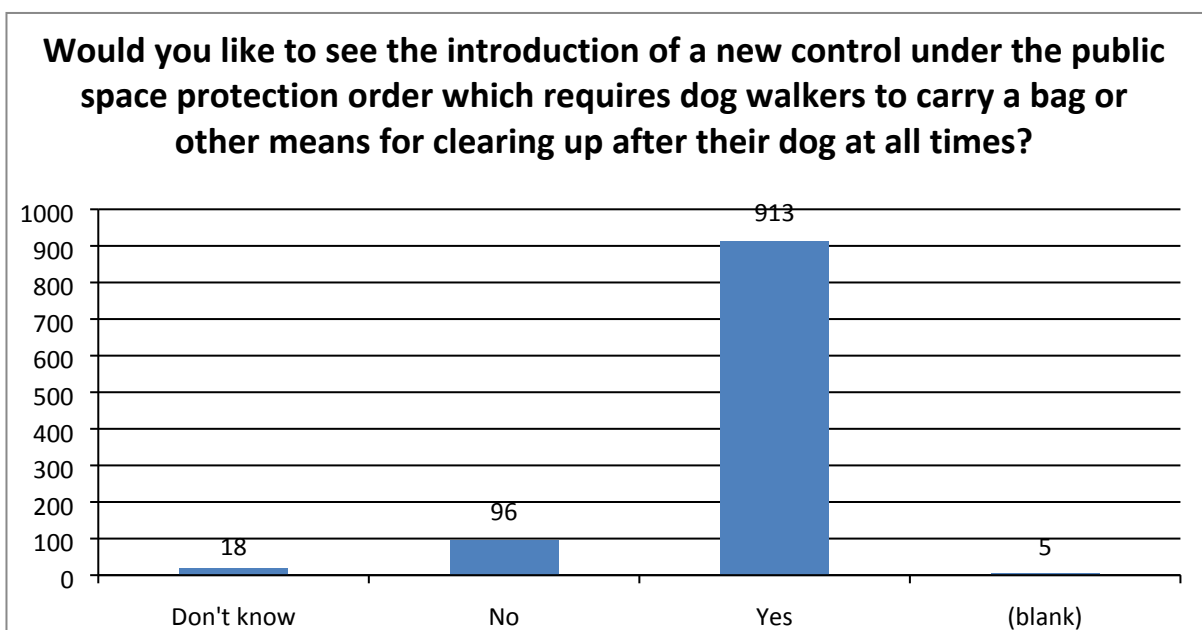
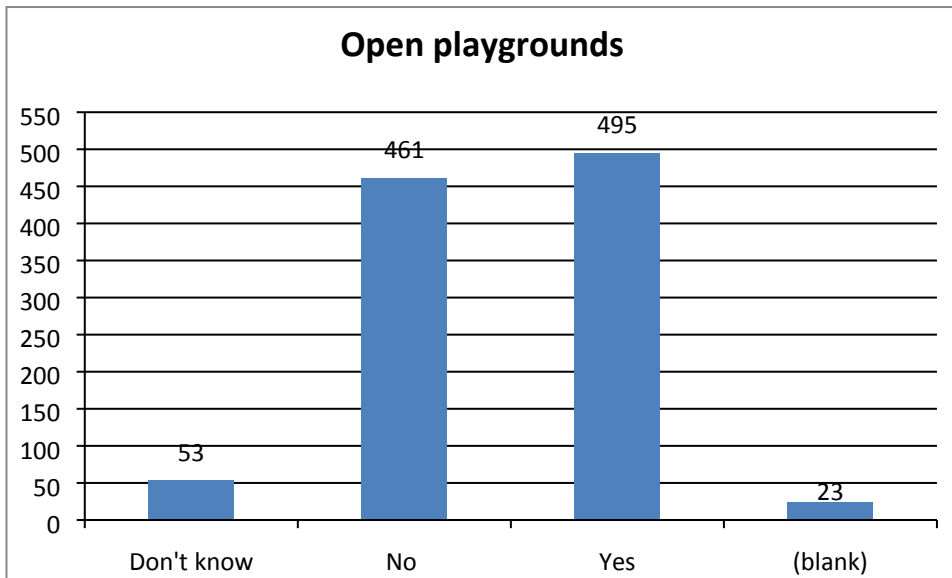


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**Would you like to see the introduction of a new control under the public space protection order to prohibit a dog entering the following areas?**





It is clear from the response to five of the above questions, and the significant comments, correspondence and petition both during the consultation period and subsequently that there is a wide public debate and concern about the potential restrictions of dogs activity in the coastal locations and in particular the Local Nature Reserves. Support for requiring dogs on leads within fenced enclosures is well supported but there is no clear mandate for the other four proposals. Included in the issues raised are the proportionality of the proposed requirement relative to the perceived risk, its legality, the restriction on dog's ability to exercise in open spaces and residents enjoyment of such areas.

Whilst there remains concerns that failure to include these proposals with the PSPO would present an increased likelihood of anti-social behaviour, and that site users may be subject to impact from dogs out of control, acting aggressively, causing alarm, distress or nuisance, disturbing or potentially disturbing animals, wildlife and sensitive habitats or exhibiting threatening behaviour and dog fouling. It is recognised that the



# Agenda Item 9

consultation has identified a level of opposition to these elements of the proposal and that this needs full consideration and should not therefore be included.

The Local bye laws further provide some potential for action, however as identified in this report the only remedy is prosecution which does not have the immediate threat that the option to issue a fixed penalty notice has.

It is considered vital that the proposal to allow an authorised officer to, give a direction to put and keep a dog on a lead if such restraint is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public be included within the proposed PSPO. This will allow Officers to address immediately any issues that they may encounter in the beach location from irresponsible dog walkers.

Proceeding on this basis will give the Council opportunity to monitor the impact upon anti-social activity in these areas (dog related) and feed into any subsequent review.

The results of the remaining question detailed above clearly indicate that majority of responders would support the PSPO addressing the continuing problems of dog fouling across the borough by ensuring dog walkers, have some form of bag or means with them to remove their dogs fouling. However, as the legislation specifies that only *reasonable* requirements may be imposed by a PSPO, the Council must consider whether a requirement for a person in charge of a dog to be able to prove that they have the means to pick up after a dog has fouled is reasonable. The proposed requirement of the PSPO is for the removal of faeces from the land forthwith – that being the case the requirement for a means of removal is already implied. A person could be deemed to have committed an offence purely by the fact that the person in charge of the dog does not have an appropriate receptacle – even though the dog has not fouled. Consideration has been given as to whether this proposal would be proportionate. If a dog has fouled and the person in charge of the dog has picked up and disposed of the faeces and so no longer has an appropriate receptacle and so, in effect the receptacle is no longer available- the person would still have committed an offence. That being the case it is considered that this proposal would be disproportionate-

Further, enforcement officers would have difficulty proving whether a person in charge of a dog had a “receptacle” with them. The term “receptacle” is wide ranging and open to wide interpretation. It is envisaged that there would be difficulties in enforcing this proposal and it is therefore recommended that the requirement for a person in charge of a dog to be able to have an appropriate receptacle with them to remove faeces should not be included in the proposed PSPO as it would be an unreasonable and disproportionate requirement under the legislation.

## Summary / Conclusion

It is proposed that the following requirements / restrictions summarised below are included within the proposed PSPO- Dog Control

- Continue with the offence of not removing dog's fouling forthwith.
- Restrict the number of dogs that can be walked by one person to a maximum of 6.
- Prohibits dogs from entering enclosed playgrounds.
- Prohibit dogs from entering marked or fenced sports pitches during specified periods.
- Dogs to be kept on a lead within defined picnic sites & family areas.
- Dogs to be kept on a lead within all public roads and footways.
- Dogs to be kept on a lead within all cemeteries and crematoria.
- Dogs to be placed on a lead when directed by an authorised officer to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public.

Following the outcome of the consultation it is proposed that the following restrictions / requirements summarised below are not included within the proposed PSPO – dog control

- Prohibiting dogs from open playgrounds.
- Dogs to be kept on leads in designated wildlife areas.
- Dogs to be kept on leads in designated nature reserves.
- Prohibiting dogs from designated beach areas – 'dog free zones', (except for existing Dog Free Zones under current bylaws).
- Dogs to be kept on leads within fenced conservation areas when livestock are present.
- Persons in charge of a dog to have a receptacle with them to remove dog fouling

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The proposed order maintains a balance between necessary control to address unreasonable anti-social behaviour that is or is likely to have a detrimental effect on the quality of life of those in the locality and takes into full consideration the outcome of the consultation and views expressed by its respondents.

The Council has sought to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.

## Sefton Metropolitan Borough Council

### Public Spaces Protection Order

#### Dog Control

#### Anti-social Behaviour, Crime and Policing Act 2014, Part 4

Sefton Metropolitan Borough Council in exercise of the powers conferred on it by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 makes the following Order —

#### 1. Citation

This Order may be cited as the **Sefton MBC Public Spaces Protection Order [Dog Control]** and for the purposes of any enforcement proceedings, Notices, documents or correspondence the short title **Dog Control Order** may be given.

#### 2. Interpretation

- (1) In this Order the expressions "the Authority" or "the Council" shall mean Sefton MBC whose principal offices are Magdalen House, 30 Trinity Road, Bootle, L20 3NJ.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").
- (3) For the purposes of this Order a person who habitually has a dog in his/her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- (4) Any reference in the Schedules to this Order to "prescribed charity" shall mean any of the following charities —
  - (a) **Dogs for the Disabled** (registered charity number 1092960);
  - (b) **Support Dogs** (registered charity number 1088281);
  - (c) **Canine Partners for Independence** (registered charity number 803680);
  - (d) **Dog A.I.D.** (registered charity number 1098619);
  - (e) **Dogs for Good** (registered charity number 1092960);
  - (f) **Guide Dogs** (registered charity number 209617); and
  - (g) **Hearing Dogs for Deaf People** (registered charity number 293358).

#### 3. Effect

- (1) This Order shall come into force on **xxxxxxx**
- (2) This Order is made as the Council is satisfied on reasonable grounds that the two conditions prescribed by section 59(2) and (3) of the Act have been met, namely:
  - (a) **The first condition:**

# Agenda Item 9

(i) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality ("the Activities"); or

[ii] It is likely that activities will be carried on in a public place within the Authority's area ("the Activities") and that they will have a detrimental effect on the quality of life of those in the locality;

and such Activities are set out in the respective Schedules to this Order

(b) **The second condition:**

The effect, or likely effect, of the Activities —

(i) is, or is likely to be, of a persistent or continuing nature,

(ii) is, or is likely to be, such as to make the activities unreasonable, and

(iii) justifies the restrictions imposed by this Order.

(3) This Order relates to each public place referred to in **Schedules 1, 2, 3, 4 and 5** to this Order ("the Restricted Areas") together with such other Schedules as may be included under any variation of the Order from time to time and —

(a) prohibits specified things from being done in the Restricted Area ("the Restrictions") as may be set out in the Schedules,

(b) requires specified things to be done by persons carrying on the Activities in the Restricted Area ("the Requirements"), or

(c) does both of those things.

## 4. Requirement to provide name and address

(1) For the purposes of enforcing the provisions of this Order any person who appears to a duly authorised officer of the Authority or to a Police Officer to be in charge of any dog to which the provisions of this Order apply shall confirm their full name, address and date of birth upon any request having been made in that respect whether verbally or in writing by any such officer and within such time as may be stipulated by that officer.

## 5. Offence of failing to comply with this Order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that a person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to the Order,
- (4) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

## **6. Duration of Order**

- (1) This Order will remain in force for the period of **3 years** from the date that it comes into force specified in paragraph 3(1).
- (2) Before the time when this Order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent —
  - (a) an occurrence or recurrence after that time of the Activities, or
  - (b) an increase in the frequency or seriousness of the Activities after that time.
- (3) The Order may be so extended more than once.

## **7. Variation and discharge of the Order**

- (1) The Council may vary this Order —
  - (a) by increasing or reducing the Restricted Areas;
  - (b) by altering or removing a prohibition or requirement included in the Order, or adding a new one.
- (2) Where the Council considers it appropriate to do so the Order may be discharged by the Council before the end of the period that the Order may remain in force specified in paragraph 5(1).

## **8. Challenging the validity of the Order**

- (1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely —
  - (a) that the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
  - (b) that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the Order of variation.



# Agenda Item 9

Dated this      day of

The Common Seal of the **Sefton Metropolitan Borough Council**

was hereunto affixed in the presence of -

.....

Duly Authorised Officer

## SCHEDULE 1

### The fouling of land by dogs

#### 1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

#### 2. The Requirements

- (1) If a dog defecates at any time on land to which this Schedule applies a person who is in charge of that dog shall remove the faeces from the land forthwith **unless** —
  - (a) that person has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land **has consented (generally or specifically) to his/her failing to do so.**

#### 3 Exemptions

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

For the purposes of this Schedule —

- (a) placing faeces in a receptacle on the land which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

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## SCHEDULE 2

### The exclusion of dogs from land

#### 1. The Restricted Areas

- (1) All enclosed children's playgrounds and all fenced sports pitches including multi use game sports facilities including bowling greens within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.
- (2) All marked sports pitches within the Metropolitan Borough of Sefton within defined dates which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

#### 2. The Restrictions

- (1) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraph 1(1) of this Schedule at any time;
- (2) A person in charge of a dog shall not take the dog, nor shall allow the dog to enter and to remain, on any land described in paragraphs 1(2) of this Schedule at any time from

Football or Rugby pitches from **01 September** to **31st May** inclusive

Cricket pitches from **01 April** to **30<sup>th</sup> September** inclusive

**unless** in the case of either of the restrictions described under paragraphs 2(1) and 2(2) respectively of this Schedule —

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.

#### 3. Exemptions

The offence does not apply to a person who

- (a) is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

## SCHEDULE 3

### Dogs on leads

#### 1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is used as a memorial, burial ground, cemetery or garden of remembrance together with any forecourt, terrace, yard or walkway providing access, and together with adjoining verges, landscaped areas and gardens.
- (2) Any land within the Metropolitan Borough of Sefton which is a designated carriageway (A or B classified roads) together with the adjoining footpaths and verges of such carriageways.
- (3) Any Land with the Metropolitan Borough of Sefton which is a designated Picnic Area or family area

#### 2. The Requirements

- (1) A person in charge of a dog shall at all times keep the dog on a lead of not more than 2.0 metres in length unless:
  - (a) that person has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.

#### 3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

#### 4. Definition of a lead

For the purposes of this Schedule the definition of a lead is

Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

# Agenda Item 9

## SCHEDULE 4

### Dogs on leads by direction

#### 1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

#### 2. The Requirements

- (1) A person in charge of a dog shall comply with a direction given to him by an authorised officer or agent of the Council or by a police officer to put and keep the dog on a lead of not more than 2.0 metres in length unless —
  - (a) that person has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
- (2) For the purposes of this Schedule an authorised person may only give a direction under this Schedule to put and keep a dog on a lead if such restraint is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to the public on any land to which this Schedule applies and the behaviour would have a detrimental effect on the quality of life of the public.

#### 3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
- (b) is deaf, in respect of a dog trained by **Hearing Dogs for Deaf People** (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

#### 5. Definition of a lead

For the purposes of this Schedule the definition of a lead is

Any rope, cord, leash, or similar items used to tether control or restrain a dog but does not include any such item which is not actively used as a means of restraint so that the dog remains under a persons close control.

## SCHEDULE 5

### Number of dogs walked by an individual

#### 1. The Restricted Areas

- (1) Any land within the Metropolitan Borough of Sefton which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side.

#### 2. The Requirements

- (1) A person in charge of a dog on land to which this order applies must restrict the number of dogs that can be walked by a single individual to six dogs unless
  - (a) they have reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

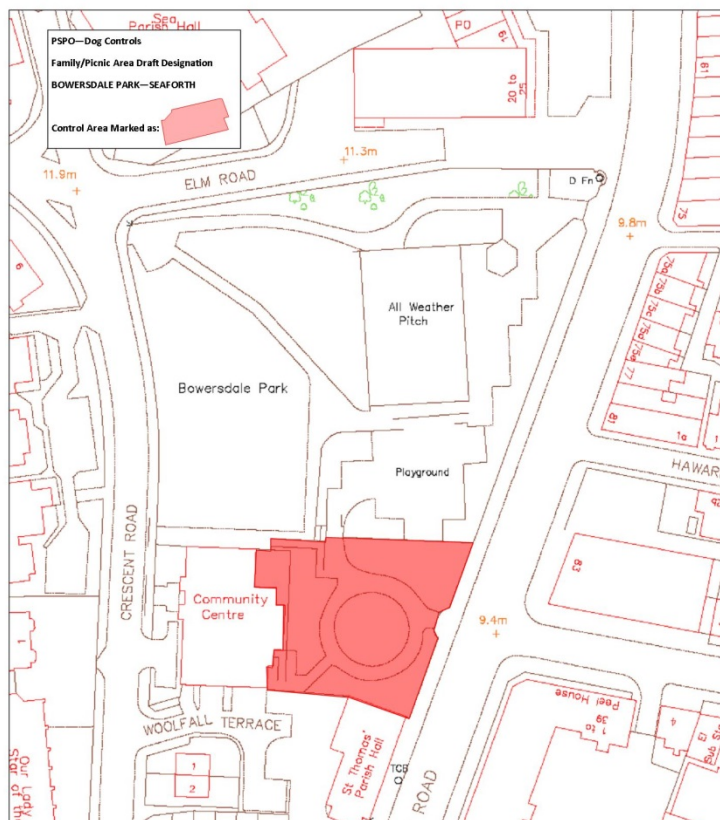
#### 3. Exemptions

The offence does not apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1949; or
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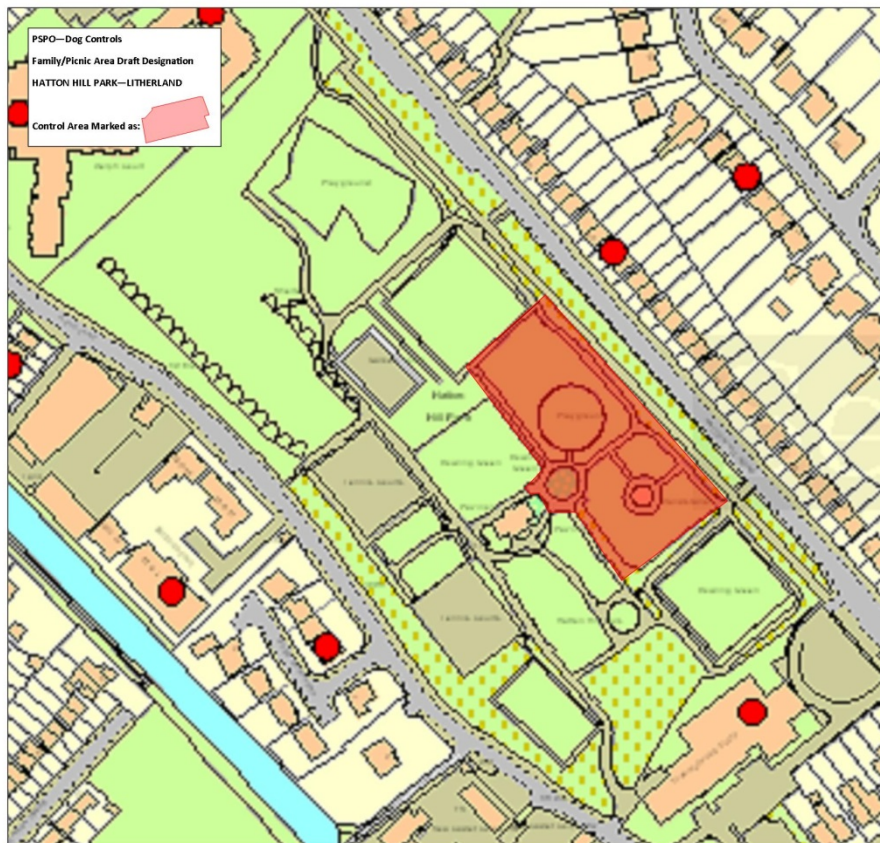
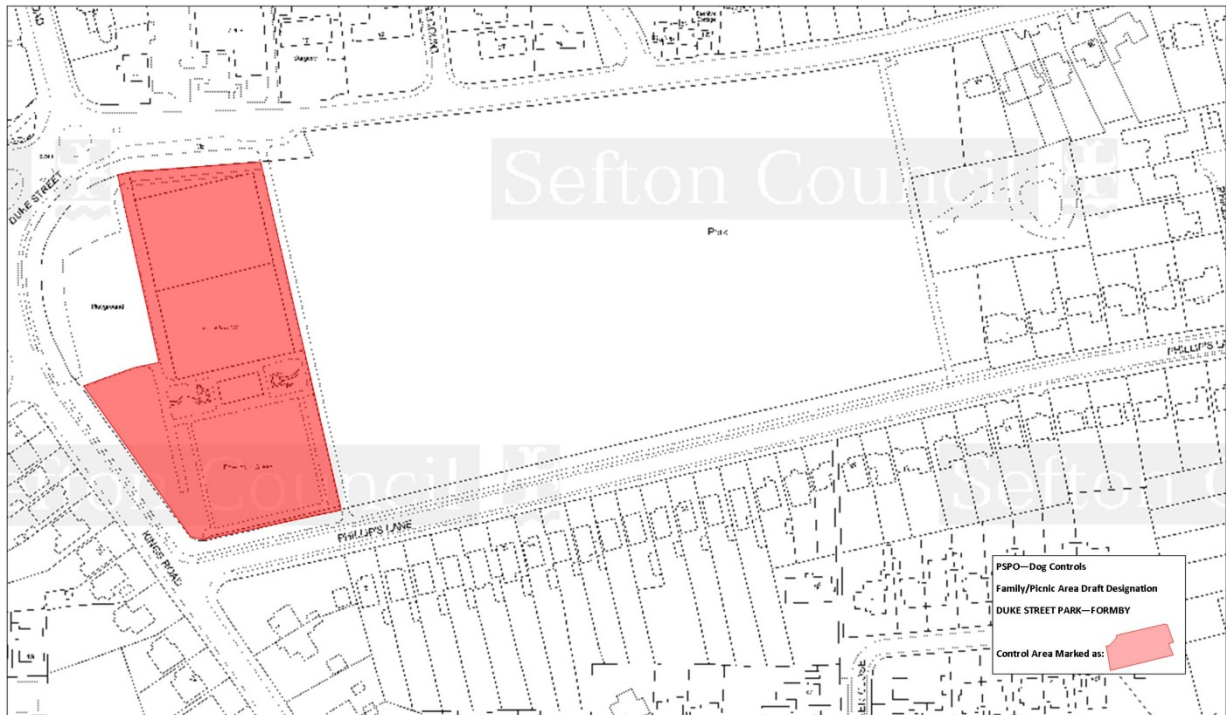


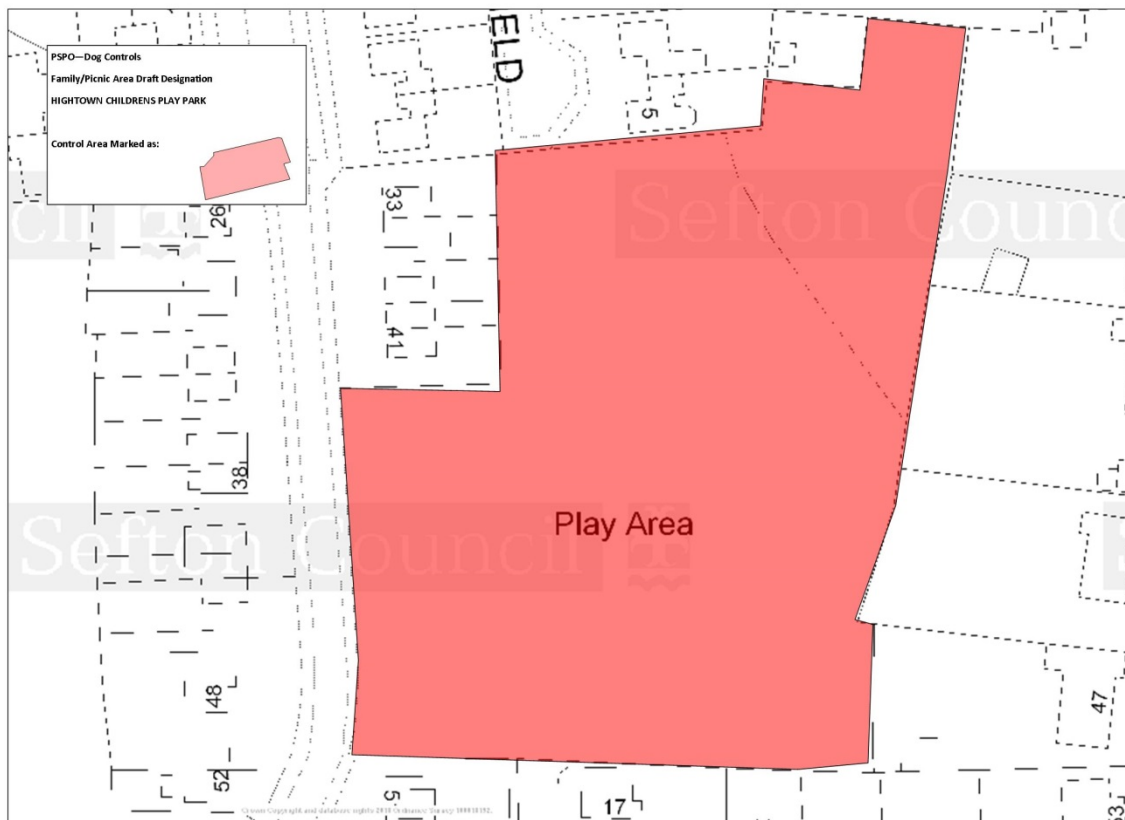
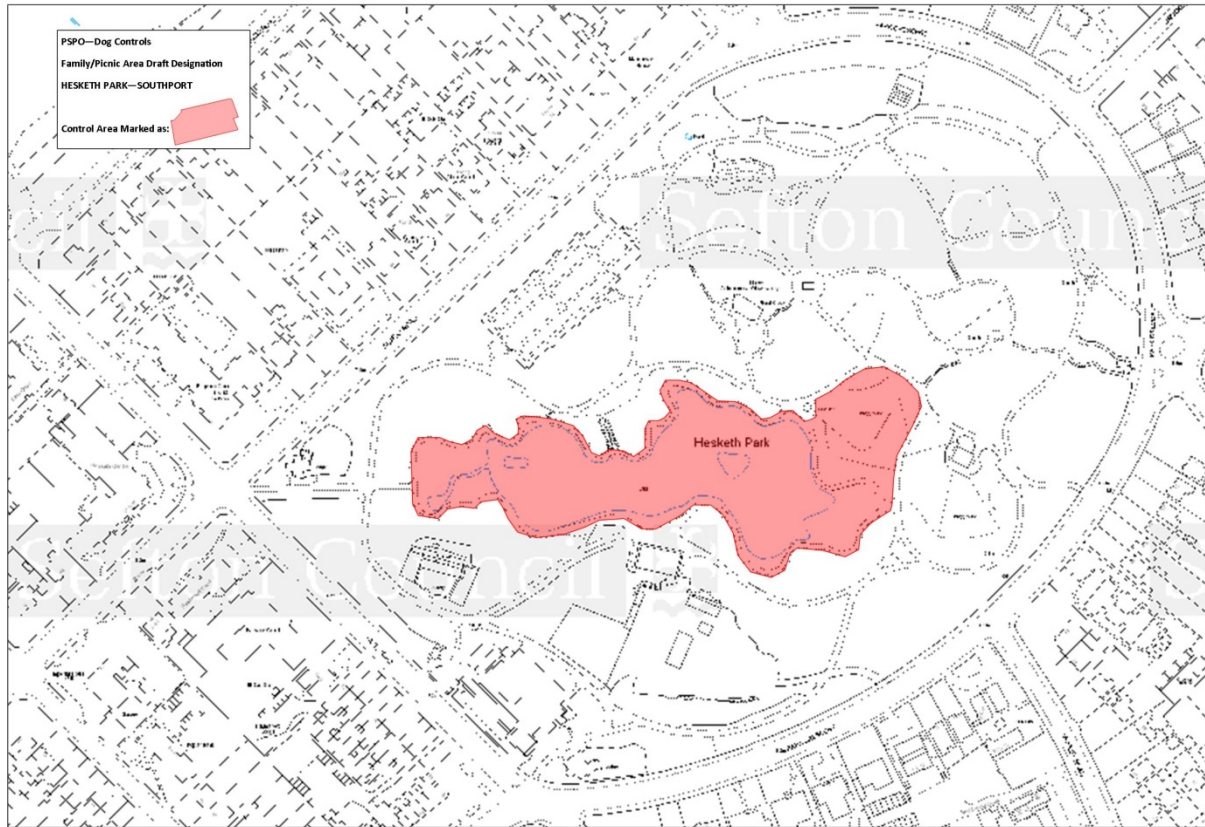






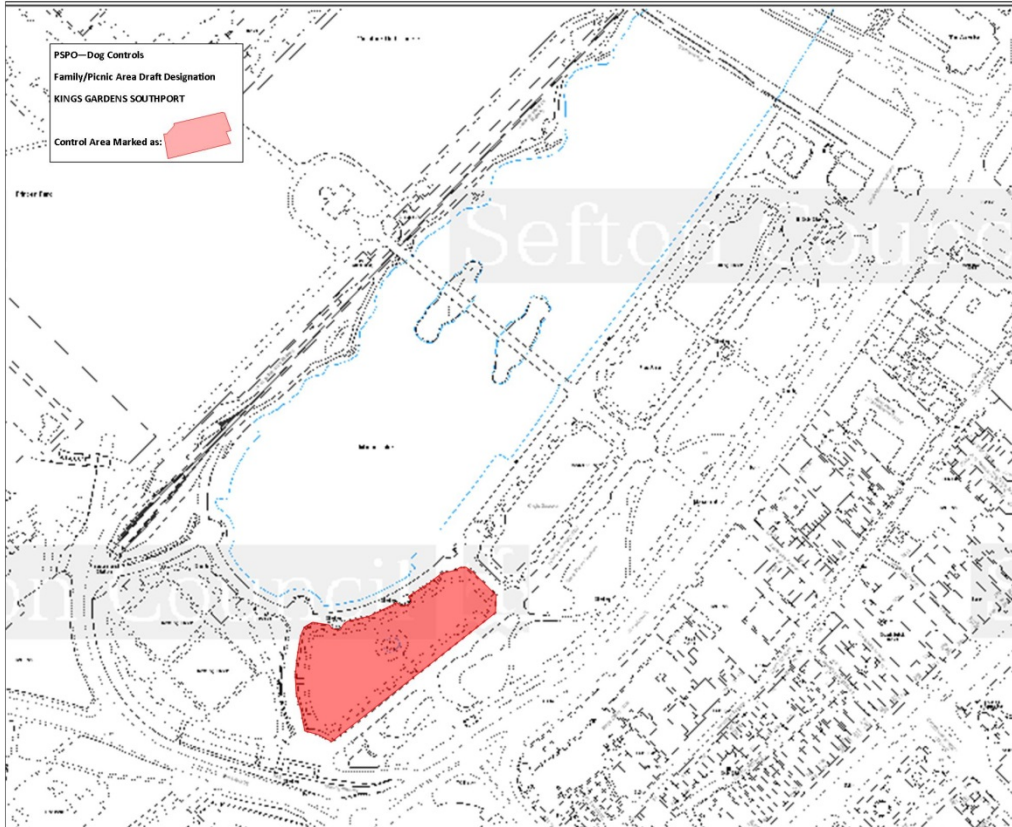
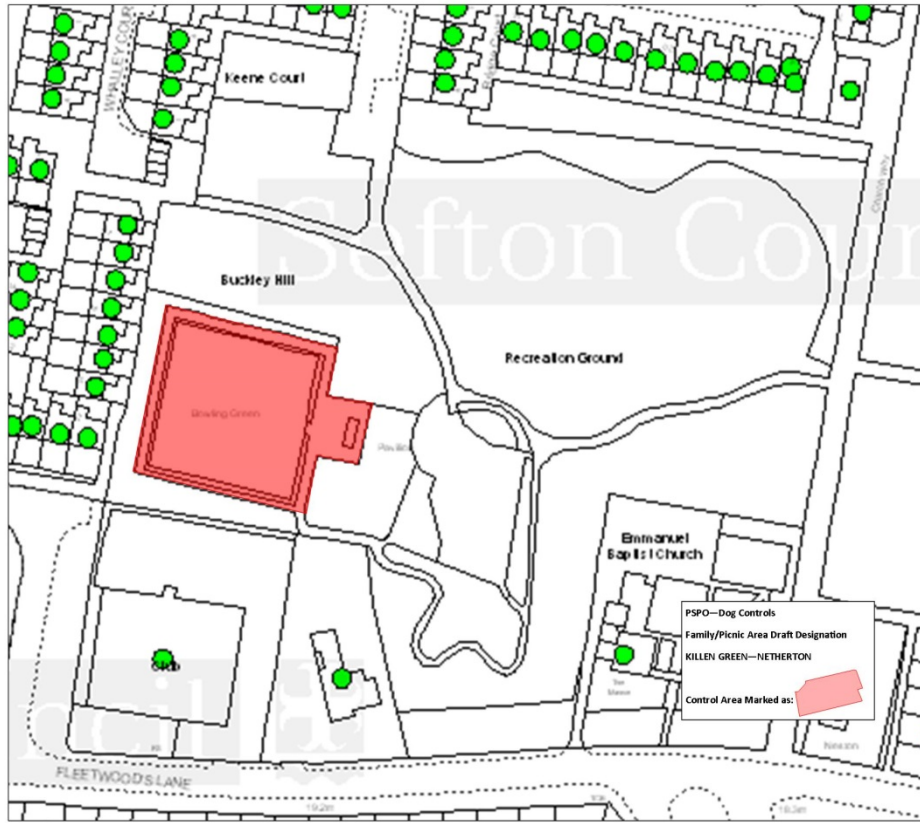
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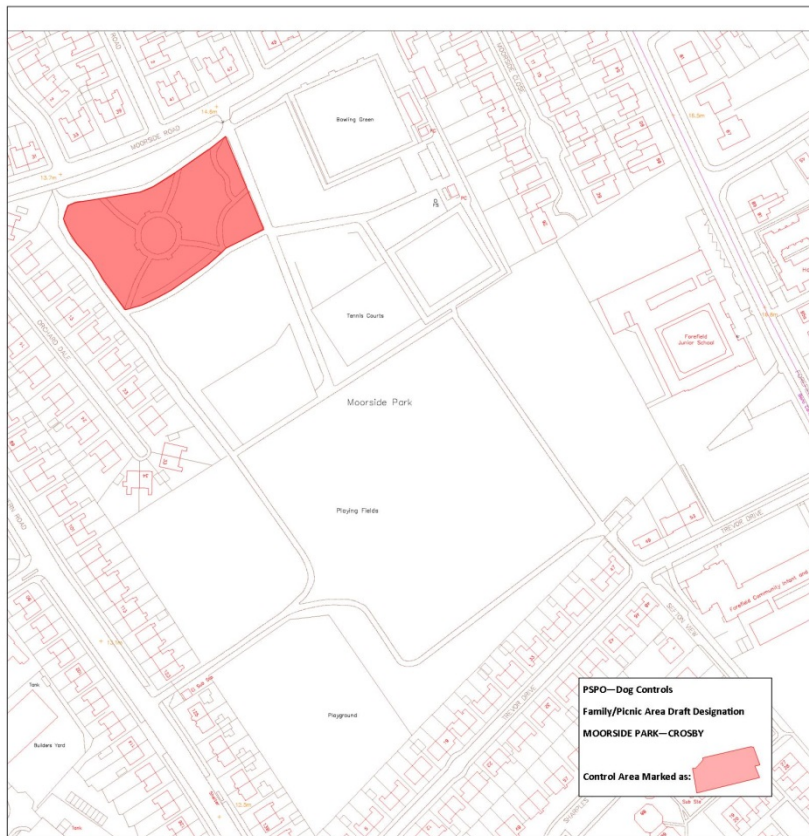
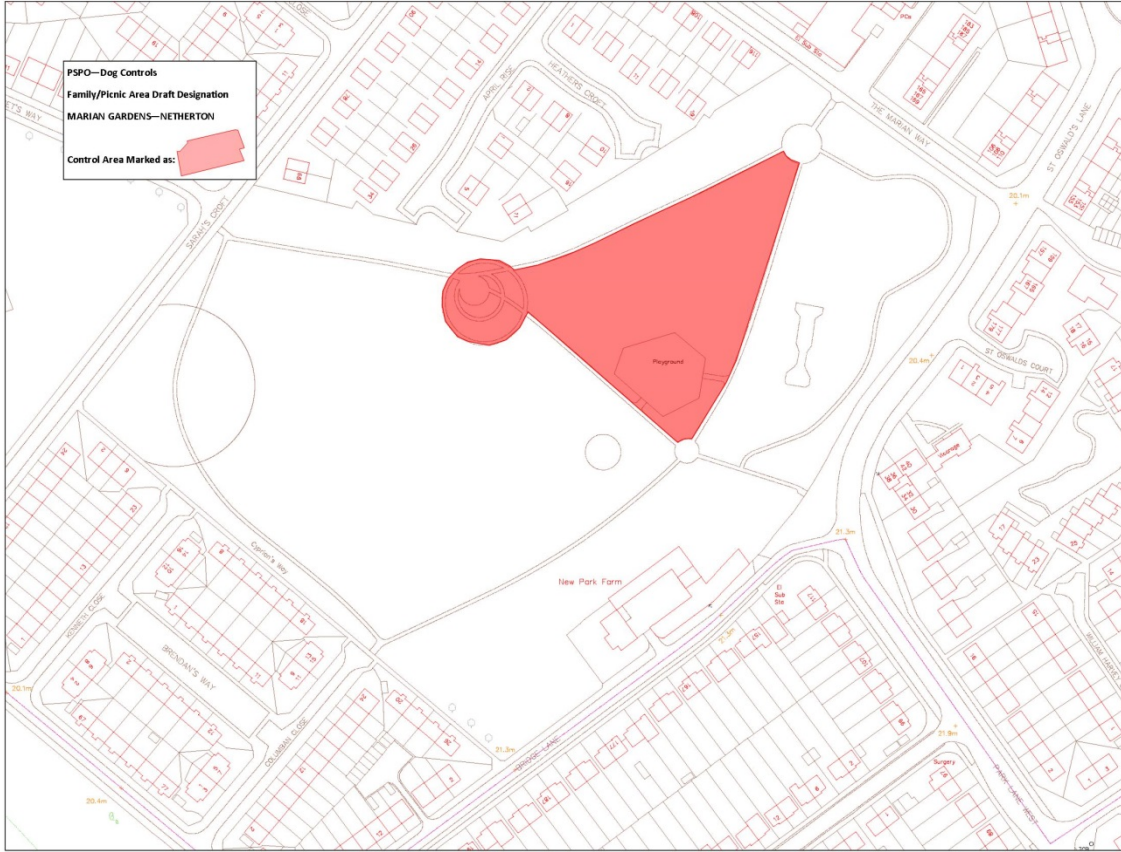






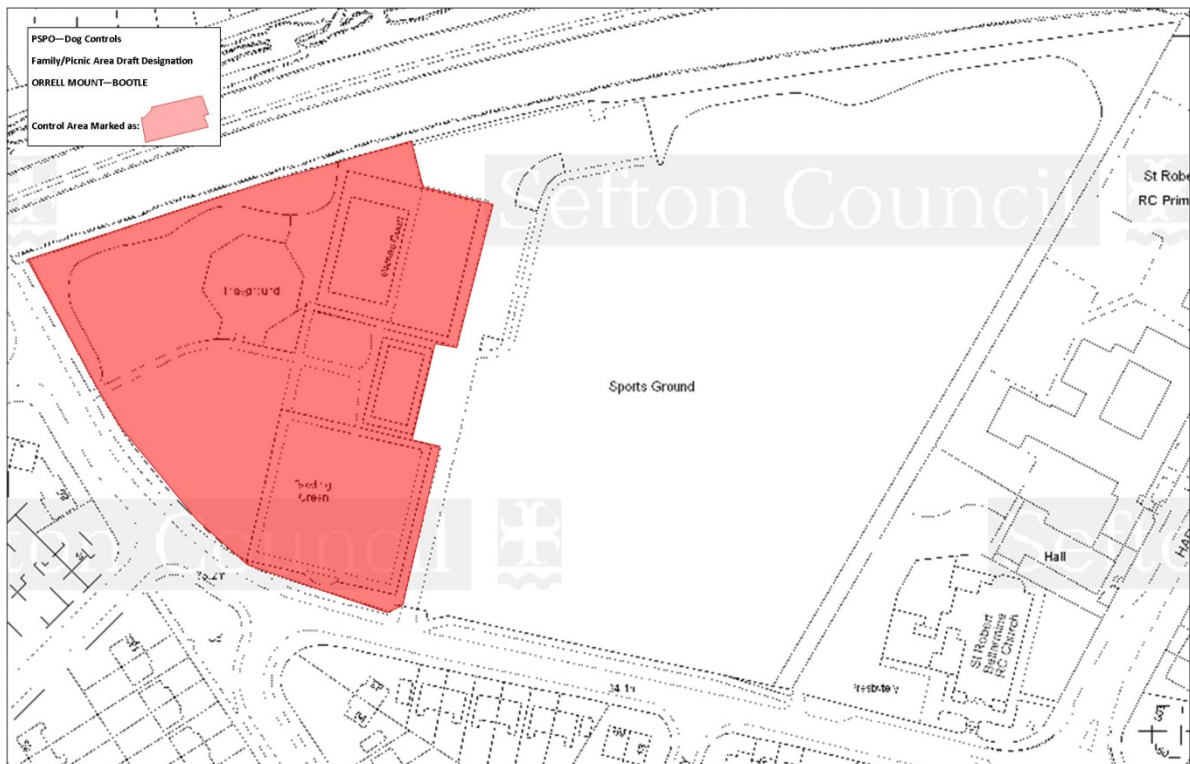
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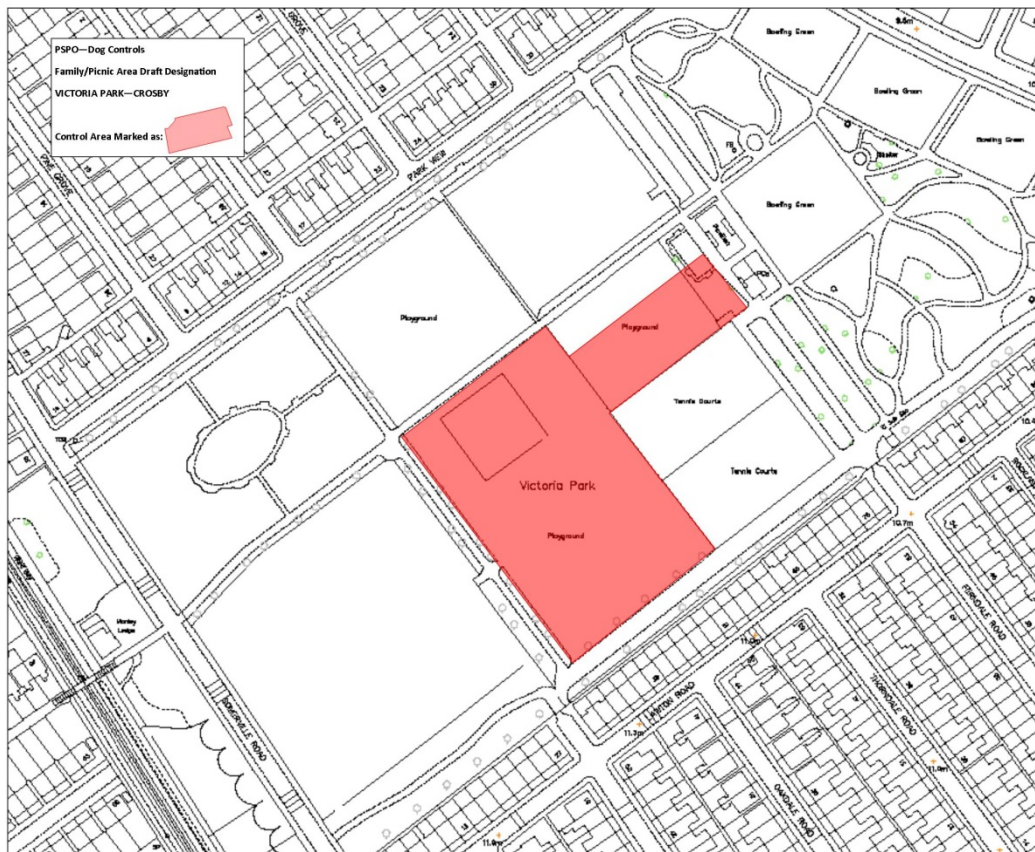
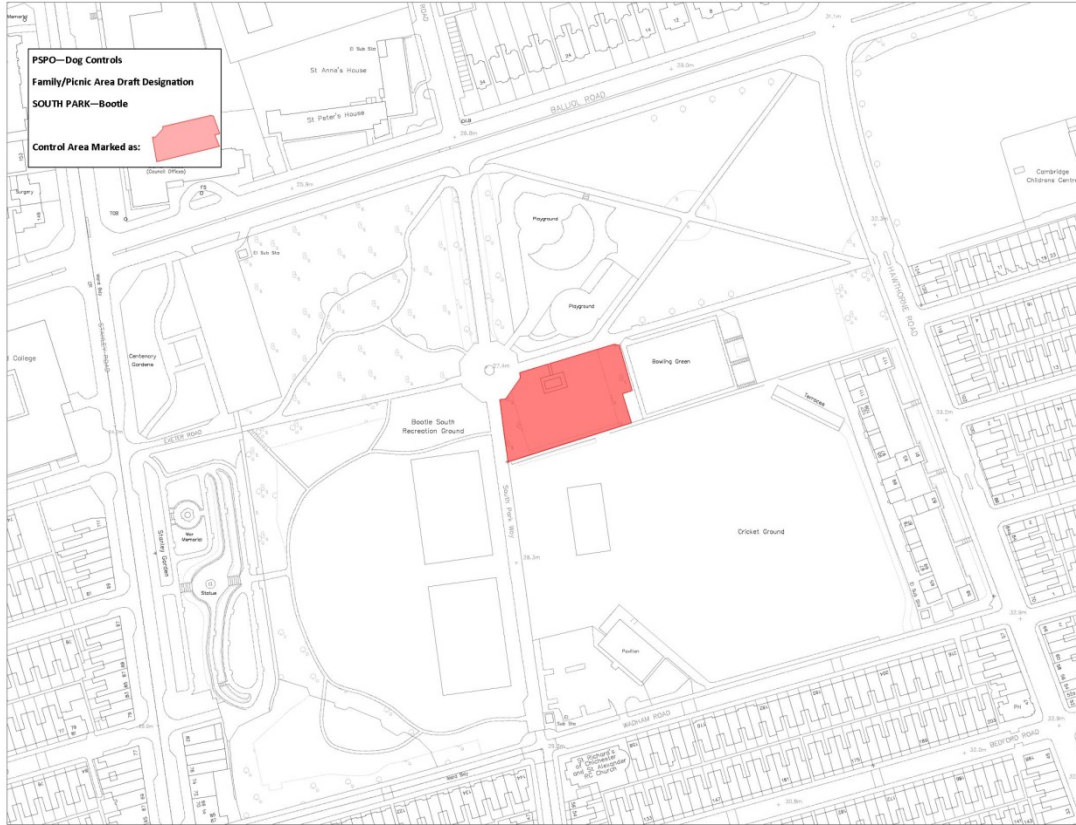






# Agenda Item 9





Sefton Council Proposed Public Spaces Protection Order 2017				
Parks Sites Proposed for Dog Controls				
<b>MARKED SPORTS PITCHES</b>				
<b>DEFINITION: 'Perimeter of marked pitch is identified, clearly marked and defined by a sprayed or painted white line'].</b>				
<b>DATES ACTIVE: Football and rugby pitches will be marked and in use from 1st September until 31st May every year. Cricket outfields will be marked and in use from April 1st until September 30<sup>th</sup> every year. A list of sites in use will be issued each year to define those sites that will be subject to PSPO controls. When not in use the PSPO controls will not be enforced. Only the area of the marked pitch will be subject to the PSPO controls, and only within the stated dates.</b>				
Site	Postcode	Type	Proposed Dog Controls	Notes
Bedford Park	PR8 4HU	Marked Pitches in Park	Exclusion When Marked	
Bootle Stadium	L20 9PQ	Playing Fields Marked Pitches	Exclusion When Marked	
Brook Vale Playing Fields	L22 3YB	Playing Fields Marked Pitches	Exclusion When Marked	
Buckley Hill Platying Fields	L29 1YB	Playing Fields Marked Pitches	Exclusion When Marked	
Carr Lane Recreation Ground	PR8 3EF	Playing Fields Marked Pitches	Exclusion When Marked	
Chaffers Playing Field	L22 4RN	Playing Fields Marked Pitches	Exclusion When Marked	
Crossens Community Park	PR9 8HT	Marked Football Pitch and Cricket Outfield	Exclusion When Marked	NB the Cricket Square is under the terms of a lease with New victoria Cricket Club
Deansgate Lane	L37 7EP	Marked Pitches in Park	Exclusion When Marked	
Tarleton Road Recreation Ground	PR9 7QW	Playing Fields Marked Pitches	Exclusion When Marked	
Duke Street Park	L37 4AN	Marked Pitches in Park	Exclusion When Marked	
Ferryside Lane Recreation Ground	PR9 9YL	Playing Fields Marked Pitches	Exclusion When Marked	
Litherland Sports Park	L21 7QZ	Playing Fields Marked Pitches	Exclusion When Marked	Site Managed by Leisure Centre (Active Sefton)
Meols Park Recreation Ground	PR8 5HL	Marked Pitches in Park	Exclusion When Marked	
Netherton Activity Centre	L30 3TL	Playing Fields Marked Pitches	Exclusion When Marked	Site Managed by Leisure Centre (Active Sefton)
Orrel Mount Park	L20 6DX	Marked Pitches in Park	Exclusion When Marked	
Portland Street Playing Fields	PR8 6LX	Playing Fields Marked Pitches	Exclusion When Marked	

Russell Road Recreation Ground	PR9 7RF	Leased Playing Fields	According to Legal Status as Leased Site	NB This whole site is currently self-managed by a user group who are seeking a lease agreement for the site - Parks & Greenspaces do not currently manage the site in any way
Sandbrook Road	PR8 3RQ	Playing Fields Marked Pitches	Exclusion When Marked	
Smithy Green	L37 3JZ	Playing Fields Marked Pitches	Exclusion When Marked	
Stuart Road Playing Fields	L20 9EW	School Marked Pitches	Exclusion When Marked	Site Managed by Schools & Family Service
Waterloo Road Recreation Ground	PR8 4QW	Playing Fields Marked Pitches	Exclusion When Marked	Rugby Pitches
<b>BOWLING GREENS</b>				
<b>Site</b>	<b>Postcode</b>	<b>Type</b>	<b>Proposed Dog Control</b>	<b>Notes</b>
Crossens Recreation Ground	PR9 8HT	Bowling Green	NOT APPLICABLE	NB - This site is currently self-managed by a user group who are seeking a lease agreement for the site
Botanic Gardens	PR9 7NB	Bowling Green	Exclusion All Year Round	NB - Bowling greens are not fenced off
Canning Road	PR9 7SP	Bowling Green	NOT APPLICABLE	NB This site is currently self managed by a user group who are seeking a lease agreement for the site
Victoria Park, Southport	PR8 2BZ	Bowling Green	NOT APPLICABLE	NB Leased to Southport Flower Show
Kings Gardens Southport	PR8 1PQ	Bowling Green	Exclusion All Year Round	NB These greens are not fenced-off
Sandbrook Road, Ainsdale	PR8 3RQ	Leased to Club	NOT APPLICABLE	Greens Managed and Leased to Club
Duke Street Park, Formby	L37 4AN	Bowling Green	Exclusion All Year Round	
Moorside Park, Crosby	L23 2RT	Bowling Green	Exclusion All Year Round	
Coronation Park, Crosby	L23 5RD	Bowling Green	Exclusion All Year Round	
Hatton Hill Park, Litherland	L21 9JN	Bowling Green	Exclusion All Year Round	
Derby Park, Bootle	L20 9AA	Bowling Green	Exclusion All Year Round	
Crescent Bowls Moss Lane	L20 0EA	Bowling Green	NOT APPLICABLE	Greens Managed and Leased to Club
<b>Fenced Off Childrens Playgrounds/Ball Courts/Multi Use Games Areas (MUGAs). PSPO Control=exclusion of dogs all year round.</b>				
<b>Site</b>		<b>Type</b>	<b>Proposed Dog Control</b>	<b>Notes</b>
Abbeyfield Park	L30 1PF	Childrens Playground	Exclusion All Year Round	
Ainsdale Village Park	PR8 3BQ	Childrens Playground	Exclusion All Year Round	
Alt Road	L37 6DQ	Childrens Playground	Exclusion All Year Round	
Amos Square	L21 7OD	Childrens Playground	Exclusion All Year Round	
Barkfield Lane	L37 3JW	Childrens Playground	Exclusion All Year Round	

Bedford Park	PR8 4HU	Childrens Playground	Exclusion All Year Round	
Botanic Gardens	PR9 7NB	Childrens Playground	Exclusion All Year Round	
Bowersdale Park	L21 3TX	MUGA	Exclusion All Year Round	
Bowersdale Park	L21 3TX	Childrens Playground	Exclusion All Year Round	
Canning Road	PR9 7SP	Childrens Playground	Exclusion All Year Round	
Compton Road	PR8 4HA	Childrens Playground	Exclusion All Year Round	
Copy Farm	L30 7RN	Childrens Playground	Exclusion All Year Round	
Coronation Park	L23 5RD	Playbuilder Facility (Fenced)	Exclusion All Year Round	Within the park's fenced-off childrens' playground
Coronation Park	L23 5RD	Childrens Playground	Exclusion All Year Round	
Coronation Park	L23 5RD	Ball Court (Tennis)	Exclusion All Year Round	
Coronation Park Basket Ball	L23 5RD	Ball Court (Basketball)	Exclusion All Year Round	
Crosby Coastal Park	L22 5SR	Childrens Playground	Exclusion All Year Round	
Crossens Community Park	PR9 8HT	Childrens Playground	Exclusion All Year Round	
Deansgate Lane	L37 7EP	MUGA	Exclusion All Year Round	
Derby Park	L20 9AA	MUGA	Exclusion All Year Round	
Derby Park	L20 9AA	Childrens Playground	Exclusion All Year Round	
Devonshire Road Park	PR9 7BZ	Childrens Playground	Exclusion All Year Round	
Duke Street Park, Formby	L37 4AN	MUGA	Exclusion All Year Round	
Duke Street Park, Formby	L37 4AN	Playbuilder Facility (Fenced)	Exclusion All Year Round	Within the park's fenced-off childrens' playground
Duke Street Park, Formby	L37 4AN	Ball Court (Tennis)	Exclusion All Year Round	
Duke Street Park, Formby	L37 4AN	Childrens Playground	Exclusion All Year Round	
Embryo - Skate Park (North Park)	L20 5BY	Skate Park	Exclusion All Year Round	Whole site is a skate park
Fernbank Drive	L30 7RH	Childrens Playground	Exclusion All Year Round	
Fleetwood Road	PR9 7QN	Childrens Playground	Exclusion All Year Round	
Hapsford Road Park	L21 6NP	Childrens Playground	Exclusion All Year Round	
Hatton Hill Park	L21 9JN	MUGA	Exclusion All Year Round	
Hatton Hill Park	L21 9JN	Playbuilder Facility (Fenced)	Exclusion All Year Round	
Hatton Hill Park	L21 9JN	Childrens Playground	Exclusion All Year Round	



Hesketh Park	PR9 9LB	Childrens Playground	Exclusion All Year Round	
Hexham Close	L30 1BD	Childrens Playground	Exclusion All Year Round	
Hightown Childrens Park	L38 9EX	Childrens Playground	Exclusion All Year Round	
Killen Green	L30 0PF	Childrens Playground	Exclusion All Year Round	
Kings Gardens, Southport	PR8 1PQ	Childrens Playground	Exclusion All Year Round	
Kings Gardens, Southport (Toddlers')	PR8 1PQ	Childrens Playground	Exclusion All Year Round	
Krater - Skate Park	PR8 1SQ	Skate Park	Exclusion All Year Round	
Lonsdale Road	L21 0DS	Childrens Playground	Exclusion All Year Round	
Marian Gardens	L30 3SW	Childrens Playground	Exclusion All Year Round	
Menai Road Park	L20 6PG	Childrens Playground	Exclusion All Year Round	
Meols Park Recreation Ground	PR8 5HL	Childrens Playground	Exclusion All Year Round	
Moorside Park	L23 2RT	MUGA/Ball Court	Exclusion All Year Round	
Moorside Park	L23 2RT	Childrens Playground	Exclusion All Year Round	
North Park	L20 5BY	MUGA	Exclusion All Year Round	
North Park	L20 5BY	Childrens Playground	Exclusion All Year Round	
Old Hall Park	L31 3DY	Childrens Playground	Exclusion All Year Round	
Ollery Green	L30 8RU	Childrens Playground	Exclusion All Year Round	
Orrell Mount Park	L20 6DX	MUGA	Exclusion All Year Round	
Orrell Mount Park	L20 6DX	Childrens Playground	Exclusion All Year Round	
Ovington Drive	PR8 6JW	Childrens Playground	Exclusion All Year Round	
Pinfold Lane	PR8 3QH	Childrens Playground	Exclusion All Year Round	
Poets Park (Toddler)	L20 4SE	Childrens Playground	Exclusion All Year Round	
Poets Park	L20 4SE	Childrens Playground	Exclusion All Year Round	
Poets Park	L20 4SE	MUGA	Exclusion All Year Round	
Potters Barn Park	L22 1RO	MUGA/Ball Court	Exclusion All Year Round	
Potters Barn Park	L22 1RO	Skate Park	Exclusion All Year Round	Within Park
Rainbow Drive Park	L31 1BW	Childrens Playground	Exclusion All Year Round	
Runnells Lane	L23 1UH	MUGA	Exclusion All Year Round	
Sandbrook Road	PR8 3RQ	MUGA	Exclusion All Year Round	



Sandbrook Road	PR8 3RQ	Childrens Playground	Exclusion All Year Round	
Smithy Green	L37 3JZ	Childrens Playground	Exclusion All Year Round	
South Park	L20 7DA	MUGA	Exclusion All Year Round	
South Park	L20 7DA	Childrens Playground	Exclusion All Year Round	
South Park (Toddler)	L20 7DA	Childrens Playground	Exclusion All Year Round	
Town Lane	PR8 6NJ	Childrens Playground	Exclusion All Year Round	
Victoria Park, Crosby	L22 2AP	MUGA/Ball Court	Exclusion All Year Round	
Victoria Park, Crosby	L22 2AP	Childrens Playground	Exclusion All Year Round	
Victoria Park, Crosby	L22 2AP	Childrens Playground (Toddlers)	Exclusion All Year Round	
Victoria Park, Crosby	L22 2AP	Tennis Courts	Exclusion All Year Round	
Victoria Park Tennis Courts T & A	PR8 2BZ	Ball Court (Tennis)	NOT APPLICABLE	
<b>Picnic/Family Areas</b>				
<b>Picnic/Family Areas within the sites listed below as defined on the maps for the sites.</b>				
<b>Demarcation of zones on sites will be done by a variety of means to suit the site. A mixture of maps, signs, stickers, stencils and colour coded posts will be used.</b>				
Site		Control Type	Proposed Dog Control	Notes
Ainsdale Village Park	PR8 3BQ	Family/Picnic Area	Dogs on Leads	Control zone is at south/west end of site, and contains fenced childrens playground.
Bedford Park	PR8 4HU	Family/Picnic Area	Dogs on Leads	Control zone contains an open play area and is bounded by footpaths and fenced playground.
Botanic Gardens	PR9 7NB	Family/Picnic Area	Dogs on Leads	Control zone contains aviary, cafe/museum exterior, formal flowers beds and school entrance.
Bowersdale Park	L21 3TX	Family/Picnic Area	Dogs on Leads	Control zone adjacent to cafe and childrens playground.
Duke Street Park	L37 4AN	Family/Picnic Area	Dogs on Leads	Control zone contains and is adjacent to childrens playground and tennis courts.
Hatton Hill Park	L21 9JN	Family/Picnic Area	Dogs on Leads	Control zone contains childrens playground, and is bounded by park pavilion and bowling greens.
Hesketh Park	PR9 9LB	Family/Picnic Area	Dogs on Leads	Control zone forms narrow lakeside path and the bands lawn between tge cafe/childrens playground and the lake.
Hightown Childrens Park	L38 9EX	Family/Picnic Area	Dogs on Leads	Whole site is control zone based on nearby dunes and beach being used more for dogs.

Kings Gardens, Southport	PR8 1PQ	Family/Picnic Area	Dogs on Leads	Control zone is The Community Garden. Requested by participants in Kings Gardens public consultation.
Killen Green	L30 0PF	Family/Picnic Area	Dogs on Leads	Control zone is contained within the disused fenced bowling green.
Marian Gardens	L30 3SW	Family/Picnic Area	Dogs on Leads	Control zone is defined within a triangle of footpaths and contains childrens playground.
Moorside Park	L23 2RT	Family/Picnic Area	Dogs on Leads	Control zone is the rose garden area with lawns and seating. contained within one corner of park.
North Park	L20 5BY	Family/Picnic Area	Dogs on Leads	Control zone is in north east corner of park and is defined by low kick-rail fence and contains fenced ball court.
Orrell Mount Park	L20 6DX	Family/Picnic Area	Dogs on Leads	Control zone is at north end of park and encompasses childrens playground and grassed areas.
South Park	L20 7DA	Family/Picnic Area	Dogs on Leads	Control zone is around park hub building with picnic benches.
Victoria Park, Crosby	L22 2AP	Family/Picnic Area	Dogs on Leads	Control zone is in central zone of park - adjacent to fenced and open childrens playgrounds, adjacent to ball courts.

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<b>Report to:</b>	Council	<b>Date of Meeting:</b>	Thursday 13 July 2017
<b>Subject:</b>	Membership of Committees 2017/18		
<b>Report of:</b>	Head of Regulation and Compliance	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	NO	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	NO		

**Summary:**

To advise the Council that Councillor Dawson is no longer a member of the Liberal Democrat Group with effect from 28 June 2017, which has changed the Political Balance on the Council and to inform the Council that the change in proportionality affects the entitlement to formal Committee Places.

**Recommendation(s):**

- (1) That Council note that change in proportionality results in an increase in the Labour Group entitlement of one committee place and a corresponding decrease in the Liberal Democrat entitlement
- (2) That this change be affected by adjusting the membership of the Licensing and Regulatory Committee
- (3) That the Political Groups below report orally on the changes to the Licensing and Regulatory Committee in order to effect the revision to the allocation of Committee Places resulting from the change in proportionality:
  - The Labour Group to nominate one additional Member and one Substitute Member for the Licensing and Regulatory Committee; and
  - The Liberal Democrat Group to lose one Member on the Licensing and Regulatory Committee.
- (4) That Political Groups report orally on other changes which they wish to make within their allocations of Committee Places.

**Reasons for the Recommendation(s):**

To effect the revision to the allocation of Committee Places resulting from the change in proportionality on the Council.

# Agenda Item 10

## **Alternative Options Considered and Rejected:** (including any Risk Implications)

None

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

### **(A) Revenue Costs**

None

### **(B) Capital Costs**

None

## **Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
<b>Legal Implications:</b>  The Chief Executive received formal notice of a change in the membership of the Liberal Democrat Group in accordance with Paragraph 9 (b) of the Local Government (Committees and Political Groups) Regulations 1990. The allocation of Committee Places has been revised following the change in proportionality on the Council to meet the requirements of Paragraph 15 (d) of the Local Government and Housing Act 1989.
<b>Equality Implications:</b>  There are no equality implications.

## **Contribution to the Council's Core Purpose:**

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer:  The proposals will ensure that appointments are made to the various Committees of the Council in order to comply with Section 15 of the Local Government and Housing Act 1989 and to make appointments to those seats in accordance with Section 16, together with appointment of Chairs.

Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

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

### (A) Internal Consultations

The Head of Corporate Resources (FD4742/17.....) has been consulted and notes the report indicates no direct financial implications for the Council. The Head of Regulation and Compliance (LD.4026/17....) has been consulted and has no comments on the report.

### (B) External Consultations

None

### Implementation Date for the Decision

Immediately following the Council meeting.

<b>Contact Officer:</b>	Ruth Harrison
Telephone Number:	Tel: 0151 934 2042
Email Address:	ruth.harrison@sefton.gov.uk

### Appendices:

There are no appendices to this report

### Background Papers:

There are no background papers available for inspection.



# Agenda Item 10

## 1. Introduction/Background

1.1 The Liberal Democrat Group has given notice that Councillor Dawson is no longer a Member of the Group with effect from 28 June 2017. This has changed the political balance on the Council and so a recalculation of the entitlement to formal Committee Places was undertaken which results in the Labour Group gaining one place on the Licensing and Regulatory Committee and the Liberal Democrat Group losing one place on that Committee.

1.2 The change in proportionality is as follows:

Political Group	Number of Seats on Council	Entitlement to Committee Places	
		From 13 July 2017	Prior to 13 July 2017
Labour	38	48 (+1)	47
Liberal Democrat	16	20	21 (-1)
Conservative	6	7	7
Independents	4	5	5
Independent (Councillor Dawson)	1	0	N/A
Independent Conservative (Councillor David Barton)	1	0	0

1.3 The revised allocation of Committee Places is as follows:

Committee	Places Available	Places Allocated to Political Groups			Independents
		Labour	Liberal Democrat	Conservative	
Audit and Governance	10	6	2	1	1
Licensing and Regulatory	15	9 (+1)	4 (-1)	1	1
Planning	15	9	4	1	1
O&S – Adult Social Care and Health	10	6	3	1	0
O&S Children’s Services and Safeguarding	10	6	2	1	1
O&S – Regeneration & Skills	10	6	3	1	0
O&S – Regulation, Compliance and Corporate	10	6	2	1	1

# Agenda Item 10

Services					
<b>TOTAL</b>	<b>80</b>	<b>48</b>	<b>20</b>	<b>7</b>	<b>5</b>

- 1.4 The Labour Group and Liberal Democrat Group on the Council have been notified of the change to their entitlement of Committee Places and they have been requested to report orally on the changes to the membership of the Licensing and Regulatory Committee.
- 1.5 Political Groups may also report orally on other changes which they wish to make within their allocations of Committee Places.

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# Agenda Item 11

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

### (A) Revenue Costs

There are no additional costs arising directly from this report.

### (B) Capital Costs

N/A

## Implications of the Proposals:

### Resource Implications (Financial, IT, Staffing and Assets):

There are no additional resource implications associated with this report. Existing staffing resources will be involved in procurement and contract management exercises and will be required to comply with the CPR. Officers will need to allocate time to completion of compulsory training.

### Legal Implications:

The revised contract procedure rules fully reflect the Public Contract Regulations 2015//102.

### Equality Implications:

There are no equality implications.

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: The proposed amendment to the Constitution and Contract Procedure Rules enables the Council to protect the most vulnerable by timely approval of care packages and placements whilst ensuring appropriate oversight.

Facilitate confident and resilient communities: Not applicable

Commission, broker and provide core services: Effective, efficient and legally compliant procurement and contract management processes are key components of the effective commissioning and procurement of services.

Place – leadership and influencer: Not applicable

Drivers of change and reform: Improved procurement processes, rules, and guidance are key enabling components of delivering change and reform.

Facilitate sustainable economic prosperity: Effective procurement of goods, works and services from the external market supports economic prosperity. Increased local

supply chain development and social value from procurement will improve the contribution to local sustainable economic prosperity.
--

Greater income for social investment: Not applicable
--

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

### **(A) Internal Consultations**

The review of procurement processes, rules and guidance, and the proposed amendment to the Constitution and Contract Procedure Rules (CPR) have been developed by a multi-disciplinary team that includes officers from Procurement, Commissioning Support, Legal, Finance, Strategic Support and Learning & Development.

Consultation has been undertaken across the Council, through the Strategic Leadership Board and nominated representatives of Heads of Service, on the proposed amendments. Where appropriate, comments made have been reflected within the document attached. In particular, details comments were received from colleagues in Legal and Internal Audit and these are reflected in the attached CPR.

The Head of Corporate Resources (FD 4723/17) and Head of Regulation and Compliance (LD 4007/17) have been consulted and any comments have been incorporated into the report.

### **(B) External Consultations**

Not applicable.

## **Implementation Date for the Decision**

Immediately following the Council meeting

**Contact Officer:** Peter Moore  
**Telephone Number:** 0151 934 3730  
**Email Address:** peter.moore@sefton.gov.uk

## **Appendices:**

The following appendices are attached to this report:

Appendix 1 – Proposed Contract Procedure Rules

## **Background Papers:**

There are no background papers available for inspection.



# Agenda Item 11

## Introduction/Background

1. In September 2016 the Council established a project to review and revise existing procurement processes, rules (including the published Contract Procedure Rules) and guidance, to:
  - Ensure full compliance with Public Sector Contract Regulations 2015;
  - Address the issues identified by audit of recent procurement exercises;
  - Address any other gaps separately identified; and
  - Generally improve the effectiveness of procurement by Sefton Council.
2. This review has been undertaken by a multi-disciplinary team led by the Head of Commissioning Support & Business Intelligence and including representatives from Procurement; Commissioning Support; Finance; Legal, Strategic Support and Learning & Development. Other officers were included within the Project Team as necessary.
3. Audit and Governance Committee considered updates on progress of this review and revisions to CPR on 7<sup>th</sup> December 2016, 22<sup>nd</sup> March 2017 and 28<sup>th</sup> June 2017, in accordance with their delegated responsibility to “*maintain an overview of the Council's constitution of contract procedure rules, financial regulations and codes of conduct and behaviour*”. A description of the changes made and reasons for those changes were included within the reports to Audit and Governance Committee.
4. The Council’s Constitution requires that “*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*” (Chapter 11, paragraph 131). As the Action Plans associated with the Review of Contract Processes, Rules and Guidance are effectively completed, with the exception of post-implementation internal and external audit work, it is considered timely to for the amended CPR to now be presented to Council for formal approval. The revised CPR are duly included at Appendix 1 to this report for consideration and approval.

Appendix 1 – Proposed Contract Procedure Rules



# **CONTRACT PROCEDURE RULES**

Document owner:	Peter Moore, Head of Commissioning Support & Business Intelligence
Version:	5.0
Effective Date:	28 <sup>th</sup> June 2017
Review Date:	1 January 2018

# Agenda Item 11

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## **GLOSSARY OF TERMS**

### **Advanced Request for Quotation (ARFQ)**

Initiating step of a procurement process in which providers are invited to submit quotations for the supply of specific and clearly defined supplies, services, or works during a specified timeframe, the value of which falls below the applicable European Union Spend Threshold. ARFQ's are evaluated on a percentage split across Cost and Quality.

### **Aggregate**

A whole procurement formed by combining several separate elements

### **Assignment**

The transfer of the benefits and obligations of a contract from one Contractor to another.

### **BAFO (Best and Final Offer)**

The step of inviting providers that have submitted compliant proposals within a procurement process to refine their offering, either by an improvement of the Cost, the Quality, Value Added benefits, or a combination of these factors.

Whilst the use of a BAFO step is permitted and encouraged in procurement exercises with a value below the applicable EU spend threshold, it is forbidden in the majority of over EU spend threshold exercises.

### **Central Purchasing Body**

A Central Purchasing Body is a contracting authority that:

- i) acquires supplies or services intended for one or more contracting authorities; or
- ii) awards public contracts for works, supplies or services intended for one or more contracting authorities; or
- iii) concludes framework agreements for works, supplies or services intended for one or more contracting authorities.

### **Commissioning**

Commissioning is process by which we decide how to use and prioritise the total resources available in order to improve outcomes for citizens in the most efficient, effective and sustainable way. The process covers the entire cycle of assessing the needs of people, designing and securing a cost-effective approach in order to deliver better outcomes, and monitoring performance to determine whether the approach commissioned is fit for purpose, or needs to be replaced with a more effective redesigned approach. This may include the procurement of goods, works or services.



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## **Contracting Authority**

The State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities.

## **Contract Payment Profile Retention**

Amounts are deducted from payments due to the contractor (retention) over the course of the contract, the value of such deductions may be dependent on the achievement of performance milestones; at the end of the contract, any such retentions are released to the contractor on satisfactory completion (including any relevant defects period).

## **Deposited Cash Bond**

A payment made by a contractor 'up-front' (or deducted from a first payment due) that is held by the Council as security until the contract is satisfactorily complete

## **Dynamic Purchasing System (DPS)**

A completely electronic system for commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the Contracting Authority and is open throughout its duration to any Contractor which satisfies the selection criteria.

## **E-Procurement**

A method of carrying out a procurement exercise using an electronic internet based tool such as the Council electronic opportunities portal.

## **Economic Operator**

Any person or public entity or group of such persons and entities, including any temporary association of undertakings, which offers the execution of works or a work, the supply of products or the provision of services on the market.

## **Evaluation Matrix**

A Microsoft Excel based document which sets out the evaluation criteria and weightings detailed within a procurement document and against which bidders' submissions and scores are recorded.

## **Framework Agreement**

An agreement which establishes the terms under which a Contractor will enter into Contracts with the Contracting Authority throughout the duration of the Framework. A Contractor may be awarded a Contract which extends beyond the termination of the framework, provided the Contract is entered into before the framework expires and it is proportionate. Contracts awarded at the end of framework that have a disproportionate duration may amount to an abuse of the Public Contracts Regulations.

## **Invitation to Tender (ITT)**

Initiating step of a competitive tendering process in which providers are invited to submit sealed bids for the supply of specific and clearly defined supplies, services, or works during a specified timeframe

## **Light Touch Regime (LTR)**

A specific set of rules for certain service contracts including certain social, health and education services as set out in Schedule 3 of the Public Contracts Regulations 2015.

## **Liquidated Damages**

A pre-determined level of damages (calculated as a genuine pre-estimate of loss) , which the Council shall be entitled to deduct from the Contractor in the event of his failure to complete the contract within a specified time.

## **OJEU (Official Journal of the European Union)**

The Europe-wide publication where Contract Notices are published in relation to procurement processes, the value of which exceed the applicable spend threshold as determined within the applicable Public Contracts Regulations

## **Open Procedure**

A procurement procedure which makes the opportunity available to the marketplace as a whole.

## **Parent Company Guarantee**

A parent company guarantee is a declaration provided by the parent company of the main contractor which commits the parent to stepping in and honouring the terms of the contract if the Contractor must fail to do so and /or paying compensation (up to a stated maximum) in respect of loss incurred by the Council as a result of non-performance.

## **Performance Bond**

A performance bond is a guarantee provided by a surety (usually a bank or insurance co. to pay compensation (up to a stated maximum sum) in respect of loss suffered by the Council must a contractor fail to fulfil its contractual obligations.

## **Public Contracts Regulations (PCR)**

The Public Contract Regulations 2015(as amended), set out the procedures that must be followed when certain public sector contracts are to be offered to the marketplace.

## **Procurement**

# Agenda Item 11

Procurement , in the terms of the Public Contracts Regulations 2015, is defined as the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose.

## **Restricted Procurement**

A procurement process that first narrows the marketplace in order that Quotations or tenders are sought from a limited group of providers

## **Request for Quotation (RFQ)**

Initiating step of a procurement process in which providers are invited to submit quotations for the supply of specific and clearly defined supplies, services, or works during a specified timeframe, the value of which falls below the applicable European Union Spend Threshold. RFQ's are generally evaluated on 100% Cost.

## **Selection Questionnaire (SQ) (formerly Pre-Qualification Questionnaire PQQ)**

The first stage in a two stage restricted tendering procedure where interested providers complete a questionnaire compiled by the Council for the purpose of selecting a short list of interested providers to whom Invitations to Tender are to be issued.

NOTE: Use of a Selection Questionnaire is ONLY permissible in EU Procurement Procedures. The 2015 Public Contract Regulations prohibit the use of Pre-Qualification Questionnaires in 'below EU' Procurement procedures

## **SME**

Small and medium-sized enterprises (SMEs) are non-subsidary, independent firms which employ less than a given number of employees. The most frequent upper limit designating an SME is 250 employees, as in the European Union.

## **Social Value**

Seeks to maximise the additional benefits that can be created by providing benefits above and beyond the core services. Award criteria can include social, economic, and environmental matters, although these must be linked to the subject matter of the contract.

## **Surety**

A person or organisation who takes responsibility for another's performance of an undertaking.

## Part 1: CONTRACTS PROCEDURE RULES WHICH APPLY TO ALL CONTRACTS

### 1.1 BASIC PRINCIPLES

#### 1.1.1 Introduction

Officers responsible for, or involved in, procurement, commissioning, contract administration or contract management must comply with these contract procedure rules. They lay down **minimum requirements** and a more detailed procedure may be appropriate for a particular contract.

These Contracts Procedure Rules are Standing Orders made under section 135 of the Local Government Act 1972. These rules apply to all officers of the Council. A Contract for the purposes of these Contracts Procedure Rules shall be any agreement between the Council and one or more parties in respect of:

- The carrying out of works for the Council
- The purchase, leasing, or hiring of supplies or materials by the Council
- The supply of consultancy, agency workers and other services to the Council

For the avoidance of doubt these Contracts Procedure Rules shall not apply to :-

- The sale, leasing or purchase of land, or of any interest in land (Officers are requested to note that land transactions are generally subject to best value considerations under Local Government legislation and some property transactions e.g. long building leases etc. may need to take account of Procurement legislation. Advice in respect of land and property transactions must be sought from the Head of Regulation and Compliance on a case by case basis): or
- Any Contract of Employment

There are certain circumstances where the public can access a service of their choice and the Local authority is obliged by regulation to pay the associated costs. This is mainly in regard to Adult Social Care Nursing and Residential Care homes, and Open Access Sexual Health services. In these circumstances client officers must work with Commissioning Support to ensure that relevant guidance, risk, invoicing and cost is clearly understood, managed and adhered to.

These contract procedure rules are intended to promote good procurement and commissioning practice, transparency, public accountability, and deter corruption. The best defence against allegations that expenditure has been committed incorrectly or fraudulently is by following the Contracts Procedure Rules.

All values specified in these rules shall be **exclusive of value added tax.**

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These Contracts Procedure Rules must be read in conjunction with the relevant parts of the Council's Constitution (including the Financial Procedure Rules).

## [Link to the Constitution](#)

External Funding – external funders (for example, but not limited to, European Regional Development Fund) may impose additional requirements in respect of advertising, tendering, scoring and record keeping. In such cases it may be necessary to modify the approach to procurement in specific circumstances.

If an officer is in any doubt as to if and how the Contracts Procedure Rules are applicable to a prospective procurement then the Corporate Procurement Unit must be contacted for advice and guidance.

These rules will apply to all Sefton Council maintained schools, in accordance with "Fair Funding Guidance: Scheme for Financing Schools

The Public Contracts Regulations, bolstered by the Lord Young Reforms, seek to afford greater opportunity of supply to Small and Medium Enterprises (SME's). Regulation 46 of the 2015 regulations in particular encourages procuring authorities to considering dividing requirements into Lots for which providers can bid, or formally documenting reasons why dividing of Lots has not taken place.

These Contracts Procedure Rules shall be reviewed periodically by the Head of Commissioning Support & Business Intelligence, in consultation with the Head of Corporate Resources and the Head of Regulation and Compliance. The frequency of review shall, as a maximum, be bi-annually in order to incorporate any change in EU spend thresholds as directed by the European Commission.

### **1.1.2 Legal Compliance**

All procurement procedures and contracts shall comply with all legal requirements and no officer or Committee or Board of the Council may seek to avoid them. If in doubt advice must be sought from Head of Regulation & Compliance.

### **1.1.3 Public Contracts Regulations**

All contracts must comply fully with the requirements of Public Contracts Regulations 2015, including Regulation 57, which outlines grounds for mandatory exclusion of bidders from a procurement process.

In particular Regulation 57 (e) (i) addresses the Council's ability to exclude a bidder for non-payment of taxes by way of a bidder being convicted of :

*"the common law offence of cheating the Revenue"*

## **1.1.4 EU Principles - Transparency and Non-Discrimination etc.**

The award process and structure of all contracts shall comply with the EU Principles of Openness, Fairness, Transparency, Non-Distortion of Competition, Non-Discrimination, Equal Treatment, Proportionality and Mutual Recognition

## **1.1.5 Procurement Documentation**

All contracts and contractual processes shall be consistent with these Contract Procedure Rules and any all relevant Council Procurement Guidance, Commissioning and or Procurement Strategy.

## **1.1.6 Contracts where the Council acts as Agent**

Where the Council acts as the Agent for any other Local Authority or Public Body or company these Contracts Procedure Rules shall apply unless the Principal in question instructs otherwise in writing

## **1.1.7 Calculating the Financial Value of a contract**

In deciding the value of contracts for the purposes of applying the requirements of these Contracts Procedure Rules the commissioner / procurer must take into account:

- The total cost for the lifetime of the contract (including any proposed optional periods)
- That the value of contracts of like nature shall be aggregated and that aggregate value shall be applied.
- In the case of joint procurement arrangements the value shall be the value of all parties' purchases under the contract.
- In the case of long term adults and childrens social care contracts which have no defined end date, the total cost will be valued at 4 years for the purpose of applying the Public Contracts Regulations.

No officer or Committee or Board of the Council may seek to divide potential contracts in order to avoid the requirements of these Contracts Procedure Rules or Public Contracts Regulations 2015.

Officers must not actively seek to disaggregate or fragment prospective spend amounts for the purpose of avoiding specific procurement activity.

The Public Contracts Regulations require particular procurement processes to be utilised where the estimated contract value exceeds predetermined spend thresholds. The current EU Public Procurement Thresholds (for the whole of the contract including any optional years) are:

<b>Supplies / Services</b>	<b>£164,176</b>
<b>Works</b>	<b>£4,104,394</b>



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<i>(as detailed within Schedule 2 of the Public Contracts Regulations 2015)</i>	
<b>Social and Other specific Services</b>	<b>£589,148</b>
<i>(as detailed within Schedule 3 of the Public Contracts Regulations 2015)</i>	

*Note: Spend threshold figures correct as at January 2016, but subject to ongoing change, ordinarily on a two year cycle.*

*Both Schedules 2 and 3 of the Regulations can be viewed here :-*

[2015 Public Contracts Regulations](#)

## **1.1.8 Public Services (Social Value) Act 2012**

Contracting Authorities are under a statutory duty to consider economic, social and environmental well-being issues at the pre-procurement stage of a public service contract:-

- How the economic, social and environmental well-being of the Local Authority Area might be improved by the proposed contract;
- How in conducting the procurement process, the Council might act with a view to securing that improvement (NB. Only matters that are relevant to what is to be procured can be taken into account and those matters must be proportionate);
- Whether any consultation must be undertaken in relation to social value matters.

Officers must consider this when formulating the Procurement Project Management Plan detailed herein.

## **1.1.9 Forfeiture in Case of Bribery or Corruption**

There shall be inserted in every contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or having forborne to do any action in relation to the obtaining or execution of the contract or any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, the contractor, or any person employed by the contractor or acting on the contractor's behalf shall have committed any offence under the Bribery Act 2010 or shall have given any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act 1972.

## **1.1.10 Contract sealing**

Every contract which exceeds £100,000 in value with any individual contractor (for the whole of the contract as opposed to the annual value) shall be sealed with the Council's Seal and shall be executed by the Contractor as a Deed. In order that a contract can be sealed the following package of documents must be forwarded to Corporate Legal Services:

- i) One blank copy of the Invitation To Tender (ITT), or Request for Quotation (RFQ) document (as applicable)
- ii) Two copies of the successful bidder's ITT or RFQ
- iii) A copy of the Internal Authorisation to award a contract as per delegated authority (Cabinet / Cabinet member etc.)
- iv) Copies of the award & acceptance correspondence
- v) A copy of the bidder's in-date insurance cover.

## **1.2 OFFICER RESPONSIBILITIES**

### **1.2.1 Roles and Responsibilities**

Ahead of any procurement exercise commencing the roles of all Officers to be involved in the exercise must be determined and responsibilities for undertaking all aspects of the procurement process shall be set out and clearly assigned, in order that the process is properly controlled and undertaken and there is a clear understanding of the requirements of each member of the team throughout the process. The assignment of roles and responsibilities shall be kept under review throughout the course of the procurement and, in terms of contract management and contract performance management, throughout the term of the contract.

The assignment of roles and responsibilities, including any changes in the assignment of those roles and responsibilities during the course of the procurement, shall be documented within a suitable Procurement Roles and responsibilities Plan. Corporate template documentation will be produced and regularly reviewed to meet this need.

<http://intranet.smbc.loc/our-council/procurement.aspx>

### **1.2.2 Adequate Budget Provision**

No Officer should seek to enter into a contract, or purport to enter into a contract, for the provision of supplies, works or services unless there is adequate provision in the agreed Capital Programme and/or agreed Revenue Budgets.

If in doubt Head of Corporate Resources must be consulted.

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## 1.2.3 Disciplines

Ahead of commencing any procurement exercise Officers must give thought to the question of which disciplines need to be considered for either operational involvement in the process or within an advisory support role. For instance whilst the need for the involvement of Operational and Procurement Officers is apparent, in addition consideration must be given to the value of other disciplines, which as examples may include but not be limited to :

- a) Legal
- b) Audit
- c) Contribution from Commissioning Support Officers
- d) Finance
- e) Human Resources
- f) Investment and Employment Service
- g) External Advice/Consultancy – Private or another Local Authority

## 1.2.4 Information Management

Officers must be mindful that throughout any Procurement exercise the governance, management and security of information is vital to both the integrity of the work to be conducted, and potentially the reputation of the Council. Officers must therefore ensure:

- i) Storage and handling of Procurement or any supporting information or documentation, whether digital, paper or another format is carried out securely.
- ii) Where the information and documentation is in a digital format this may involve using an encrypted fixed or digital device or other suitable and secure mechanism to ensure that access is restricted only to those Officers involved in the procurement project and in accordance with their assigned roles and responsibilities. It may involve Officers using their allocated personal drive within the Council's ICT system, to which access is limited, or creation of a shared folder secured through controlled access rights, password or some other means to prevent unauthorised access.
- iii) All documents forming part of a tender / request for quotation process, (including specifications, tender / RFQ documents, evaluation documents etc) must be subject to effective document management, including version control, review and sign-off and shall be held in a readily identifiable folder titled: '**Procurement of [INSERT PROJECT TITLE HERE]**'.

As a guiding principle, Officers must be mindful that other people, including fellow Officers, not involved in a procurement exercise must not have access to information that relates to it.

- iv) Diligence is employed when conducting discussions that relate to a Procurement exercise. Officers must be mindful of both topics discussed, and the environment within which they are discussed. Consideration must

be given to holding discussions in a controlled area, such as an individual's personal office, or a meeting room, in order to ensure that only an invited group of officers are privy to information discussed. Officers must also be mindful of the content of telephone conversations held in an uncontrolled environment, if in any doubt that the content of a proposed conversation is sensitive then arrangements must be made to hold that discussion in a controlled area

- v) Control is employed when communicating with bidders or potential bidders within a procurement exercise. Officers must ensure that no direct verbal or email communication is entered into with a bidder, bidders or potential bidders, or their representatives. Officers must ensure that all communication with any bidder or their representative, within any procurement exercise must be carried out in written form, through the Council's electronic opportunities portal, via the Procurement Officer holding responsibility for that.
- vi) Procurement Officers must ensure that the Council's Electronic Opportunities portal is utilised to store documents created throughout the procurement process in order to build a comprehensive audit trail. Such documents will include, but not be limited to:

Evaluation Panel members' individual scores and scoring notes

Moderated scores

Moderation notes

Finalised Master Evaluation Matrix

Versions of Invitation to Tender (ITT) documents

Versions of Advanced Request for Quotation (ARFQ) documents

Versions of Selection Questionnaires

Responses to questions raised by bidders

Copies of correspondence (for example Mandatory Standstill)

## **1.2.5 Corporate Contracts**

A corporate contract exists where the Council has entered into a contract for the provision of supplies, services, or works, and agreed rates for such.

Before procuring supplies, services or works, an Officer shall ascertain whether any corporate contract has been entered into in relation to those supplies, Services or works.

This requirement is mandated on all Council officers. Any requirement to purchase such supplies, services or works from alternative non-contracted suppliers must first be agreed in accordance with the Waiver Procedure set out in these Contract Procedure Rules.

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## 1.2.6 Surety

### Construction Related Contracts

- £250,000 - £1,000,000

Provided that a risk assessment based on financial and technical criteria is satisfactory, construction-related contracts up to £1,000,000 do not require a Performance Bond. However, such contracts over £250,000 and up to £1,000,000 will require a contribution to the Contracts Indemnity Fund. The Contribution is calculated as 0.2% of the Contract Value, and this is administered by the Head of Corporate Resources

- Above £1,000,000

For all construction related contracts over £1,000,000, a Performance Bond will normally be required. A formal risk assessment shall be carried out by the Head of Service prior to commencing the exercise and a recommendation on the requirement for a Performance Bond and its value shall be included in the Pre-Procurement report. The minimum value of the bond should be 10% of the total contract price.

### Non Construction Related Contracts

- Below £1,000,000

For contracts in respect of Social Care Packages, Information Technology Products/Services, the Head of Service shall have discretion following consultation with the Head of Regulation and Compliance and the Head of Finance, to apply one of the following options:-

- 1) Require a Performance Bond;
- 2) Require a Parent Company Guarantee;
- 3) Require a Deposited Cash Bond;
- 4) Require a Contract Payment Profile Retention;

Contracts for those supplies and services below the value of £1,000,000, not mentioned above, will not generally be subject to a Performance Bond.

- Above £1,000,000

Non Construction Related Contracts above the value of £1,000,000 will normally require a Performance Bond. A formal risk assessment shall be carried out by the Head of Service prior to commencing the exercise and a recommendation on the requirement for a Performance Bond and its value shall be included in the pre-procurement report. The value of the bond should be:

- a) a minimum of 10% of the total contract price, where an asset is being procured , or
- b) 10% of the whole annual value of a contract for goods or services over a period of time

## Parent Company Guarantee

Where the contractor is a limited company which is part of a larger group the ultimate holding company may be required to provide a parent company guarantee in addition to a performance bond. The Head of Service shall determine following consultation with the Head of Regulation and Compliance whether a parent company guarantee is necessary as an additional form of surety.

## Waiver of Surety Requirements

Whilst under normal circumstances the above values will apply, it is recognised that some high value contracts (construction or non-construction related) may be low risk and vice versa. Dependent on the outcome of a risk assessment, a recommendation may be made in the pre-procurement report to waive application of the limits referred to above and/or to approve a more appropriate form of surety.

## Inclusion of Surety Requirements in Procurement Documents

The requirement or possible requirement of a bond or other form of surety must be specified in the Procurement documentation. A copy of the Council's Standard Form of Bond must be included in such documentation.

For guidance on calculating the value of a contract then refer to Rule 1.1.7.

### **1.2.7 Contracts – Delay and liquidated damages**

In the case of Works contracts over the total value of £100,000 and, in any other case where a risk assessment, undertaken at pre procurement stage, considers it necessary, a clause shall be inserted in the contract providing for the payment of liquidated damages (calculated as a genuine pre-estimated of loss) in circumstances where the contract is not completed within the time specified.

Where completion of the contract is delayed it shall be the duty of the relevant Officer under the contract to take appropriate action in respect of any claim for liquidated damages as may be provided for within the terms and conditions of the contract.

### **1.2.8 Breach of Contracts Procedure Rules**

Any breach or non-compliance with these Contracts Procedure Rules must, on discovery, be reported immediately to the Head of Commissioning Support & Business Intelligence, Head of Corporate Resources, and the Chief Internal Auditor.

The Head of Commissioning Support & Business Intelligence, Head of Corporate Resources, and the Chief Internal Auditor shall consider whether each reported breach or non-compliance presents a significant risk of harm to the Council's interests and if satisfied that such risk exists shall undertake any necessary

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investigation and report the findings to the relevant Head of Service, and Chief Executive, as appropriate.

Officers must be aware that any non-compliance with Contract Procedure Rules could result in disciplinary action.

## **1.2.9 Conditions of Contract**

In every written contract for the execution of works or the supply of supplies or services, the following clauses shall be inserted (unless Industry Standard Conditions are being used e.g. NEC, JCLI, JCT, Public Health Standard Form etc. in which case they must be checked to see if similar clauses are already included in the standard to avoid any confusion and/or duplication):-

- a) The Contractor must comply with the provisions of the Employment and the Trade Union and Labour Relations (Consolidation) Act, 1992, and in particular shall ensure that all persons employed by him or her in relation to the execution of the contract are afforded the rights and facilities specified in those Acts regarding trade union Membership.
- b) The Contractor must comply with national equality legislation to deliver services fairly and without unlawful discrimination.
- c) The attention of the Contractor must be drawn to the importance of complying in all respects with :
  - (i) The provisions of the Equality Act 2010. The Contractor shall have regard to the nine protected characteristics within the Act and must not discriminate either directly or indirectly on the grounds of:-

Age  
Disability  
Gender Re-assignment  
Marriage and Civil Partnership  
Pregnancy and Maternity  
Race  
Religion  
Sex  
Sexual Orientation



- (ii) The requirements of the Public Interest Disclosure Act, 1998:
- (iii) The requirements of the Freedom of Information Act 2000 and Regulations made thereunder. The Council's obligations in respect of the said Act are also drawn to the attention of the Contractor.
- (iv) The requirements of the Bribery Act 2010
- (v) The Contractor shall be responsible for the observance of clauses a–c (i)–(iv) above by Sub Contractors employed in the execution of the contract, and shall notify the Council of the names and addresses of all such Sub-Contractors.
- (vi) The requirements of the Social Value Act 2012

## Health and Safety Conditions of Contract

The Contractor must comply with the 1974 Health and Safety at Work etc. Act (HASWA), Health and Safety Regulations, and Codes of Practice that are approved by the Health and Safety Executive

The Contractor must comply with the Councils Health and Safety Guidance

## Data Protection

The Supplier shall (and shall procure that any of its employees and agents involved in the provision of the Contract shall) comply with any notification requirements under the Data Protection Act 1998 (“DPA”) and shall duly observe all its obligations under the DPA which arise in connection with the Contract.

Where the Supplier is processing Personal Data as a Data Processor for the Council, the Supplier shall ensure that it has in place appropriate technical and contractual measures to ensure the security of the Personal Data (and to guard against unauthorised or unlawful processing of the Personal Data and against accidental loss or destruction of, or damage to, the Personal Data), as required under the DPA: and

- a. provide the Council with such information as the Council may reasonably require to satisfy itself that the Supplier is complying with its obligations under the DPA;
- b. promptly notify the Council of any breach of the security measures required to be put in place pursuant to this clause; and
- c. ensure it does not knowingly or negligently do or omit to do anything which places the Council in breach of the Council’s obligations under the DPA.

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The provisions of this clause shall apply during the continuance of the contract and indefinitely after its expiry or termination.

The Service Provider shall and shall ensure that its Sub-contractors shall notify the Council within five Working Days if it receives:

- a. a request from a Data Subject to have access to that person's Personal Data; or
- b. a complaint or request relating to the Council's obligations under the DPA or any other data protection legislation.

## **1.2.10 Assignment of Contracts without Consent**

There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have transferred or assigned, whether directly or indirectly, the benefit of the contract without the written consent of the Council, or if the contractor shall have sub-let the contract (except so far as the sub-letting relates to the supply of patent or proprietary articles, raw materials or natural products) without the written consent of the Council.

## **1.2.11 Contract Extensions**

Officers must consider a contractor's performance throughout the period of contract when considering a contract extension. Officers must question not only the financial aspects of any potential extension, negotiating with the contractor where possible to achieve a competitive financial offering, but must also give thought to whether the quality of supplies or service being provided to the Council would continue to offer best value to the Council should an extension be offered. Officers must be aware that markets, the providers within those markets, and the level of competition for Council business will change over periods of time. Officers must consider alongside the award of any optional extension period, what other alternatives may be available to the Council and must offer reasoning as to why such alternatives are not proposed. Officers must ensure that prior to seeking approval of any proposed contract extension; consultation is undertaken with Head of Commissioning Support & Business Intelligence in order to secure a Procurement perspective.

An extension requires the approval of a Head of Service, Cabinet Member or Cabinet according to the applicable financial thresholds detailed herein.

The value of any contract extension must be calculated in line with Rule 1.1.7.

## In terms of compliant process

Contracts may be extended beyond the stated core contract period, where provision for such extension was included in the original Invitation to Tender (ITT), or Request for Quotation documents (RFQ), and in respect of EU Procurements, in the OJEU Contract Notice

## In cases where an extension period was not provided for within original ITT, or RFQ documents and in respect of EU Procurements, in the OJEU Contract Notice

Extension of contracts with a value below the applicable EU Spend Threshold will require the written approval of the appropriate Head of Service, Cabinet Member, or Cabinet, following consideration of a written report setting out a justifying business case. Variations shall only be granted in exceptional circumstances if it can be established that this will be in the best interests of the Council.

Where the value of expenditure is such that an EU Spend Threshold would be exceeded then it is not possible to award a long term contract Extension. Extension on a short term basis will only be authorised in exceptional circumstances. In circumstances where a short term extension is granted, an EU compliant procurement process must be carried out as a matter of urgency in order to secure a replacement contract. Such action must be considered in consultation with the Head of Corporate Resources and the Head of Regulation and Compliance.

Wherever possible officers must endeavour to plan the necessary pre-procurement reporting, and subsequent procurement activity, in ample time to allow a replacement contract to be secured negating the need for an extension. Consideration must be given to the mobilization period and obtaining TUPE related information where relevant.

## **1.2.12 Monitoring of Contracts**

All contracts must be monitored throughout the period of the contract, and the performance of contractors must be reviewed regularly. Appropriate records of contract monitoring and contractor performance shall be maintained.

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## 1.3 COLLABORATIVE ARRANGEMENTS

### 1.3.1 Framework Agreements / Dynamic Purchasing System (DPS)

Contract Procedure Rules 2.1 to 2.3, and 3.1 will not apply where the supplies, works or services in question are to be procured by using a framework agreement or DPS which has itself been procured through compliance with these Contract Procedure Rules or from a Central Purchasing Body for the purposes of the Public Contracts Regulations 2015. Where a Central Purchasing Body's framework agreement is used a Procurement Officer shall obtain copies of that Body's Contract and Award notices and shall seek verification from the Head of Commissioning Support & Business Intelligence of the Body's compliance with the Public Contracts Regulations 2015.

### 1.3.2 Joint or Partnering Arrangements, Procurement of Consultants

#### 1.3.2.1. Partnering Arrangements

A memorandum of understanding must be developed with partners to ensure that resources, support and delivery will be available throughout the development and lifetime of the proposed contract.

A single contract may be delivered by several providers. Partnering involves an integrated team working together to deliver better services to citizens through agreeing mutual objectives, devising a way for resolving any disputes and committing themselves to continuous improvement, measuring progress and sharing the gains. All parties have a shared goal of delivering services in a cost-effective and timely way that is mutually beneficial.

Partnering arrangements are likely to be contractually based and will need to comply with these Contracts Procedure Rules.

Partnering Arrangements will be entered into ONLY after an appropriate competitive procurement process has identified potential partners and they have been evaluated from a competitive and best value perspective.

Partnering Arrangements will need to identify the following:

- (a) responsibility for each function to be performed,
- (b) the element of risk undertaken by each party,
- (c) the mutual benefits derived from the partnership,
- (d) the individual targets and objectives of the partnership,
- (e) the procedure for reviewing the performance of the partnership,
- (f) the procedure for remedying disputes and the settlement of grievances (including arbitration if required),
- (g) the period for maintaining the partnership,
- (h) the exit procedure at termination of the partnership, which must include, the responsibility for staff, premises, service provision, and any other relevant matters.

(i) Implications for Social Value, in terms of local supply, employment

## 1.3.2.2. Joint Procurement

Any joint procurement activity with other local authorities or public bodies, including Membership or use of Purchasing Consortia, shall be agreed via Pre-Procurement Reporting requirements as outlined within 1.10.1 herein.

The Council may also enter into existing public sector framework arrangements, where it is evident that such frameworks represent the optimum solution to the Council in terms of service and cost. Approval to enter into such a framework shall be sought from the officer to whom delegated authority has been granted within the related Pre Procurement Report.

Where any expenditure is committed using standard arrangements such as an accessible framework contract with another local authority, government department, statutory undertaker, public service purchasing consortium or government approved catalogue of procurement sourcing, officers must be reasonably satisfied that the appropriate procurement procedures have been followed by the body concerned, and consider appropriate use of the facility i.e. straight forward call-off, or mini competition.

(a) Where the Council is working in a joint or partnering arrangement with another body or bodies and, under that arrangement, is the commissioning body, Sefton Council's Contracts Procedure Rules shall apply to contracts entered into under that arrangement.

(b) Where the Council is working in a joint or partnering arrangement with another body or bodies and, under that arrangement, another body is the commissioning body, the Contracts Procedure Rules, or equivalent, of that other body shall apply to contracts entered into under the arrangement subject to the approval of a waiver by the Cabinet Member (Regulatory, Compliance & Corporate Services). Where the body has no such Contracts Procedure Rules, the procedures applied by the other body shall comply with the principles and safeguards contained in Sefton Council's Contracts Procedure Rules, and this must be documented in the Terms and Conditions of the Contract.

(c) Where the Council is working in a joint or partnering arrangement with another body or bodies, the Terms and Conditions for the arrangement shall include powers for the Council to have access to the records, assets, site, employees and sub-contractors of that other body for the purposes of investigating or auditing compliance with the terms of the arrangement and with the relevant procurement rules.

## 1.3.2.3 Procurement of Consultancy Services

Establishment Control Panel approval must be sought prior to commencement of any procurement activity to secure consultancy.

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Client Officers are reminded that the procurement of any consultancy services is ultimately subject to scrutiny by the 'Establishment Control Panel'. Any Officers procuring Consultancy Services must comply with all aspects of these Contract Procedure Rules in first sourcing any consultant through a competitive process to ensure best value.

Advice must be sought from CPU as to an appropriate competitive process in respect of these Contract Procedure Rules

## 1.4 E-PROCUREMENT

### 1.4.1 Electronic Procurement

Officers must employ an electronic procurement method and shall use only the Council's electronic opportunities portal approved by the Head of Commissioning Support & Business Intelligence in consultation with the Head of Corporate Services.

## 1.5 RECORDS

### 1.5.1 Contracts Register

As part of the Government's Transparency Agenda the Council is required to compile a Contracts Register to capture details of all contracts let by the Council.

All procurement opportunities published on the Council's approved electronic opportunities portal will have the contract award details automatically promoted to the online contracts register, where the contract is valued at £5,000 or above, in line with the Government's transparency agenda.

## 1.6 INTENTION & AWARD OF CONTRACT AND DEBRIEFING OF CONTRACTORS

### 1.6.1 Award Criteria

Contracts will generally be awarded on the basis of either:

- a) **MEAT** (*Most Economically Advantageous Tender*) taking into consideration a percentage balance between Cost and Quality, or
- b) **Lowest Cost**  
(\*NOTE: Whilst 100% Lowest Cost evaluation is permitted in below-EU procurement exercises, Lowest Cost evaluation is only permissible in EU procurement exercises, where the bidders are first required to meet a minimum specification of Supplies, Services or Works)
- c) **Highest Quality**  
(NOTE: within EU Procurements 100% Quality Evaluation is only permissible where the Council publishes a fixed cost that it will pay to any successful bidder, and so the competition is carried out on Quality only)

The Head of Service, or their representative, must define Award Criteria appropriate to the procurement or commission. Award criteria must be designed to secure an outcome giving best value for money for the Council. If further defined within sub criteria then these must refer only to relevant considerations, and importantly all award and award sub criteria must be openly published within Invitations to Tender (ITT) or Requests for Quotation (RFQ), documentation, as applicable. If award or award sub-criteria, and applicable weightings are not openly published within the Procurement documentation then they **cannot** be employed within the evaluation process.

The Client, Commissioning, and Procuring Officer are advised to consider the desired outcome of a Commissioning / Procurement exercise, in order to determine a suitable method of evaluation.

Options entail:

- (a) Cost / Quality – In this method 100% is divided across cost and quality. The Commissioner/Procurer must determine an appropriate split commensurate with available budget and desired quality levels (quality meaning, product quality, or service quality, or a combination of the two)

Examples could include:

- (i) 50% Cost, 50% Quality
- (ii) 40% Cost, 60% Quality
- (iii) 70% Cost, 30% Quality

Or any other derivative the Commissioner/ Procurer deems appropriate.

- (b) Cost only – In this method, evaluation is carried out on the basis of 100% Cost, where the bidder meets a pre-determined minimum standard of quality. Only the bidder's Cost will be evaluated, i.e. an increased quality offering above the pre-determined minimum is not acknowledged as providing any additional value because the minimum specification is sufficient for the Council's needs.
- (c) Quality only - In this method, evaluation is carried out on the basis of 100% quality, where the Commissioner/ Procurer identifies and publishes a fixed cost that will be committed in full, irrespective of which bidder is awarded the contract. Only the bid quality will be evaluated with an award being made to the bidder demonstrating the highest quality submission for the budget that the Council intends to commit. Bids with Costs exceeding the published budget would be regarded as non-compliant, and so not evaluated.

Evaluation criteria and respective weightings shall be predetermined and clearly indicated in the Pre-Procurement Report and Invitation to Tender (ITT) or Request for Quotation (RFQ) documentation. In addition, the criteria shall be strictly observed at all times throughout the procurement exercise by any officer involved in



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the evaluation process, so as not to expose the Council to risk of challenge through deviation from the published criteria and weightings.

If in an exceptional case, prior to the receipt of bidder's proposals, this is changed, this must be duly approved (i.e. as per the original pre-procurement approval path). In no circumstance must the award / evaluation criteria be changed post receipt of bidder's proposals.

## **1.6.2 Acceptance of Tenders / Quotations**

It shall be clearly stated in all tender / quotation documents that the Council reserves the right:

- (a) to accept a tender / quotation other than the lowest
- (b) to decline to accept any tender / quotation
- (c) not to award a contract
- (d) the Council will not be liable for any costs or expenses incurred by Tenderers during the procurement process

Where a bidder's tender / quotation are not accepted then a formal written record must be made detailing the reason/s why.

## **1.6.3 Debrief – Intention & Award**

Mandatory Standstill Period (historically known as the 'Alcatel' process)

It is a requirement under the Public Contracts Regulations that any procurement exercise carried out under an EU Procurement Procedure must be concluded with a Mandatory Standstill Period. The purpose of the standstill period is to inform all bidders of the outcome of the procurement exercise, and, if they think that the contract award decision is wrong, to provide bidders with an opportunity to challenge the decision before contract has been awarded, signed and sealed.

The applicable legislation allows bidders to question the procurement exercise and evaluation process within the standstill period of 10 calendar days (where electronic communication has been employed) following dispatch of the award decision letter, and commence a formal legal challenge to prevent the contract from being awarded should they have grounds to do so.

Once the contract award decision has been approved by the officer with appropriate delegated authority, as authorised in any pre-procurement report, a letter must be sent to all bidders, providing written feedback to all unsuccessful bidders as to why their bid was unsuccessful and the relevant advantages and characteristics of the successful bid compared to the unsuccessful bidder.

If in any doubt as to the application of the Mandatory Standstill Period then the Corporate Procurement Unit must be contacted for guidance.

## IMPORTANTLY:

Officers must be mindful of a challenge to an award decision and the implications that can result must that not be handled appropriately, specifically in relation to areas such as increased cost and workload to the Council and its Officers, alongside potential for reputational damage must the Council mishandle such a situation

Where a challenge to an award decision arises Officers must at the very least ensure that:

- i) Verbal communication with challenging bidder/s or their representative/s is not entered into. This includes avoidance of face to face debrief meetings that can become emotionally driven, and result in 'on the spot' responses being given to questions asked without such a response being correctly researched, quality checked and considered.
- ii) Communication with the challenging bidder/s or their representative/s is only carried out in writing via the Council's electronic opportunities portal
- iii) Written responses are quality checked for accuracy and content
- iv) Opinion is sought from the Council's Legal team
- v) The issue is escalated to an appropriate Senior Officer for opinion

In respect of contracts established via Non-European Union Procurement Procedures, i.e. where expenditure falls below EU Spend Thresholds, mindful of the EU Procurement principles of Openness, Fairness and Transparency, officers must use discretion as to what degree of debrief is provided, but must endeavour to provide meaningful feedback that enables bidders to understand where a submission could have been stronger, in order that future proposals may be improved.

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## **1.7 CONTRACT PAYMENTS**

### **1.7.1 Contract payments/settlements**

Contract payments/settlements shall be made in accordance with procedures referred to in the Financial Procedure Rules.

#### **[Financial Procedure Rules \(within the Council's Constitution\)](#)**

The terms upon which the Council will make payments to a contractor must be detailed within the applicable contract.

### **1.7.2 Prompt Payment within 30 days**

The Public Contracts Regulations require a Contracting Authority to include a clause in all public contracts providing that invoices submitted by the contractor shall be verified in a timely manner and payment of undisputed invoices shall be made within 30 days. Where the contractor enters into a sub-contract the prompt payment provisions must be replicated down the supply chain.

Where a contract contains terms requiring payment more quickly than 30 days (for example because of statutory requirements, or because the parties choose a shorter payment period) then these shorter payment periods will apply to that contract

## **1.7.3 Instalment Payments**

Where contracts provide for payment to be made by instalments the appropriate Head of Service shall maintain suitable records to show the state of account on each contract.

## **1.7.4 Authorisation of Payments**

Payment to contractors shall be authorised by an authorised certifying officer in accordance with the Department's Scheme of Delegation

## **1.7.5 Authorisation of Variations**

Officers must consult the Legal Team in respect of any proposed variation, as consideration will need to be given as to whether a proposed variation would constitute a 'material change' to the original contract. , necessitating a new procurement. If changes are 'material' then this can put the entire agreement at risk of cancellation, if challenged.

Viable variations to a contract shall be made in writing and shall require prior written authorisation by the appropriate Head of Service or on their behalf by an authorised certifying officer.

Where the contract in question has been formally sealed by the Legal team, then in respect of such variation the sealed contract copy will need to be updated to account for the variation. Usually a deed of variation will need to be drafted by Corporate Legal Services and executed by the parties to the contract.

## **1.7.6 Works Contracts – Final Certificate control**

No payment shall be made by the Council to the contractor without formal purchase order/formal agreement in place. This must be facilitated by processing a purchase order onto primarily the Councils financial system, Agresso, or the relevant operational system, against which invoices and payments can be processed and monitored

In the case of Works contracts a final certificate shall not be issued until the Head of Service has, to the extent that it is felt necessary, examined all matters relating to the final account.

## **1.7.7 Payments before Completion of Formal Contract**

No payment shall be made by the Council to the contractor without a formal purchase order / formal agreement in place and will only happen following the provision of supplies, services, or works.

Advance payments are not permitted, except small emergency payments in exceptional circumstances with prior authorisation through the Waiver Process set out in these Contract Procedure Rules.

## **1.7.8 Signed Contracts**

Contracts shall be signed on behalf of the Council by a duly authorised officer in accordance with the Scheme of Delegation for Officers

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## 1.8 WAIVER OF CONTRACTS PROCEDURE RULES

### 1.8.1 Waiver – Supplementary

Link to electronic waiver form: <https://forms.sefton.gov.uk/contractswaiver/>

- (a) Where any operational officer is seeking a waiver of any of the Council's Contract Procedure Rules, approval for that waiver must first be secured from the Head of Service within whose remit the procurement or contract sits
- (b) Where a Head of Service is seeking a waiver then this application should be submitted to an Executive Director.
- (c) Where an Executive Director is seeking a waiver then this application should be submitted to the Chief Executive Officer
- (d) When seeking a waiver of any of the Council's Contract Procedure Rules, the relevant officer shall complete a formal Waiver Request Report in accordance with the procedure set out below and shall submit that report to the Head of Service within whose remit the procurement or contract sits. This Waiver Request Report shall clearly state:
  - the particular Contracts Procedure Rule/s to be waived
  - the period of time during which the waiver shall be effective and related value of expenditure for this period
  - Budget Approval – include Budget, Funding and Cost Centre Code
  - Business Case in support of the waiver which must include details of how the following would be achieved despite the waiver:
    - i. Value for Money
    - ii Transparency, propriety and accountability
    - iii. Position of the contract under the Public Contracts Regulations  
2015
    - iv. How the contractor was selected
    - v. Identification of potential project risks and controls
    - vi. How the project links with departmental and corporate objectives
    - vii. Whole life costs of the project including the revenue costs associated with the project
    - viii Social Value Benefit
- (e) When considering any request for a waiver of any of the Contract Procedure Rules the relevant Head of Service shall seek any necessary advice and

guidance from the Procurement service, Legal service, Finance service or any other specialist team before determining the waiver request.

- (f) The Head of Service **MUST** e-mail a copy of the signed waiver form to [central.procurement@sefton.gov.uk](mailto:central.procurement@sefton.gov.uk) to be archived.
- (g) Where any Contracts Procedure Rules are waived the relevant Officer shall comply with the remaining Contracts Procedure Rules

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## 1.9 PROCUREMENT RISK ASSESSMENT

Early engagement of the Procurement Team within any procurement process is essential as that enables a member of the team to be allocated to a project a foundation stage.

Procurement Officer/s allocated is able to support the development of the Pre Procurement Report that a Client Officer needs to compile and submit in order to secure approval to commence a procurement exercise

The Procurement Risk Assessment enables the Client Officer to set out the building blocks of the requirement which will enable the Procurement Officer to contribute appropriate documentation. This can be found on the Intranet here, and is an online submission:

### [PROCUREMENT RISK ASSESSMENT](#)

Procurement Officers are required to upload a copy of the Procurement Risk Assessment to the Council's opportunities Portal as a supporting document for that specific procurement exercise

## 1.10 EXPENDITURE APPROVAL PROCESS – PRE PROCUREMENT REPORTING

### 1.10.1 Pre-Procurement Reporting

All officers requiring to commit expenditure in order to acquire Supplies, Services or Works on behalf of the Council, or a Collaborative group of Councils if in the lead role, must first consider Approval to Commit Expenditure and so to commence the procurement process. In doing this officers must consider Financial Procedure Rules and any relevant budget approval process and must refer to the Head of Corporate Resources where necessary.

It is a requirement of the Chief Executive Officer and the Elected Members that approval to commit expenditure be considered, prior to commencement of any Procurement activity as follows:

- (a) Expenditure of £5000 up to £150,000 - a Pre Procurement report is to be taken to the Officer's Head of Service
- (b) Expenditure of £150,001 up to:
  - i) 3 x the OJEU Spend Threshold for Supplies & Services (i.e. £492,528.00 as at January 2016), or
  - ii) The OJEU Spend Threshold for Works (i.e. £4,104,394.00 as at January 2016)

– a Pre Procurement report is to be taken to the Officer's Cabinet Member to seek approval to commence Procurement activity and so commit expenditure.



(c) Expenditure of:

- i) Over 3 x the OJEU Spend Threshold for Supplies & Services (i.e. £492,528.00 as at January 2016), or
- ii) Over the OJEU Spend Threshold for Works (i.e. £4,104,394.00 as at January 2016)

– A Pre Procurement report is to be taken to Cabinet to seek approval to commence Procurement activity and so commit expenditure.

**NOTE :** The **ONLY** exception to this rule shall be where a prospective procurement satisfies the requirements of a 'Key Decision'. The following information is reproduced from the Council's Constitution to aid officers in determining whether prospective procurement qualifies as a Key Decision:-

**"A KEY DECISION is:**

*a) any executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater;*

*b) any executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards.*

Where a prospective procurement is determined to be a Key Decision then this will need to be entered onto the Forward Plan via liaison with the Democratic Services Team. Officers must be mindful in such circumstances to plan additional time into the procurement process.

A Key Decision relating to a prospective procurement will be considered by Cabinet within a Pre Procurement report.

Pre Procurement reports must set out:-

- i) The brief details of the Procurement exercise and the Procurement method to be employed
- ii) The basis of evaluation, i.e.
  - MEAT (Most Economically Advantageous Tender) taking into consideration a balance between Quality and Cost

or

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## 100% Lowest Cost,

*(\*NOTE : Whilst 100% Lowest Cost evaluation is permitted in below-EU procurement exercises, Cost only evaluation is only permissible in EU procurement exercises, where the bidders are first required to meet a minimum specification of Supplies, Services or Works.*

or

## 100% Quality

*(NOTE: within EU Procurements 100% Quality Evaluation is only permissible where the Council publishes a fixed cost that it will pay to any successful bidder, and so the competition is carried out on Quality only)*

- iii) A request that authority be delegated to a nominated officer, such as a Head of Service, or one of their officers, to approve the resulting post procurement contract award.

The following illustration summarises the Pre Procurement expenditure approval process that these Contracts Procedure Rules detail.

### **1.10.2 Pre-Procurement Approval specifically in respect of Adult's or Children's Social Care support packages and placements**

It is recognised that some individual adult and child care or support packages and placements cannot be fulfilled using existing Framework Agreements or Dynamic Purchasing systems and on these occasions will need to be procured from the open market, via the Council's e-procurement portal.

It is also recognised that in many cases, due to ongoing care requirements, the end date of such contracts cannot be identified at the point of procurement. In such circumstances, and in accordance with the Public Contract Regulations 2015, a period of 4 years should be used to calculate the contract value.

On occasion the anticipated value of these contracts may exceed the normal delegated authority of Head of Service, and in certain circumstances Cabinet Member too, however due to the restricted amount of time available to procure these often urgent individual care or support service packages, it would not be possible or desirable to always obtain Cabinet Member or Cabinet Pre-Procurement approval.

Consequently, specific provision is made herein and within the Council's Constitution to delegate authority in such circumstances to the relevant Head of Service, currently :

- i) Head of Adult Social Care,
- ii) Head of Children's Social Care,

iii) Head of Schools & Families

to:

- a) approve the commencement of a procurement process for Adult or Children's social care contracts which are outside the scope of an existing Framework, Dynamic Purchasing System or other budgetary agreement;  
  
and
- b) to award contracts following a procurement exercise, and so commit expenditure.

To ensure that such procurement is effectively monitored, a report of Adult and /or Children's delegated procurement approvals will be submitted to the relevant Cabinet Member on a monthly basis.

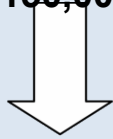
### What level of pre-approval is required in respect of Contract Value?

(Officers must ensure that you read and understand The Contract Procedure Rules and do not simply refer to this illustration alone)

#### FOR EXPENDITURE OVER £50,000 - DECISION PUBLISHED ONLINE

(by Democratic Services via Intranet and Internet)

£5000 up to  
£150,000



Head of Service  
Responsibility &  
Accountability

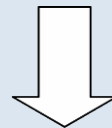
Pre Procurement Report

£150,001 up to:

i) 3 x the OJEU Spend Threshold  
for Supplies & Services (i.e.  
£492,528.00 as at January 2016),

or

ii) The OJEU Spend Threshold for  
Works (i.e. £4,104,394.00 as at  
January 2016)



Cabinet Member Responsibility

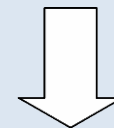
Pre Procurement Report

Expenditure Over:

i) 3 x the OJEU Spend Threshold  
for Supplies & Services (i.e.  
£492,528.00 as at January 2016),

or

ii) The OJEU Spend Threshold for  
Works (i.e. £4,104,394.00 as at  
January 2016)



Cabinet Responsibility

Pre Procurement Report

#### KEY DECISION

Cabinet Responsibility - Pre Procurement Report (as determined by Key Decision definition)

## **PART 2: STANDING ORDERS CONCERNING CONTRACTS EXCEEDING THE APPLICABLE EUROPEAN UNION SPEND THRESHOLD**

### **2.0 Application**

Part 2 of these Contracts Procedure Rules shall apply to all contracts exceeding applicable European Union spend thresholds in value, and officers must adhere to the Public Contracts Regulations 2015

European Union spend thresholds (for the whole value of the contract including any optional periods) are as follows:-

- a) Supplies / Services - **£164,176.00**
- b) Works – **£4,104,394.00**

*Note: Spend threshold figures correct as at January 2016, but subject to ongoing change, ordinarily on a two year cycle.*

*'Works' means any of the activities specified in schedule 2 of the Public Contracts Regulations 2015*

*The contents of schedule 2 can be viewed here:-*

**[2015 Public Contracts Regulations](#)**

### **2.1 Forms of Procurement**

2.1.1 There are four main forms of procurement available for contracts exceeding European Union Spend Thresholds:-

- (a) Open Procedure Tendering
- (b) Restricted Procedure Tendering
- (c) Direct Call Off from a Framework
- (d) Mini competition within a Framework or a Dynamic purchasing System

Other procurement procedures include Competitive Procedure with Negotiation, Competitive Dialogue and Innovation Partnership. These other procedures are for use in complex contracts or limited circumstances where a solution is not readily available in the market.

2.1.2 Procurement of services which are classified as falling within Schedule 3 – 'Social and Other Specific Services' of the Public Contracts Regulations 2015, must be considered against a higher European Union spend threshold (for the whole value of the contract including any optional periods) of:

**£589,148.00**

*Note: Spend threshold figure correct as at January 2016, but subject to ongoing change, ordinarily on a two year cycle.*

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Where this spend threshold is exceeded officers shall follow the applicable, and Schedule 3 specific, 'Light Touch Regime' with the assistance of Officers of the Corporate Procurement Unit

2.1.3 This process shall not remove or modify the responsibility of the relevant Head of Service to take such steps as may be reasonably necessary to safeguard the Council's interest.

2.1.4 In order to determine a suitable procurement approach to a specific market, officers may first choose to carry out non-committal soft market testing in order appreciate the level of interest, and numbers of providers that exist in a particular market. This must be conducted in a way that competition isn't distorted. If a Procurement process is then required, a level playing field between bidders MUST be maintained.

## **2.2 Open Procedure Tendering**

**2.2.1** This Rule shall apply where the Cabinet or Cabinet Member has agreed that procurement activity be commenced, and where the applicable European Union spend thresholds detailed in Contracts Procedure rule 2.0 are exceeded.

Commissioners and/or Procurement Officers shall follow an Open Procedure specifically where the market for the requirement is identified as limited in terms of supplier numbers, and so the number of submitted bids is likely to be low.

Within an Open procedure, the opportunity must be made available to the marketplace for a minimum of 30 calendar days

**2.2.2** The Council shall give public Contract Notice of its intention to enter into such arrangements. Such Contract Notice shall be published electronically, within the Official Journal of the European Union (OJEU), via its electronic opportunities portal.

**2.2.3** The Contract Notice shall state the nature and purpose of the proposed contract, it shall provide interested providers with an electronic Invitation to Tender (ITT) document setting out particulars of the contract into which the Council wish to enter, together with specification, standard and special terms and conditions, the award criteria and weightings, the closing date for tenders, the Council's requirements as to the procedures for submission of tenders, and invite providers to submit a completed ITT proposal within the specified period stated in the public notice.

**2.2.4** The Head of Service's evaluation panel shall evaluate all submissions using the award criteria and weightings in the published tender documents and shall maintain a copy of the marked evaluation matrix

## **2.3 Restricted Procedure Tendering**

**2.3.1** This Rule shall apply where the Cabinet or Cabinet Member has agreed that procurement activity be commenced, and where the applicable European Union spend thresholds detailed in Contracts Procedure Rule 2.0 are exceeded

Commissioners and/or Procurement Officers shall follow a Restricted Procedure specifically where there is likely to be a substantial number of providers in the marketplace and so a high number of responses would be expected, or the supplies, works or services are of a specialist nature.

The procedure is a two stage process. The first stage is a Selection stage and allows the Commissioner / Procurer to restrict the marketplace. Within a Restricted procedure the opportunity must be made available to the marketplace for a minimum of 30 calendar days.

A shortlist of providers is created at selection stage by using a standard Selection Questionnaire (SQ) to evaluate and score minimum requirements that contractors must meet. Importantly such requirements must be relevant and proportional to the contract in question. The minimum period of time that must be afforded to shortlisted bidders, within a restricted procedure, at Invitation to Tender (ITT) stage is 25 calendar days.

**2.3.2** The Council shall give public Contract Notice of its intention to enter into such arrangements. Such notice shall be published electronically, in the Official Journal of the European Union (OJEU), via its electronic opportunities portal.

**2.3.3** The Contract Notice shall state the nature and purpose of the proposed contract, it shall provide interested providers with an electronic Selection Questionnaire (SQ) document setting out particulars of the contract into which the Council wish to enter, together with the selection criteria and weightings, the closing date for submission of SQ's and the Council's requirements as to the procedures for submission of PQQ's, and invite providers to submit a completed SQ proposal within the specified period stated in the public notice.

**2.3.4** In consultation with the Head of Commissioning Support & Business Intelligence or their representative, the relevant Head of Service's evaluation panel, consisting of a minimum of two officers, shall evaluate all submissions using the selection criteria and weightings in the published SQ document and shall maintain a copy of the marked evaluation matrix.

**2.3.5** At the second stage of the procedure, the Award stage, Invitations to Tender (ITT) for the contract shall, where possible, be sent to not less than five of the highest scoring providers who expressed an interest in tendering and submitted a SQ within the specified time-scale, and that have met the minimum requirements.



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**2.3.6** The ITT documents must state the particulars of the contract into which the Council wish to enter, together with specification, standard and special terms and conditions, the award criteria and weightings, the closing date for tenders, the Council's requirements as to the procedures for submission of tenders, and invite providers to submit a completed ITT proposal within a specified period

**NOTE :** *All tender opportunities that exceed the applicable EU Spend Threshold shall, in addition to being managed on the Council's Electronic Opportunities Portal, also be advertised on the Government's 'Contracts Finder' Facility. Officers of the Procurement Unit will assist with this task.*

## **2.4 Direct call off from a Framework**

**2.4.1** This Rule shall apply where the Cabinet or Cabinet Member has agreed that procurement activity be commenced.

Where an officer identifies a pre-tendered compliant framework, whether that be owned by Sefton Council, or owned by an external organisation but available to the Council, then where such a framework allows, and in line with the requirements laid down above, a direct call off may be made and a purchase order placed with an organisation that represents best value against the requirement, negating the need for a procurement exercise.

## **2.5 Mini competition within a Framework / Dynamic Purchasing System (DPS)**

**2.5.1** This Rule shall apply where the Cabinet or Cabinet Member has agreed that procurement activity be commenced.

Where an officer identifies a pre-tendered compliant framework or DPS, whether that be owned by Sefton Council, or owned by an external organisation but available to the Council, and such a framework or DPS has a requirement to further compete for an award of business, a mini competition must be carried out. This will require the creation of an Invitation to Tender (ITT) document which is issued to all Framework or DPS providers. setting out particulars of the contract into which the Council wishes to enter, together with the award criteria and weightings, the closing date for tenders, the Council's requirements as to the procedures for submission of tenders, and invite providers to submit a completed ITT proposal within an appropriate period as defined by the client officer

## **2.6 Invitations to Tender and Interim Custody of Tenders**

**2.6.1** All Invitations to Tender shall include the following:

- (i) The Council will only be issuing and receiving Invitations To Tender electronically. Tenders submitted by any other means shall not be considered.
- (ii) A requirement for tenderers to complete fully and sign or otherwise authorise the Form of Tender,
- (iii) All electronic responses will be held within a secure online sealed tender box that is only accessible by the appointed Verifier after the specified fixed time and date.
- (iv) All Invitations to Tender must specify the supplies, works or services that are required in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of the contract that will apply.
- (v) A description of the Award Procedure and a definition of the Award Criteria in objective terms and in descending order of importance with weightings.
- (vi) Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's risk and expense
- (vii) Notification that amendments must not be made to the contract documents by the tenderer

**2.6.2** A record of tenders received in pursuance of these Contracts Procedure Rules shall be recorded within the Council's electronic opportunities portal, maintained by the Head of Commissioning Support & Business Intelligence or an Officer designated for that purpose.

**2.6.3** An electronic contract register will be maintained by the Head of Commissioning Support & Business Intelligence

## **2.7 Closing Date for Receipt of Tenders**

**2.7.1.** Tenders received within the Council's electronic opportunities portal, after the predetermined close date and time, will not be considered.

## **2.8 Method of Opening Tenders**

**2.8.1** In respect of tender submissions received electronically, ONLY a Verifying officer as designated within the Council's electronic opportunities portal will have permission to open online sealed tender submissions.

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## **2.9 Evaluation of Tenders**

### **2.9.1 Evaluation and Award (for above EU spend threshold procurements)**

(a) Tenders shall be evaluated and awarded on the basis of the value for money they offer to the Council in line with either :-

i) MEAT (*Most Economically Advantageous Tender*) Principles. Criteria must be relevant to the contract and apportioned between Cost and Quality in a ratio reflecting the risk and value of the contract

or

ii) Lowest Cost. The Council must publish a minimum specification of Supplies, Services or Works which bidders are required to meet

or

iii) Highest Quality . The Council must publish a fixed cost that it will pay to any successful bidder, and so bidders are evaluated on the highest quality that can be provided for that fixed cost

as determined and documented in advance of Tenders being invited.

(b)Tenders shall be evaluated and awarded in accordance with criteria and weightings determined, and documented in:

- i) The Pre Procurement Report,
- ii) The OJEU Contract Notice, and
- iii) An evaluation matrix,

and must not be changed at any time during the process.

Should the Cost element of a tender evaluation involve a Cost Model, Basket of Goods, or Basket of Works, then consideration must be given, ahead of commencing the procurement exercise, to publishing that detail within the procurement document. Where it is felt inappropriate to publish the detail then officers must consider lodging that detail with the Legal team for the duration of the bidding period and only access the detail once the bidding period has closed.

Where a Cost Model, Basket of Goods or Basket of Works is employed in the Cost Element of an Evaluation, the content **MUST NOT** be changed once bids are received.

## **2.9.2 Evaluation Panel**

- (a) Evaluation Panels must be established prior to the issue of the Invitation to Tender documents, to ensure that they are engaged with the process and understand the evaluation criteria and weightings.
- (b) Evaluation Panels must include representation from the client department/key Stakeholders, and must consist of a minimum of two operational officers in addition to any procurement officer.
- (c) Where an Interview / Presentation session has been planned into an evaluation, the evaluation panel members must be consistent with the panel members that have undertaken other elements of the evaluation.

Ahead of any Interview / Presentation session, evaluation panel members must ensure that they are familiar with the content of the tender submissions of the bidders invited to that session.

## **2.9.3 Evaluation Matrix**

- (a) The Evaluation Matrix will consist of defined evaluation criteria and weightings. Marks and scores must be brought through from the ITT document to reflect what is material to the award of a particular contract.
- (b) criteria shall have a number of marks allocated to signify to tenderers the relative importance of each criterion.
- (c) Scores – All bids must be scored consistently against a scoring scheme which must be included in the Invitation to Tender. IMPORTANTLY evaluation panel members cannot employ any scoring scheme which differs from the scoring scheme published in the ITT document. For example panel members must not introduce half marks where these do not exist within the published scoring scheme, and for which there is no published narrative.
- (d) All scores and notes made by the evaluation panel must be recorded in writing and used for reference if further moderation is required.
- (e) Section 2.9.4 of these rules advises on the need for moderation, and this is essentially to manage out subjectivity in an evaluation process. Where an evaluation contains an Interview / Presentation stage then quality scores attributed upto that point must be moderated in order to ensure that any decision taken to invite a shortlist of bidders to Interview / Presentation is based on correct and accurate scoring.
- (f) Where an Interview / Presentation stage is employed within an evaluation then officers must seek to manage this stage incorporating the following advice:

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- i) Should a Presentation be required from a shortlist of invited bidders, then all shortlisted bidders must equally be informed, ahead of the Presentation, via the Council's electronic opportunities portal, of:
  - the theme that the bidder must base their presentation on (and this must be relevant to the subject of the procurement).
  - the time limit applied to the Presentation
- ii) Where Interview questions are to be asked then all shortlisted bidders must equally be informed, ahead of the Interview session, via the Council's electronic opportunities portal:
  - the number of questions that will be asked
  - the marks that will be allocated to each question

However bidders invited to an Interview session must **NOT** be informed, ahead of the session, of the content of the questions to be asked as this will simply result in pre-refined question responses which will make it difficult to distinguish the bidders.
- iii) Comprehensive notes of all Interview / Presentation Sessions must be recorded and fed into the evaluation matrix as these will be required to support the scoring allocated, and enable feedback to be given to unsuccessful bidders.

## **2.9.4 Moderation**

- (a) The Evaluation Panel will discuss their individual scores and must reach agreement on a moderated panel score and justifying comments.
- (b) Any moderated scores and applicable justifying comments must be recorded in the Evaluation Matrix accompanying the procurement.
- (c) All notes may be the subject of information requests or legal challenge against award of a contract. It is crucial that accurate notes justifying awarded scores are maintained throughout and relate solely to the relevant award criteria.

## **2.9.5 Post Tender Clarification**

- (a) Post Tender Clarification is to be requested and returned via the Council's electronic opportunities portal. Importantly, post tender clarification may only be sought in relation to an element of the bidder's submission that has been provided, and which needs further understanding.

Post Tender Clarification however cannot be used to seek from the bidder some element of the submission which has been omitted, and as such seeking provision of such omission would provide the bidder with an unfair advantage.

(b) Evaluation scores can only be amended where specific clarification has been requested relating to the award criteria.

(c) All clarification questions and returns must be noted and any amended scores which result from clarification are to be updated in the Evaluation Matrix.

## **2.9.6 Best and Final Offer (BAFO)**

Officers are informed that in respect of procurements exceeding the applicable EU Spend Threshold, there is NO provision within the Public Contracts Regulations for a BAFO stage to be employed in any procurement procedure other than the much specialised Competitive Dialogue Procedure.

## **2.10 Method of Acceptance of Tender**

**2.10.1** Tenders may be accepted by the relevant Officer to who delegated authority to approve a contract award was sought in a related pre-procurement report provided that all of the following apply:-

(i) In the case of an Open procedure, bids have been sought from the marketplace as a whole. Or, in the case of a restricted procedure, where possible, five or more tenders have been invited following a selection stage, in accordance with contracts procedure rules

(ii) the tender proposed to be accepted is either:

- the highest score if Cost and Quality in line with MEAT principles have been stated as the basis for award, or

- the Lowest Cost if Cost has been stated as the basis for award where a published minimum specification is met

- The Highest Quality if Quality has been stated as the basis for award where the bid meets the fixed cost that the Council has set.

**2.10.2** There may be instances where due to the dynamics of a marketplace, or the specifics of the Council's requirements, only 1 tender bid is received. The Council is able to consider a single bid however Officers will naturally be concerned as to maintaining a competitive position for the Council where there is an apparent lack of competition within a marketplace. In support of this there is provision within the 2015 Public Contracts Regulations that allow an EU Procurement to be switched to a Negotiated Procedure in certain circumstances. Regulation 32 (the link to which is detailed below) sets out the circumstances under which this process variation can be employed, but importantly the regulation includes the ability to switch to a Negotiation where '*Competition is absent for technical reasons*'

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## The Public Contracts Regulations 2015 - Regulation 32

Where an Officer proposes to utilise the provisions under Regulation 32, and vary the procurement process, then a report will need to be taken to the level to which Pre Procurement Approval was originally secured, in order to gain further approval to the process variation.

Any subsequent Negotiation which takes place must be carried out in writing via the Council's electronic opportunities portal.

**2.10.3** Where an officer proposes to reject a tender despite meeting the stated criteria officers must seek Head of Service Approval following advice from CPU

### **2.11 Errors in Tenders**

**2.11.1** If before the date of entry into a contract it is discovered that an error has been made in the tender it shall be dealt with as follows:-

(a) Building Contracts – in accordance with the National Building Specification (NBS) Guide, Alternative 1 or Alternative 2.

(b) Other Contracts – the Tenderer must be given the opportunity of confirming the offer or of amending it to correct genuine and obvious arithmetical errors.

Clarification surrounding such errors shall be sought in writing via the Messaging facility within the Council's Electronic Opportunities Portal

Should a bidder, in amending an arithmetical error, reflect a change in the bid that directly relates to the determined award criteria, then the bid must be re-scored as necessary. If a bidder opts to formally withdraw a bid altogether then it shall receive no further consideration

The above action by the relevant Head of Service in consultation with the Head of Commissioning Support & Business Intelligence shall take place before the date of entry into a contract.

### **2.12 Indemnity and Health & Safety**

**2.12.1** Every contract shall contain clauses

(i) requiring the contractor to observe and perform in relation to the work to be carried out under the contract the requirements of the Health & Safety at Work etc. Act 1974 or of any Regulations or Codes of Practice made under the authority of that Act and to comply with any lawful requirements of the Health and Safety Executive in relation to such work; and there shall be reserved to any duly authorised Officer of the Council the right of access to the site for the purpose of ensuring compliance with the requirements of this Clause

(ii) that have regard to Sustainability and to the requirements of the Equality



Act 2010.

**2.12.2** In every contract the contractor shall be required to indemnify the Council against:

(i) any claim which may be made in respect of Employers' Liability against the Council or the contractor by any workmen employed by the contractor or any sub-contractor in the execution of the works or the provision of supplies and services;

(ii) any claim for Public Liability, i.e. for bodily injury, or damage to, property of third parties;

(iii) any claim which may be made under the Health and Safety at Work etc. Act, 1974 (HASWA) against the Council or the contractor/sub-contractor unless such claim is substantially due to the neglect of the Council or any of its Officers; and the contractor shall when required by the Head of Service and Head of Regulation and Compliance produce satisfactory evidence that it is insured against any such claims.

Levels of indemnity cover, must be considered for topics such as Employers Liability, Public Liability, and Professional Indemnity as appropriate to the topic in question

The responsibility rests with the client officer, to assess the risk surrounding the prospective procurement and settle upon levels of indemnity appropriate and proportional to the requirement. Where required, guidance in respect of Indemnity and assessing risk must be sought from relevant officers of the Council (i.e. Insurance, Health & Safety, Legal).

Where the appropriate levels of indemnity are determined through risk assessment supported by appropriate guidance from specialist officers, bidders through a procurement process must confirm that such indemnity will be in place must a contract be awarded.

## **2.13 Funding Availability**

Officers are advised that Contract conditions must state:

*“The price agreed for the contract is subject to the ongoing availability of sufficient funding. In the event that during the contract period the Council does not have sufficient funds to cover the price of the contract the Contractor will develop and agree a contract variation with the Commissioner / Procurer such that the contract price remains within the funding available.*

*In the event that agreement cannot be reached the dispute resolution procedure set out within the contract will be followed.”*

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## **2.14 Transfer of Undertakings (Protection of Employment) TUPE Regulations 2006**

**2.14.1** The Regulations apply to a business transfer but more regularly within the Authority it applies to service provision changes. This means that Officers commissioning / procuring Services must be aware of the impact of the TUPE Regulations. The Regulations impose a number of obligations on relevant parties and a failure to address the demands of TUPE could result in significant penalties, decisions and awards being made against the Authority which we clearly want to avoid. An outsourcing will likely carry TUPE implications and even if TUPE is deemed not to apply the potential implications must be considered as early as possible.

Another purpose of the Regulations is to ensure that in a situation where contractual delivery of a service is moving from one provider to another, i.e. by way of a procurement exercise, then affected workers' employment rights and entitlements are protected. This can include pension rights. In such circumstances the Authority may be deemed to be the client however the Council must be aware of the potential implications and requirements of the legislation and acknowledge these appropriately within Tender/outsourcing documentation and contracts.

The Council's Procurement and Legal teams and HR must be consulted in order to fully understand any potential impact on a procurement in order to protect the Council's position and address TUPE in writing, where appropriate.

Additionally clauses within any contract where TUPE is likely to apply must be included relating to ensuring that the Council can request staffing information at any point throughout the duration of the contract.

### **2.14.2 Pensions issues when transferring out staff**

This is a high-level summary of the pensions issues that Sefton MBC must consider when looking to outsource a function where that outsource may potentially involve a TUPE transfer of staff and where those staff are / or may be members of the Local Government Pension Scheme ("LGPS").

There is an obligation placed upon employers to ensure that current LGPS members retain the right to continue to pay into the LGPS, and eligible members retain the right to join.

This is very likely to be an issue where a service of function is outsourced for the first time from Sefton MBC to a new service provider (a first generation transfer). However, it can and does regularly arise where there is a subsequent transfer from one service provider to another (a second, third or subsequent generation transfer).

For the avoidance of doubt this issue will only arise where both of the following elements are present:

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1. employees are in line to transfer from Sefton MBC or from an existing service provider to a new service provider; and
2. some or all of those employees are either current LGPS members or are eligible to join LGPS.

If the above elements are present, advice should be taken from Sefton HR and / or Sefton Legal Services in relation to these issues before the procurement process commences.

This is because these issues will need to be dealt with in either the Advance Request For Quotation or the Invitation To Tender.

There are various obligations and implications that must be considered and these can be addressed in part in the contractual documentation.

New contractors will need to consider, amongst other things, the following:

- They are likely to be required to enter into an admission agreement whereby the new contractor becomes an admitted body (a type of Scheme Employer). The other parties to this agreement must be the Administering Authority (Merseyside Pension Fund) and the Scheme Employer (Sefton MBC).
- They will need to know what obligations and responsibilities are placed upon them when they become an admitted body. They must know this before they submit a proposal as this can have significant costs and implications for them. For example:
- they will need to know the level of employer pension contributions they will be required to pay, and this will depend on the demographic of the transferring members and the number, but certainly anything in the region of 23% plus of payroll can be expected;
- there may be the requirement for a bond to be put in place to cover certain associated risks to the LGPS; and
- there is likely to be a requirement to obtain an actuarial valuation in relation to the affected employees and they will need to budget for this and build this into their timeframes.

It is unwise to assume that the potential new contractors understand the risks and it is worthwhile verifying that this is the case. It is not likely to be in Sefton's MBC's best interests or those of either the new contractor or the affected employees to rely on the ignorance of a potential contractor. It is important that both parties have understood the risks involved so that no unexpected issues arise during, or at the end of, the contract term.

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## **PART 3: CONTRACTS UP TO BUT NOT EXCEEDING THE EUROPEAN UNION SPEND THRESHOLDS**

### **3.1 Competition Requirements**

3.1.1 European Union spend thresholds (for the whole value of the contract including any optional periods) are as follows:-

a) Supplies / Services -	<b>£164,176.00</b>
b) Works -	<b>£4,104,394.00</b>
c) Social and Other Specific Services -	<b>£589,148.00</b>

*Note: Spend threshold figures correct as at January 2016, but subject to ongoing change, ordinarily on a two year cycle.*

*'Works' means any of the activities specified in schedule 2 of the Public Contracts Regulations 2015 'Social and Other Specific Services' are as defined in Schedule 3 of the Public Contracts Regulations 2015*

*The contents of schedules 2 and 3 of the Regulations can be viewed here:-*

### **[2015 Public Contracts Regulations](#)**

In order to determine a suitable procurement approach to a specific market, officers may first choose to carry out non-committal soft market testing in order appreciate the level of interest, and numbers of providers that exist in a particular market. This must be conducted in a way that competition isn't distorted. If a Procurement process is then required, a level playing field between bidders MUST be maintained.

Where the estimated cost of any supplies, works or services to be ordered on behalf of the Council is less than the applicable European Union Spend Threshold shown above then proposals shall be invited as outlined below:

(a) Between £5000 and the applicable EU Spend Threshold : a minimum of three electronic invitations via the Council's electronic opportunities portal, subject to a procurement risk assessment being submitted to the Procurement team , which will determine the route to market using a Request for Quotation (RFQ) (identified risk):

**NOTE** : *Where the Client Officer / Procurement Officer opts to publish a Request For Quotation opportunity openly, and where that opportunity is valued at £25,000 or more, then in addition to being managed on the Council's Electronic Opportunities Portal, this must also be advertised on the Government's 'Contracts Finder' Facility. Officers of the Procurement Unit will assist with this task.*

(b) Less than £5000: proof of two written quotations is necessary in order to satisfy that best value is achieved. This responsibility rests with the Client Officer, NOT Officers of the Procurement Unit

Officers are reminded that the use of a Selection Questionnaire in order to narrow a marketplace in a below EU spend threshold exercise is **forbidden** under the 2015 Public Contracts Regulations

## **3.2 Evaluation of Quotations**

### 3.2.1 Evaluation and Award (for below EU spend threshold procurements)

(a) Quotations shall be evaluated and awarded on the basis of the value for money they offer to the Council in line with one of the following options:

Cost and Quality - in a ratio reflecting the risk and value of the contract

Lowest Cost. - where a detailed requirement specification is met as determined and documented in advance of Quotations being invited.

Highest Quality – where the budget that the Council is willing to commit is published to bidders and bidders are assessed on the quality that they can offer for that budget

(b) Quotations shall be evaluated and awarded in accordance with criteria and weightings determined, and documented in an evaluation matrix, and must not be changed at any time during the process.

Should the Cost element of a quotation evaluation involve a Cost Model, Basket of Goods, or Basket of Works, then consideration must be given, ahead of commencing the procurement exercise, to publishing that detail within the procurement document. Where it is felt inappropriate to publish the detail then officers must consider lodging that detail with the Legal team for the duration of the bidding period and only access the detail once the bidding period has closed.

Where a Cost Model, Basket of Goods or Basket of Works is employed in the Cost Element of an Evaluation, the content **MUST NOT** be changed once bids are received.

### **3.2.2 Evaluation Panel**

(a) Evaluation Panels must be established prior to the issue of the Quotation documents, to ensure that they are engaged with the process and understand the evaluation criteria and weightings.

(b) Evaluation Panels for procurements based on a mix of Cost and Quality must include representation from the client department/key Stakeholders, and must consist of a minimum of two operational officers. Where the basis of evaluation is Cost only then the Procurement Officer can be one of the evaluators.

(c) Where an Interview / Presentation session has been planned into an evaluation, the evaluation panel members must be consistent with the panel members that have undertaken other elements of the evaluation. Ahead of any Interview / Presentation session, evaluation panel members must ensure that they are familiar with the content of the Quotations of the bidders invited to that session.

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## 3.2.3 Evaluation Matrix

(a) The Evaluation Matrix will consist of defined evaluation criteria and weightings. Marks and scores must be brought through from the Quotation document to reflect what is material to the award of a particular contract.

(b) criteria shall have a number of marks allocated to signify to bidders the relative importance of each criterion.

(c) Scores – All bids must be scored consistently against a scoring model which must be included in the Quotation document.

(d) All scores and notes made by the evaluation panel must be recorded in writing and used for reference if further moderation is required. Individual Panel Member's scores and associated notes along with moderated evaluation panel scores and final justifying notes must be uploaded to the Council's electronic opportunities portal.

(e) Section 3.2.4 of these rules advises on the need for moderation, and this is essentially to manage out subjectivity in an evaluation process. Where an evaluation contains an Interview / Presentation stage then quality scores attributed up to that point must be moderated in order to ensure that any decision taken to invite a shortlist of bidders to Interview / Presentation is based on correct and accurate scoring.

(f) Where an Interview / Presentation stage is employed within an evaluation then officers must seek to manage this stage incorporating the following advice:

- i) Should a Presentation be required from a shortlist of invited bidders, then all shortlisted bidders must equally be informed, ahead of the Presentation, via the Council's electronic opportunities portal, of:
  - the theme that the bidder must base their presentation on (and this must be relevant to the subject of the procurement).
  - the time limit applied to the Presentation
  
- ii) Where Interview questions are to be asked then all shortlisted bidders must equally be informed, ahead of the Interview session, via the Council's electronic opportunities portal:
  - the number of questions that will be asked
  - the marks that will be allocated to each question

However bidders Invited to an Interview session must NOT be informed, ahead of the session, of the content of the questions to be asked as this will simply result in pre-refined question responses which will make it difficult to distinguish the bidders.

- iii) Comprehensive notes of all Interview / Presentation Sessions must be recorded and fed into the evaluation matrix as these will be required to support the scoring allocated, and enable feedback to be given to unsuccessful bidders.

### **3.2.4 Moderation**

- (a) The Evaluation Panel will discuss their individual scores and must reach agreement on a moderated panel score and justifying comments.
- (b) Any moderated scores and applicable justifying comments must be recorded in the Evaluation Matrix accompanying the procurement.
- (c) All notes may be the subject of information requests or legal challenge against award of a contract. It is crucial that accurate notes justifying awarded scores are maintained throughout and relate solely to the relevant award criteria.

### **3.2.5 Post Quotation Clarification**

- (a) Post Quotation Clarification is to be requested and returned via the Council's electronic opportunities portal. Importantly, post quotation clarification may only be sought in relation to an element of the bidder's submission that has been provided, and which needs further understanding.

Post Quotation Clarification however cannot be used to seek from the bidder some element of the submission which has been omitted, and as such seeking provision of such omission would provide the bidder with an unfair advantage.

- (b) Evaluation scores can only be amended where specific clarification has been requested relating to the award criteria.
- (c) All clarification questions and returns must be noted and any amended scores which result from clarification are to be updated in the Evaluation Matrix.

### **3.2.6 Best and Final Offer (BAFO)**

For below-EU Spend Threshold procurements only, these Contracts Procedure Rules facilitate officers employing a BAFO stage within a procurement exercise.

The purpose of the BAFO stage, is to enable the Commissioning / Procuring Officer to afford an opportunity to all bidders in a procurement exercise, that have not failed any pass/fail element of the evaluation, a final opportunity to improve their overall offer to the Council. This should enable the Council to seek best value.

The BAFO stage must be conducted through the Council's electronic opportunities portal, it must be provided to all 'compliant' bidders equally (i.e. those bidders that have passed all pass/fail elements of the evaluation), and must set a deadline for



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submission of BAFO's, to be returned via the Council's electronic opportunities portal.

Upon receipt of any number of BAFO's within a below-EU procurement exercise the Commissioning / Procuring officer will examine the contents of each BAFO.

A BAFO can be an improvement of any element of the bidder's 'offer' i.e. it may contain, for example;

- i) A lower Cost
- ii) An improvement in the quality offering
- iii) A value added element (such as an extended warranty on supplies)

Or any combination of these.

Where a BAFO is submitted Commissioning / Procuring officers must ensure that any improvements in a bidder's offer are reflected in the applicable evaluation matrix, rescoring bidder's submissions only where appropriate.

The following illustration summarises Procurement Process that these Contracts Procedure Rules detail.



## What level of Procurement Activity is required in respect of Contract Value?

(Officers must ensure that you read and understand The Contract Procedure Rules and do not simply refer to this illustration alone)

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£1 to £5000	£5001 to EU Spend Threshold	Above EU Spend Threshold
Proof of 2 Written Quotations	Electronic Opportunities Portal Minimum of 3 electronic invitations	Electronic Opportunities Portal In line with Public Contract Regulations
<b>Client Officer Responsibility</b>	Best and Final Offer (BAFO) <b>Procurement Team</b>	<b>Procurement Team</b>
	Risk Based Request for Quotation	Formal Tender Exercise