



## 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 19th April, 2018 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 11 April 2018

Please contact Ruth Harrison, Democratic Services Manager  
on 0151 934 2046 or e-mail [ruth.harrison@sefton.gov.uk](mailto:ruth.harrison@sefton.gov.uk)

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

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# **A G E N D A**

**1. Apologies for Absence**

**2. Declarations of Interest**

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

**3. Minutes of Previous Meeting**

(Pages 5 - 28)

Minutes of the meeting held on 1 March 2018

**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 Paragraphs 36 to 46 of the Council and Committee Procedure Rules in Chapter 4 of the Council Constitution.

(Details of any petitions notified or questions submitted by members of the public will be circulated at the meeting).

**Council Business Session**

**6. Questions Raised by Members of the Council**

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

**7. Constitutional and Governance Update – Member Code of Conduct / Whistleblowing Policy**

(Pages 29 - 68)

Report of the Head of Regulation and Compliance

**8. Revenue and Capital Budget Plan 2017/18 – 2019/20**

(Pages 69 - 84)

Report of the Head of Corporate Resources

**9. Membership of Committees 2017/18**

To consider any changes to the Membership of any Committees etc.

**10. Matters dealt with in accordance with Rule 46 of the Scrutiny Procedure Rules (Call-In and Urgency) of the Constitution**

(Pages 85 -  
88)

Report of the Leader of the Council.

**11. Motion from Councillor Byrom - Merseyside Fire and Rescue Service**

(Pages 89 -  
90)

To consider the Motion submitted by Councillor Byrom.

**12. Motion submitted by Councillor Moncur - Support for National Action to Tackle Obesity**

(Pages 91 -  
94)

To consider the Motion submitted by Councillor Moncur.

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

## **COUNCIL**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 1ST MARCH, 2018**

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

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

#### **87. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Jo Barton, Booth, Bradshaw, Brennan, Kevin Cluskey, Hands, Jones, Owens and Roche.

#### **88. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interest were received.

#### **89. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the Council Meeting held on 25 January 2018 be approved as a correct record subject to Minute No. 67 – "Declarations of Interest" being amended to reflect that Councillor Spencer declared a personal interest by virtue of being a member of the Planning Committee in Minute No. 82 – "Notice of Motion by Councillor Bennett" and left the room and took no part in the consideration of the item.

#### **90. MAYOR'S COMMUNICATIONS**

##### Mayoral Charity Ball – 17 March 2018

The Mayor reported that the Mayoral Charity Ball would be held on Saturday 17 March 2018 at the Floral Hall, Southport Theatre and Convention Centre. He urged Members to attend to support his Mayoral Charities and stated that tickets and further details of the event could be obtained from the Mayor's office in Bootle Town Hall before 9 March 2018.

# Agenda Item 3

COUNCIL- THURSDAY 1ST MARCH, 2018

## VC Commemorative Paving Stone for Richard George Masters

The Mayor reported that on Saturday 21<sup>st</sup> April at 11.00am, the VC Commemorative Paving Stone for Richard George Masters would take place at Southport War Memorial on Lord Street. He further reported that the service would start at 11.00am, with a Parade conducted by 238 Squadron Royal Logistics Core from 10.30am prior to the service and he invited all Members of the Council to attend.

The Mayor also reported that following the service in Southport, there would be an official new road sign unveiling that will see Pelham Drive re-named to George Masters Drive.

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

The Mayor reported that no matters had been raised by members of the public.

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

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

1. Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher)
2. Question submitted by Councillor Dawson to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
3. Question submitted by Councillor Dawson to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
4. Question submitted by Councillor David Barton to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
5. Question submitted by Councillor David Barton to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)
6. Question submitted by Councillor David Barton to the Cabinet Member for Locality Services (Councillor Fairclough)
7. Question submitted by Councillor David Barton to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
8. Question submitted by Councillor David Barton to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
9. Question submitted by Councillor David Barton to the Cabinet Member for Communities and Housing (Councillor Hardy)

COUNCIL- THURSDAY 1ST MARCH, 2018

10. Question submitted by Councillor David Barton to the Cabinet Member for Communities and Housing (Councillor Hardy)
11. Question submitted by Councillor David Barton to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)
12. Question submitted by Councillor David Barton to the Cabinet Member for Locality Services (Councillor Fairclough)
13. Question submitted by Councillor David Barton to the Cabinet Member for Planning and Building Control (Councillor Veidman)
14. Question submitted by Councillor Pugh to the Cabinet Member for Locality Services (Councillor Fairclough)
15. Question submitted by Councillor John Kelly to the Cabinet Member for Communities and Housing (Councillor Hardy)
16. Question submitted by Councillor Daniel Lewis to the Cabinet Member for Regulation, Compliance and Corporate Services (Councillor Lappin)
17. Question submitted by Councillor Dawson to the Cabinet Member for Children's Services and Safeguarding (Councillor John Joseph Kelly)

together with responses given. Supplementary questions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14 and 17 were responded to by the Leader of the Council and by Cabinet Members for Regeneration and Skills, Regulatory, Compliance and Corporate Services, Communities and Housing and Health and Wellbeing.

### **93. THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES - PRUDENTIAL INDICATORS 2018/19**

Further to Minute No. 121 of the Cabinet Meeting held on 15 February 2018, the Council considered the report of the Head of Corporate Resources on proposals to establish the Prudential Indicators required under the Prudential Code of Capital Finance in Local Authorities. This would enable the Council to effectively manage its Capital Finance Activities and comply with the Chartered Institute of Public Finance and Accountancy Prudential Code of Capital Finance in Local Authorities.

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

RESOLVED: That

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COUNCIL- THURSDAY 1ST MARCH, 2018

- (1) the Prudential Indicators as detailed in the report, and summarised in Annex A of the report, be approved as the basis for compliance with The Prudential Code for Capital Finance in Local Authorities;
- (2) approval be given to the relevant Prudential Indicators being amended, should any changes to unsupported borrowing be approved as part of the 2018/19 Revenue Budget;
- (3) it be noted that estimates of capital expenditure may change as grant allocations are received, as indicated in paragraph 2.2 of the report; and
- (4) the Head of Corporate Resources be granted delegated authority in conjunction with the Cabinet Member – Regulatory, Compliance and Corporate Services to manage the Authorised Limit and Operational Boundary for external debt as detailed in Section 5 of the report

## **94. TREASURY MANAGEMENT POLICY AND STRATEGY 2018/19**

Further to Minute No. 120 of the Cabinet Meeting held on 15 February 2018, the Council considered the report of the Head of Corporate Resources which provided details of the proposed procedures and strategy to be adopted in respect of the Council's Treasury Management Function in 2017/18.

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

RESOLVED:

That approval be given to:

- (1) the Treasury Management Policy Document for 2018/19 as set out in Annex A of the report;
- (2) the Treasury Management Strategy Document for 2018/19 as set out in Annex B of the report; and
- (3) the basis to be used in the calculation of the Minimum Revenue Provision for Debt Repayment in 2018/19 as set out in Annex C of the report.

## **95. ROBUSTNESS OF THE 2018/19 BUDGET ESTIMATES AND THE ADEQUACY OF RESERVES - LOCAL GOVERNMENT ACT 2003 - SECTION 25**

Further to Minute No. 122 of the Cabinet Meeting held on 15 February 2018 the Council considered the report of the Head of Corporate Resources which provided an assessment of the robustness of the estimates and the tax setting calculations, the adequacy of the proposed financial reserves and the production of longer term revenue and capital



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plans, based on the proposals set out in the report on the Revenue and Capital Budget Plan 2018/19 – 2019/20 (Minute No. 96 below refers).

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

RESOLVED:

That the matters raised in the report be noted and taken into account during the determination of the Budget for 2018/19.

## **96. REVENUE AND CAPITAL BUDGET PLAN 2017/18 – 2019/20**

Further to Minute No. 123 of the Cabinet Meeting held on 15 February 2018, the Council considered the joint report of the Chief Executive and the Head of Corporate Resources which provided details of the Revenue Budget for the period 2018/19 – 2019/20, and also the level of Council Tax for 2018/19 and information on:-

- An assessment of the Council's current financial position and approach to the 2018/19 to 2019/20 Budget Plan;
- Progress that has been made during the last year within the Council's Framework for Change programme;
- An update on the Government's announcement of resources that are available to the Council for 2018/19 (subject to final confirmation by the Government);
- The Council's current financial position and the assumptions built into the Medium Term Financial Plan;
- The options available for the Council's Budget;
- The proposed Capital Programme for 2018/19 and 2019/20; and
- The first budget estimate of the funding gap that the Council will face in 2020/21.

As such, the report set out the approach to the financial strategy of the Council and the national and local financial context within which it was operating; indicated that the Council had a statutory requirement to remain financially sustainable; that the Council's Framework for Change Programme was a comprehensive and ambitious programme that sought to support the delivery of the Council's core purpose; that as would be expected with a programme of this size and complexity that spanned a number of financial years, the detailed proposals had been and would continue to be the subject of change as they were developed and ultimately implemented; and that within this context, work had been undertaken to confirm that change proposals for 2018/19 were viable and would help deliver financial sustainability.

In respect of the overall financial context for the Council and its approach to the 2017/18 to 2019/20 Budget Plan the report indicated that in 2010, Central Government imposed, what were thought at the time, to be significant reductions in local government financial support; that rather than this being a short term restriction in spending, the austerity

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programme had extended into a ten-year long period of severe budget reductions; that for Sefton this had resulted in a funding gap of £233m being required to be met by the end of 2019/20, with a direct loss of 51% of government funding which equated to £722 per Sefton household; that due to the scale of this financial challenge (and taking into account the significant savings that had already been made since 2010) the Council undertook a comprehensive review of its role within the Borough, via the Imagine Sefton 2030 consultation and as a result, updated its core purpose; and that it was subsequently determined that the delivery vehicle for the Council's core purpose and to ensure financial sustainability would be the "Framework for Change" programme, the key pillars of which were detailed in the diagram in paragraph 2.4 of the report.

The report also detailed the progress to date made on the "Framework for Change" programme and that the Council remained focused on: -

- Creating more and better jobs for local people – Economic Growth
- Working with partners to deliver affordable services which achieve the best possible outcomes – Public Sector Reform
- Making every pound count in everything we do – Service Delivery Options
- Investing wisely and creatively to make and save money, grow faster and enable our communities to thrive – Strategic Investment

The report also provided information on the Medium Term Financial Plan (MTFP) 2018/19 – 2019/20 and in particular on the following issues:-

- Additional budget pressures associated with Adult Social Care and Children's Social Care
- Key MTFP assumption revisions relating to the Local Government Pay Offer, the Transport Levy, Business Rates and Council Tax Base, the Waste Levy, VAT Shelter Income, Leisure Income – VAT Liability Change, and the New Homes Bonus reduced funding
- Impact of the Local Government Financial Settlement
- Review of Budget proposals and planning assumptions

Regarding the Two-Year Budget Plan 2018/19 to 2019/20 the report indicated that, based upon the revisions to the MTFP and the savings that were forecast from the Public Sector Reform programme, it was now estimated that the funding shortfall in the following two years would be £11.227m and £2.542m respectively, before any Council Tax decisions were made and any additional service delivery options were considered; and that in order to support this two year package and the revised funding gap, a number of Service Delivery Options were now proposed relating to:

-

- Supplies and Services Saving
- Sefton New Directions Contract Saving
- The annual income stream arising from the acquisition of the Strand Shopping Centre

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- PSR2 – Re-phasing of Saving Achievement
- Transforming Sefton Reserve
- Risk Management, Financial Monitoring and Sustainability

The report then set out specific Budget 2018/19 issues relating to charges relating to external / levying bodies and the proposed overall Council Tax increase; provided information on schools' related grants; other Government grant notifications in 2018/19; a summary of budget proposals for 2018/19; and precepts to the Police and Crime Commissioner and Fire and Rescue Service.

The following appendices were attached to the report:-

Appendix A	Individual School Budgets
Appendix B	Draft Council Budget Summary 2018/19 – 2019/20
Appendix C	Fees and Charges 2018/19
Appendix D	Capital Programme 2018/19 - 2019/20

In conclusion, the Budget Plan 2018/19 to 2019/20 had proved to be a very positive first year of the financial plan period; and indicated that the Council would continue to play its part and show strong and visible leadership in delivering the Vision 2030; and that the Council had adopted the 2030 Sefton Vision of 'A confident and connected Sefton' and would continue to strive to deliver key priorities, ensuring everything it did had a contributory focus to the future of the Borough.

The report requested the Council to consider and determine the following issues:

- Budget for 2018/19 and the Financial Plan to 2019/20;
- Setting the Council Tax for Sefton Council for 2018/19; and
- Approving the overall Council Tax resolution for 2018/19.

The Council also considered the draft Council Tax resolution for 2018/19 which had been prepared by the Head of Corporate Resources and circulated to Members of the Council in the supplementary agenda.

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

That:

Budget 2018/19 and Medium Term Financial Plan to 2019/20

1. the update of the Medium Term Financial Plan for the period 2018/19 to 2019/20 which includes the implications of the local government finance settlement (Section 4) be noted;
2. Approval be given the budget for 2018/19 and the two-year financial plan to 2019/20 and officers be authorised to undertake

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the necessary actions relating to the implementation associated with the recommendations (Section 5);

3. Approval be given of a one-off revenue contribution, to be repaid of £1.209m to the Liverpool City Region Mayoral Combined Authority to support the Single Investment Fund in 2018/19. (Paragraph 7.2);
4. Approval be given to the changes in the use of one-off resources in 2018/19 and 2019/20 to phase the impact of the required savings over the budget plan (Paragraphs 5.6 and 7.2);
5. Approval be given to a Council Tax increase of 2.99% and a Social Care Council Tax Precept of 3% in 2018/19 resulting in an overall increase in Council Tax for Sefton of 5.99% for 2018/19;
6. the Schools' Forum decisions on the Dedicated Schools Grant and Individual School Budgets (Section 8 and Appendix A) be noted;
7. the allocation of specific grants as detailed in the report (Section 9) be approved;
8. the Fees and Charges as proposed in the draft Council budget (Appendix C) be noted; and
9. Subject to the recommendations above, the overall Council Tax resolution for 2018/19 including Social Care, Police, Fire and Parish Precepts be approved.

## Capital Programme 2018/19 to 2019/20

10. the Capital schemes to be funded from school and transport grants in 2018/19 as outlined in paragraphs 2.2 and 3.2 of Appendix D be approved for inclusion within the Capital Programme;
11. the transfer of the funding for work at Litherland Moss Primary School Phase 2 towards Essential and Planned schools maintenance as outlined in Section 2 of Appendix D be approved; and
12. the inclusion within the Capital Programme of the fully grant funded schemes as detailed in paragraphs 4.2 of Appendix D be approved.

Councillors Maher, Pugh, Jamieson and Bennett each gave a statement expressing the views of their political groups on the content of the report.

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Following debate on the report, an **amendment** was moved by Councillor Pugh, seconded by Councillor Daniel Lewis that the Motion be amended as follows:

*“In order to immediately improve the condition of roads within the Borough, approve the inclusion of an additional one-off resource in 2018/19 of £44,000 to be spent on highway maintenance. This will be capital expenditure and will be funded by Prudential Borrowing. The annual costs of this (£400,000 per year for ten years) will be funded from the Highways Maintenance – Carriageway Resurfacing revenue budget. The net increase in annual expenditure in 2018/19 will therefore be £357,000.”*

*“The net impact of the proposed amendment above would still ensure that the Council’s three year budget plan remains balanced.”*

Following debate and in accordance with Rule 96 of Chapter 4 in the Constitution, the voting on the Amendment was recorded and the Members of the Council present at the time, voted as follows:

#### FOR THE AMENDMENT:

Councillors Ashton, Brodie-Browne, Dawson, Dodd, Keith, Daniel Lewis, McGuire, Preece, Pugh, Pullin, Shaw, Lynne Thompson and Weavers.

#### AGAINST THE AMENDMENT:

Councillors Atkinson, Bennett, Bliss, Burns, Byrom, Carr, Carragher, Linda Cluskey, Cummins, Dutton, Fairclough, Friel, Gannon, Grace, Hardy, Jamieson, John Kelly, John Joseph Kelly, Lappin, Daniel Terence Lewis, Maher, McCann, McGinnity, McKinley, Moncur, Murphy, Brenda O’Brien, Michael O’Brien, O’Hanlon, Page, Pitt, Roscoe, Sayers, Spencer, Thomas, Anne Thompson, Tweed, Veidman, Webster, Bill Welsh, Marianne Welsh and The Mayor.

#### ABSTENTIONS:

Councillor David Barton.

The Mayor declared that the Amendment was **lost** by 42 votes to 13 with 1 abstention.

Following further debate and in accordance with Rule 96 of Chapter 4 in the Constitution, the voting on the Motion was recorded and the Members of the Council present at the time, voted as follows:

#### FOR THE MOTION:

Councillors Atkinson, Bennett, Bliss, Burns, Byrom, Carr, Carragher, Linda Cluskey, Cummins, Dutton, Fairclough, Friel, Gannon, Grace, Hardy, Jamieson, John Kelly, John Joseph Kelly, Lappin, Daniel Terence Lewis, Maher, McCann, McGinnity, McKinley, Moncur, Murphy, Brenda O’Brien,

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Michael O'Brien, O'Hanlon, Page, Pitt, Roscoe, Sayers, Spencer, Thomas, Anne Thompson, Tweed, Veidman, Webster, Bill Welsh, Marianne Welsh and The Mayor.

**AGAINST THE MOTION:**

Councillors Ashton, David Barton, Brodie-Browne, Dawson, Dodd, Keith, Daniel Lewis, McGuire, Preece, Pugh, Pullin, Shaw, Lynne Thompson and Weavers.

The Mayor declared that the Motion was carried by 42 votes to 14 and it was

**RESOLVED:**

That:

Budget 2018/19 and Medium Term Financial Plan to 2019/20

1. the update of the Medium Term Financial Plan for the period 2018/19 to 2019/20 which includes the implications of the local government finance settlement (Section 4) be noted;
2. Approval be given the budget for 2018/19 and the two-year financial plan to 2019/20 and officers be authorised to undertake the necessary actions relating to the implementation associated with the recommendations (Section 5);
3. Approval be given of a one-off revenue contribution, to be repaid of £1.209m to the Liverpool City Region Mayoral Combined Authority to support the Single Investment Fund in 2018/19. (Paragraph 7.2);
4. Approval be given to the changes in the use of one-off resources in 2018/19 and 2019/20 to phase the impact of the required savings over the budget plan (Paragraphs 5.6 and 7.2);
5. Approval be given to a Council Tax increase of 2.99% and a Social Care Council Tax Precept of 3% in 2018/19 resulting in an overall increase in Council Tax for Sefton of 5.99% for 2018/19;
6. the Schools' Forum decisions on the Dedicated Schools Grant and Individual School Budgets (Section 8 and Appendix A) be noted;
7. the allocation of specific grants as detailed in the report (Section 9) be approved;
8. the Fees and Charges as proposed in the draft Council budget (Appendix C) be noted; and

9. Subject to the recommendations above, the overall Council Tax resolution for 2018/19 including Social Care, Police, Fire and Parish Precepts be approved.

Capital Programme 2018/19 to 2019/20

10. the Capital schemes to be funded from school and transport grants in 2018/19 as outlined in paragraphs 2.2 and 3.2 of Appendix D be approved for inclusion in the Capital Programme;
11. the transfer of the funding for work at Litherland Moss Primary School Phase 2 towards Essential and Planned schools maintenance as outlined in Section 2 of Appendix D be approved; and
12. the inclusion within the Capital Programme the fully grant funded schemes as detailed in paragraphs 4.2 of Appendix D be approved.
13. It be noted that at its meeting on 25<sup>th</sup> January 2018, the Council calculated the following amounts for the year 2018/2019 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 1992 (as amended):
- (a) 82,939.50 Band D equivalent properties, for the whole area [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended]; and
  - (b) for dwellings in those parts of its area to which a Parish precept relates as shown in the table below:

Parish	Council Tax Base (Band D Equivalent Properties)
Aintree Village	2,037.00
Formby	9,125.50
Hightown	864.60
Ince Blundell	162.60
Little Altcar	330.90
Lydiate	2,047.80
Maghull	6,545.40
Melling	999.60
Sefton	236.50
Thornton	763.20

14. The Council calculate that the Council Tax requirement for the Council's own purposes for 2018/2019 (excluding Parish Precepts) is £126,458,685.
15. the following amounts be calculated by the Council for the year 2018/2019 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:

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(a)	£584,459,546	Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.																						
(b)	-£456,974,888	Being the aggregate amounts which the Council estimates for the items set out in Section 31A(3) of the Act.																						
(c)	£127,484,658	Being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 31B of the Act).																						
(d)	£1,537.08	Being the amount at 3(c) above (item R), divided by the amount at 1(a) above (item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts).																						
(e)	£1,025,973	Being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act.																						
(f)	£1,524.71	Being the amount at 3(d) above, less the amount given by dividing the amount at 3(e) above by the amount at 1(a) above (item T), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.																						
(g)	<p>The amounts below, being the amounts given by adding to the amount at 3(f) above the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council in accordance with Section 34(3) of the Act as basic amounts of its Council Tax for the year for dwellings in those parts of its area to which special items relate.</p> <table border="1"> <thead> <tr> <th>Parish</th> <th>£</th> </tr> </thead> <tbody> <tr> <td>Aintree Village</td> <td>1,580.18</td> </tr> <tr> <td>Formby</td> <td>1,533.48</td> </tr> <tr> <td>Hightown</td> <td>1,531.03</td> </tr> <tr> <td>Ince Blundell</td> <td>1,537.07</td> </tr> <tr> <td>Little Altcar</td> <td>1,534.00</td> </tr> <tr> <td>Lydiate</td> <td>1,598.24</td> </tr> <tr> <td>Maghull</td> <td>1,623.00</td> </tr> <tr> <td>Melling</td> <td>1,544.72</td> </tr> <tr> <td>Sefton</td> <td>1,539.51</td> </tr> <tr> <td>Thornton</td> <td>1,531.26</td> </tr> </tbody> </table>		Parish	£	Aintree Village	1,580.18	Formby	1,533.48	Hightown	1,531.03	Ince Blundell	1,537.07	Little Altcar	1,534.00	Lydiate	1,598.24	Maghull	1,623.00	Melling	1,544.72	Sefton	1,539.51	Thornton	1,531.26
Parish	£																							
Aintree Village	1,580.18																							
Formby	1,533.48																							
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Sefton	1,539.51																							
Thornton	1,531.26																							



(h) The amounts below being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Proportion of Band D	Property Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
Parish								
Aintree Village	1,053. 45	1,229. 03	1,404. 60	1,580. 18	1,931. 33	2,282. 48	2,633. 63	3,160. 36
Formby	1,022. 32	1,192. 71	1,363. 09	1,533. 48	1,874. 25	2,215. 03	2,555. 80	3,066. 96
Hightown	1,020. 69	1,190. 80	1,360. 92	1,531. 03	1,871. 26	2,211. 49	2,551. 72	3,062. 06
Ince Blundell	1,024. 71	1,195. 50	1,366. 28	1,537. 07	1,878. 64	2,220. 21	2,561. 78	3,074. 14
Little Altcar	1,022. 67	1,193. 11	1,363. 56	1,534. 00	1,874. 89	2,215. 78	2,556. 67	3,068. 00
Lydiate	1,065. 49	1,243. 08	1,420. 66	1,598. 24	1,953. 40	2,308. 57	2,663. 73	3,196. 48
Maghull	1,082. 00	1,262. 33	1,442. 67	1,623. 00	1,983. 67	2,344. 33	2,705. 00	3,246. 00
Melling	1,029. 81	1,201. 45	1,373. 08	1,544. 72	1,887. 99	2,231. 26	2,574. 53	3,089. 44
Sefton	1,026. 34	1,197. 40	1,368. 45	1,539. 51	1,881. 62	2,223. 74	2,565. 85	3,079. 02
Thornton	1,020. 84	1,190. 98	1,361. 12	1,531. 26	1,871. 54	2,211. 82	2,552. 10	3,062. 52
All Other Parts of the Council's Area	1,016. 47	1,185. 89	1,355. 30	1,524. 71	1,863. 53	2,202. 36	2,541. 18	3,049. 42

16. it be noted that for the year 2018/2019 the Police and Crime Commissioner and Fire and Rescue Authority have stated the following amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for

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each of the categories of dwellings shown below:

Proportion of Band D	Property Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
<u>Precepting Authority</u>								
Merseyside Fire & Rescue Authority	51.04	59.55	68.05	76.56	93.57	110.59	127.60	153.12
Merseyside Police and Crime Commissioner	118.65	138.42	158.20	177.97	217.52	257.07	296.62	355.94

17. the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2018/2019 for each part of its area and for each of the categories of dwellings.

Proportion of Band D	Property Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
<u>Parish</u>								
Aintree Village	1,223.14	1,427.00	1,630.85	1,834.71	2,242.42	2,650.14	3,057.85	3,669.42
Formby	1,192.01	1,390.68	1,589.34	1,788.01	2,185.34	2,582.69	2,980.02	3,576.02
Hightown	1,190.38	1,388.77	1,587.17	1,785.56	2,182.35	2,579.15	2,975.94	3,571.12
Ince Blundell	1,194.40	1,393.47	1,592.53	1,791.60	2,189.73	2,587.87	2,986.00	3,583.20
Little Altcar	1,192.36	1,391.08	1,589.81	1,788.53	2,185.98	2,583.44	2,980.89	3,577.06
Lydiate	1,235.18	1,441.05	1,646.91	1,852.77	2,264.49	2,676.23	3,087.95	3,705.54
Maghull	1,251.69	1,460.30	1,668.92	1,877.53	2,294.76	2,711.99	3,129.22	3,755.06
Melling	1,199.50	1,399.42	1,599.33	1,799.25	2,199.08	2,598.92	2,998.75	3,598.50
Sefton	1,196.03	1,395.37	1,594.70	1,794.04	2,192.71	2,591.40	2,990.07	3,588.08
Thornton	1,190.53	1,388.95	1,587.37	1,785.79	2,182.63	2,579.48	2,976.32	3,571.58
<u>All Other Parts of the Council's Area</u>	1,186.16	1,383.86	1,581.55	1,779.24	2,174.62	2,570.02	2,965.40	3,558.48

18. the Council's basic amount of Council Tax for 2018/2019 is not deemed to be excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

## 97. MEMBERSHIP OF COMMITTEES 2017/18

The Council considered the report of the Head of Regulation and Compliance which indicated that Councillor Dawson had been re-instated as a Member of the Liberal Democrat Group with effect from 29 January 2018. The report also referred to the resignation of former Councillor Andy Dams on 10 November 2017 and that the changes had changed the Political Balance on the Council and that the change in proportionality affected the entitlement to formal Committee Places.

The impact of the change was that the Liberal Democrat Group would be entitled to one additional place on the Overview and Scrutiny Committee (Regeneration and Skills) and a corresponding decrease in the Labour Group entitlement of one place on the Overview and Scrutiny Committee (Regeneration and Skills). As a consequence Councillor Pugh had appointed Councillor Dawson as a Member and Councillor Jo Barton as his Substitute Member of the Overview and Scrutiny Committee (Regeneration and Skills).

Councillor Grace referred to a number of changes to the membership of Committees by the Labour Group.

Councillor Keith referred to a number of changes to the membership of Committees by the Liberal Democrat Group.

Councillor Jamieson referred to a number of changes to the membership of Committees by the Conservative Group.

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

RESOLVED: That

- (1) it be noted that the change in proportionality resulted in an increase in the entitlement of the Liberal Democrat Group of one Committee place and a corresponding decrease in the Labour Group entitlement;
- (2) Councillor Dawson be appointed as a Member and Councillor Jo Barton as his Substitute Member of the Overview and Scrutiny Committee (Regeneration and Skills);
- (3) the following changes to the membership of Committees, as submitted by the Labour Group be approved:

### Overview and Scrutiny Committee (Regeneration and Skills)

- Councillor Webster and her Substitute Member Councillor Bradshaw to be taken off the Committee.

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## Overview and Scrutiny Committee (Regulation, Compliance and Corporate Services)

- Councillor McGinnity to be appointed Substitute Member for Councillor Linda Cluskey.

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

- Councillor Bill Welsh be appointed as a Member.

## Licensing and Regulatory Committee

- Councillor Marianne Welsh be appointed as a Member.

- (4) the following changes to the membership of Committees, as submitted by the Liberal Democrat Group be approved:

## Overview and Scrutiny Committee (Regeneration and Skills)

Councillor Pullin to replace Councillor Shaw and Councillor Keith be appointed as his Substitute.

- (5) the following changes to the membership of Committees, as submitted by the Conservative Group be approved:

## Overview and Scrutiny Committee (Regeneration and Skills)

Councillor Bliss to replace Councillor Jamieson and Councillor Jones be appointed as his Substitute Member.

- (6) it be noted that due to the resignation of former Councillor Andy Dams, Blundellsands Ward, there is one vacancy on the Council and that Ward vacancy will remain a vacancy until 3 May 2018 Borough Elections.

## **98. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 46 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) OF THE CONSTITUTION**

The Council considered the report of the Leader of the Council setting out the details of an urgent matter dealt with in accordance with Rule 46 of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council Constitution.

RESOLVED:

That the report be noted.

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**99. NOTICE OF MOTION SUBMITTED BY COUNCILLOR B. MCCANN - WOMEN AGAINST STATE PENSION INEQUALITY (WASPI)**

It was moved by Councillor McCann, seconded by Councillor Bennett:

**Women Against State Pension Inequality**

This Council:

Reaffirms its support for the organisation Women Against State Pension Inequality (WASPI) and the campaign to seek recompense for those women, and their families, affected by there not being enough time to make alternative plans to protect their income.

Supports the WASPI campaign to complain to the Department for Work and Pensions as described on their website.

Believes that the Government should review the effect of the Pension Acts of 1995 and 2011 on women born on or after 6 April 1957, and whose pension has been unfairly curtailed by the affects of those Acts.

Believes that the Government should provide a fair transition for women affected by the Acts.

Recognises the need for a non-means tested bridging pension that will secure the financial stability of those affected by the 1995 and 2011 Pension Acts and compensation for those at risk of losing in the region of £45,000.

Calls on the Government to bring forward transitional arrangements to provide pension certainty for the women disproportionately affected by this system.

Calls on the Chief Executive of the Council to write to the Secretary of State for Work and Pensions requesting that the aforementioned effects on women be addressed, and object to the suggestion that women affected negatively by the Acts should seek out an apprenticeship.

Following debate and on a show of hands, the Mayor declared that the Motion was **carried** by 51 votes to 4 abstentions and it was

RESOLVED:

That the Motion be approved as follows:

This Council:

Reaffirms its support for the organisation Women Against State Pension Inequality (WASPI) and the campaign to seek recompense for those

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women, and their families, affected by there not being enough time to make alternative plans to protect their income.

Supports the WASPI campaign to complain to the Department for Work and Pensions as described on their website.

Believes that the Government should review the effect of the Pension Acts of 1995 and 2011 on women born on or after 6 April 1957, and whose pension has been unfairly curtailed by the affects of those Acts.

Believes that the Government should provide a fair transition for women affected by the Acts.

Recognises the need for a non-means tested bridging pension that will secure the financial stability of those affected by the 1995 and 2011 Pension Acts and compensation for those at risk of losing in the region of £45,000.

Calls on the Government to bring forward transitional arrangements to provide pension certainty for the women disproportionately affected by this system.

Calls on the Chief Executive of the Council to write to the Secretary of State for Work and Pensions requesting that the aforementioned effects on women be addressed, and object to the suggestion that women affected negatively by the Acts should seek out an apprenticeship.

## **100. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MCKINLEY - NATIONAL POLICY PLANNING FRAMEWORK**

It was moved by Councillor Sayers, seconded by Councillor McKinley:

### **National Planning Policy Framework**

This Council condemns the inherent bias in the National Planning Policy Framework (sometimes called the Developer's Charter) that ascribes a much greater weighting given in its application to the profit/interests of developers and landowners potentially at the cost of local communities in terms of adverse social impact.

This Council calls on the government to develop a robust methodology to assess local social impact( in addition to existing measures) and amend the NPPF to give equal weighting to local social impacts as it does to the level of profit for developers and landowners when considering development proposals.

And

This Council calls on the Secretary of State to revoke Paragraph 189 of the National Planning Policy Framework which states that "Local Planning Authorities cannot require a developer to engage with them before

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submitting a planning application. Local Planning Authorities should also encourage any applicants who are not already required to do so by law, to engage with the local community before submitting applications” and make it compulsory for developers to consult with the community before applying for planning permissions.

Furthermore

This Council seeks an explanation and apology from Sir Vince Cable Leader of the Liberal Democrats, who together with Conservative Ministers was responsible for forcing these new regulations through Parliament and in effect created a Land owners and developer’s charter and effectively destroying the Labour Government’s of 1945 far sighted Town And Country Planning acts that created our much envied planning laws and green belt creation and protection.

An amendment was moved by Councillor Bennett, seconded by Councillor McCann that the Motion be amended by adding the following words (shown in *italics*):

This Council condemns the inherent bias in the National Planning Policy Framework (sometimes called the Developer’s Charter) that ascribes a much greater weighting given in its application to the profit/interests of developers and landowners potentially at the cost of local communities in terms of adverse social *and environmental* impact.

This Council calls on the government to develop a robust methodology to assess local social *and environmental* impact (in addition to existing measures) and amend the NPPF to give equal weighting to local social *and environmental* impacts as it does to the level of profit for developers and landowners when considering development proposals.

*This Council notes with regret that this approach along with the differing interpretations of the NPPF by all parties to include developers and councils has led to a disjointed approach to sustainable development. This is particularly evident in development on local green belt land and the failure to provide a robust strategic infrastructure plan.*

*And*

*Given that the government (as outlined in the Housing White Paper) are seeking powers to remove from LPAs the power to determine the Housing OAN (Section 159 NPPF) and replace it with a housing target determined by central government and/or Regional Government, this Council believes that any such future Housing Target should fully consider the cost to the community in terms of the environmental and social impact of any imposed target, including the appropriate housing units needed, built in places where people wish to live and where the impact on the environment and resources could be minimised.*

*And*

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This Council calls on the Secretary of State to revoke Paragraph 189 of the National Planning Policy Framework which states that “Local Planning Authorities cannot require a developer to engage with them before submitting a planning application. Local Planning Authorities should also encourage any applicants who are not already required to do so by law, to *meaningfully* engage with the local community before submitting applications” and make it compulsory for developers to *meaningfully* consult with the community before applying for planning permissions.

On a show of hands, the Mayor declared the **amendment** was **lost** by 38 votes to 15 with 1 abstention.

Thereafter, on a show of hands, the Mayor declared that the Motion was carried by 37 votes to 16 with 1 abstention and it was

RESOLVED:

That the Motion be approved as follows:

This Council condemns the inherent bias in the National Planning Policy Framework (sometimes called the Developer’s Charter) that ascribes a much greater weighting given in its application to the profit/interests of developers and landowners potentially at the cost of local communities in terms of adverse social impact.

This Council calls on the government to develop a robust methodology to assess local social impact( in addition to existing measures) and amend the NPPF to give equal weighting to local social impacts as it does to the level of profit for developers and landowners when considering development proposals.

And

This Council calls on the Secretary of State to revoke Paragraph 189 of the National Planning Policy Framework which states that “Local Planning Authorities cannot require a developer to engage with them before submitting a planning application. Local Planning Authorities should also encourage any applicants who are not already required to do so by law, to engage with the local community before submitting applications” and make it compulsory for developers to consult with the community before applying for planning permissions.

Furthermore

This Council seeks an explanation and apology from Sir Vince Cable Leader of the Liberal Democrats, who together with Conservative Ministers was responsible for forcing these new regulations through Parliament and in effect created a Land owners and developer’s charter and effectively destroying the Labour Government’s of 1945 far sighted Town And Country Planning acts that created our much envied planning laws and green belt creation and protection.



## **101. NOTICE OF MOTION SUBMITTED BY COUNCILLOR BENNETT - LIVING WITH AUTISM/ASPERGERS WITHIN THE EDUCATION SYSTEM**

It was moved by Councillor Bennett, seconded by Councillor Spencer and unanimously:

RESOLVED:

### **Living with Autism/Aspergers within the Education System**

Autism is a disability, one that cannot be seen but is a disability that is for life. It does not go away or disappear but if managed properly and systems put into place, certainly in the early years, can help these children live a better life.

Without understanding autistic people they are at risk of being isolated and developing mental health problems. Autism Spectrum Disorder (ASD) is much more common than many people think. There are around 700,000 people on the autism spectrum in the UK, that's more than 1 in 100. If you include their families, autism is a part of daily life for 2.8 million people.

For young people with ASD their emotional state often captures the essence of the day. A student who is confused, scared and anxious cannot focus on the teacher's tasks or their own learning. For many young people with ASD, anxiety is part of their daily life.

Children with ASD who attend mainstream schools have to put up with daily "bullying", "feeling isolated", "being excluded" and dealing with the stigma that is attached ASD. They can't often clearly articulate their emotional predicament, and may communicate their discomfort in more basic ways such as hitting out, screaming, avoiding situations, running away or closing down, 34% of children with ASD say that the worst thing about being at school is being picked on.

Due to the lack of training in ASD, many teachers expect these children to behave like everyone else, which is impossible. A recent study finds that while the academic provision for children with ASD has "improved tremendously" in recent years, much remains to be done. Practitioners trained in ASD education say that one of the biggest challenges is a lack of knowledge and understanding among schoolteachers. Despite the government's policy of inclusion of pupils with special needs, mainstream schools find it difficult to integrate pupils with ASD. For a child to be successful in mainstream school, the school must want to make the most of every opportunity for the child and include the parents.

Instead of recognising the atypical development of children and young people with ASD, teachers tend to view them through a "typical lens", comparing their behaviour with children who do not have the condition.

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Some believe they can force autistic children to behave as other pupils do, or that it is a condition that they will grow out of. Many teachers do not realise, for example, that the challenging behaviour can be accompanied by high intelligence.

Children who have Aspergers, which is now ASD have been deemed to be "too bright" for support, and yet "can't work with other children and they struggle to understand some instructions". Autistic pupils make the most progress when teachers provide an individualised programme that addresses specific social, personal and learning difficulties.

It is remarkable that emotional wellbeing and the pursuit of it, although being highly valued for every human being, has received so little attention in the field of ASD. Studies of the effects and outcomes of certain interventions rarely include emotional wellbeing as a desired outcome. Criteria for success in life focuses exclusively on the level of independence and adaptive functioning, not on quality of life and certainly not on the personal experience of emotional wellbeing. Underneath this approach is the assumption that success in life and happiness are based on high levels of independence and adaptive functioning. That assumption should be challenged.

Although ASD is not a mental health condition, people on the autism spectrum are more vulnerable to mental health problems. Research indicates that 70% of children with ASD develop mental health problems and it is vital that intervention is given at an early age. Accurate diagnosis of mental health issues can be challenging in individuals with ASD, yet appropriate treatment is particularly crucial. Psychiatric disorders can worsen autism symptoms, interfere with education and reduce the benefits of behavioral therapies. Some studies suggest that high-functioning individuals with ASD experience particularly high rates of anxiety disorders – perhaps because they're more aware of "not fitting in."

Individuals with ASD may be particularly prone to depression as they enter adolescence and adulthood. Research suggests depression can be particularly difficult to diagnose in those with ASD. Compared to other depressed individuals, those with ASD may be less likely to express their feelings typically used to diagnose depression. These include saying one feels depressed, worthless, unable to concentrate or suicidal. In the absence of such statements, tell-tale signs can include neglect in personal hygiene and other self-care activities.

Autism doesn't just affect children. Autistic children grow up to be autistic adults. While autism is incurable, the right support at the right time can make an enormous difference to both theirs and their family's lives.

This Council resolves:

1. To request the Head of Schools and Families to write to all schools in Sefton to encourage all of them to become actively involved in the World Autism Awareness Week from the 26th March 2018 to the 2nd

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April 2018, details of which can be obtained from the National Autistic Society.

2. Sefton Council to support World Autism Awareness week and to promote this via their social media.
3. to request the Chief Executive to write to the Secretary of State for Education, Damian Hinds asking that additional funds are made available immediately to:
  - a) Work with local authorities, schools and multi-academy trusts to make sure that the right mix of educational provision and support for children with ASD/Aspergers is available in all areas and to provide for more high needs funding for children who don't have a EHCP but have a diagnosis
  - b) Ensure that training and awareness of ASD/Aspergers is embedded across the education system to include existing teachers and all support staff not just new teachers who are training.

## **102. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DAWSON - INTEGRATED HEALTH AND SOCIAL CARE**

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

RESOLVED:

### **Integrated Health and Social Care**

This Council recognises the urgency of producing an integration of health and social care nationally and locally in a manner which is sensitive to both local democratic and clinical inputs.

Council recognises that the present crisis concerns both governance and finance, each of which requires addressing urgently.

Council welcomes the cross-Party initiative by a large group of Labour, Lib Dem, Conservative and Green Members of Parliament seeking to push this agenda of reform of governance and finance of Health & social care forward on a cross-party basis.

## **103. NOTICE OF MOTION SUBMITTED BY COUNCILLOR CUMMINS - MINISTER FOR OLDER PEOPLE**

It was moved by Councillor Cummins and seconded by Councillor Moncur and unanimously:

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RESOLVED:

## **Minister for Older People**

Sefton Council calls upon Her Majesty's Government to create the post of a Minister for Older People.

The role of this Minister would be to work across government looking at issues which affect older people and look to ways in which quality of life can be improved.

The post would operate in a similar way to that of the Minister for Disabled People which is has a cross-government remit.

This motion is in support of a campaign by The Older Peoples Elected Members Champions Network for the North West which has cross-party support for the creation of a Minister for Older People.

This Council also calls upon Sefton's three Members of Parliament to show active support for this initiative.

# Agenda Item 7

<b>Report to:</b>	Council	<b>Date of meeting:</b>	19 April 2018
<b>Subject:</b>	Constitutional and Governance Update – Member Code of Conduct and Whistleblowing Policy		
<b>Report of:</b>	Head of Regulation & Compliance	<b>Wards Affected:</b>	All
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary

To provide an update on constitutional and governance matters, namely the Member Code of Conduct and the Whistleblowing policy.

The report was considered by Audit and Governance Committee on 21 March 2018, which resolved that (1) the amendments to the Code of Conduct indicated in Appendices 1 and 1A be noted and agreed; (2) Council be recommended to approve the amendments to the Code of Conduct for incorporation into the Council's Constitution; and (3) updated information relating to the Whistleblowing Policy be noted.

## Recommendations:

### Council is requested to:

- a) Approve the amended Member Code of Conduct as recommended by Audit and Governance Committee and agree that it be incorporated into the Council's Constitution.
- b) Note the updated information regarding the Whistleblowing Policy.

## Reasons for the Recommendation(s):

The Council's Monitoring Officer holds a responsibility to ensure that the Council's constitution is actively kept up to date. Chapter 1, Section J, paragraphs 39-41 refers (October 2017).

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

To not keep the Council's constitution up to date. This option is not recommended as this would be detrimental to the principle of ensuring that the aims of good governance are given full effect.

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

### (A) Revenue Costs

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Nil

## **(B) Capital Costs**

Nil

### **Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> Nil
<b>Legal Implications:</b> These are contained in the body of the report.
<b>Equality Implications:</b> Nil

**Contribution to the Council's Core Purpose:** Updating these codes/policies will mean that both staff and Members are supported and guided in their day to day work to achieve the Council's Core Purpose by an up to date constitution.

Protect the most vulnerable: See above
Facilitate confident and resilient communities: See above
Commission, broker and provide core services: See above
Place – leadership and influencer: See above
Drivers of change and reform: See above
Facilitate sustainable economic prosperity: See above
Greater income for social investment: See above
Cleaner Greener: See above

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

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

The Head of Corporate Resources (FD5085/18) and Head of Regulation and Compliance (LD 4369/18) have been consulted and any comments have been incorporated into the report.

## **(B) External Consultations**

Nil

## **Implementation Date for the Decision**

Immediately following Council approval

<b>Contact Officer:</b>	Jill Coule, Head of Regulation & Compliance & Monitoring Officer
Telephone Number:	0151 934 2031
Email Address:	jill.coule@sefton.gov.uk

## **Appendices:**

Appendix 1 – Draft Member Code of Conduct (tracked changes marked)  
Appendix 1A – Draft Member Code of Conduct (tracked changes accepted)  
Appendix 2 – Whistleblowing policy

## **Background Papers:**

Nil

# Agenda Item 7

## Introduction

1. The Council's Monitoring Officer holds a responsibility to ensure that the Council's constitution is actively kept up to date. Chapter 1, Section J, paragraphs 39-41 refers (October 2017).
2. The following appendices were considered by Members of the Audit & Governance Committee, at their meeting on 21 March 2018.

Appendix 1	Draft Member Code of Conduct
Appendix 1A	Draft Member Code of Conduct (tracked changes accepted)
Appendix 2	Whistleblowing Policy

3. The rationale for revising these documents has come about through various means including requests from the Chair of the Audit & Governance Committee and timely periodic review.
4. Following due consideration, the Code of Conduct was agreed by the Audit and Governance Committee to be recommended to Council for inclusion into the Council's constitution.

## Member Code of Conduct

5. With respect to the Member Code of Conduct, amendments have been proposed regarding the behaviours expected of Members and interests that should be registered and/or declared. If agreed, then training will need to be provided to all members to update them on the changes in the Member Code of Conduct. Such training would occur early in the new municipal year for both new and existing members.
6. Further the Code of Conduct contains a reference to the dispensations process. This is a benefit that to date has not been operated by members and for which there is currently no identified process. It is anticipated that both this and a review of the processes associated with the operation of the Member Code of Conduct will be brought back to the next Audit & Governance Committee meeting for consideration. A tracked change version of the draft Members Code of Conduct is included in Appendix 1. A second version of the draft Members Code of Conduct where proposed tracked changes have been accepted and some formatting issues have been tidied up is included in Appendix 1A.

## Whistleblowing

7. With respect to the Whistleblowing policy, this is a timely periodic review. It was last reviewed in 2015. Since then there has been activity to promote awareness of the whistleblowing policy. The policy and staff awareness of it was considered by the Council's Strategic Leadership Board in 2017.



8. The Council has had 6 whistleblowing disclosures throughout the period March 2015 to date. Disclosures were submitted either by correspondence or telephone calls. Two disclosures were submitted anonymously. When disclosures are received anonymously it can, but not necessarily limit the action that may be taken. In these cases, the anonymous disclosures did not result in provision of information that was actionable/capable or worthy of further investigation. They were brought to the attention of the relevant service area where possible and the Chief Executive. The total number of disclosures is considered to be low for the size of the organisation which is perhaps an indicator;
  - a. that employees are not aware of the policy and further work is needed to raise awareness and/or
  - b. that whistleblows are not being recorded/captured organisationally.

Of the four remaining disclosures, one 'whistleblower' failed to meet with the senior officer on three separate occasions so that the disclosure could be better understood. Consequently further action was not possible. Two disclosures were not valid disclosures under the policy and related more to internal grievance matters and colleagues were advised accordingly. A third whistleblow was investigated but ultimately found not to be substantiated.

9. The legislation imposes no obligations to have a whistleblowing policy or obligations about training and raising awareness. In order to consider what constitutes best practice latest guidance suggests that a written policy is beneficial.
10. In March 2015, The Department for Business Innovation & Skills, BEIS publicised Whistleblowing: Guidance for Employers and Code of Practice. The guidance explains an employer's responsibilities with regard to employees who blow the whistle and recommends that employers use a whistleblowing policy and ensure that they are **promoted** and **accessible**.

*"As an employer it is good practice to create an **open, transparent and safe** working environment where workers feel able to speak up.*

11. If an organisation has not created an open and supportive culture, the worker may not feel comfortable making a disclosure, for fear of the consequences. There have been a number of high profile studies including the Mid Staffordshire NHS Foundation Trust Public Inquiry that confirmed many workers were scared of speaking up about poor practice.
12. BEIS guidance recommends that; "Employers should demonstrate, through visible leadership at all levels of the organisation, that they welcome and encourage workers to make disclosures".
13. BEIS guidance recommends that; organisations should implement training, mentoring, advice and other support systems to ensure workers can easily approach a range of people in the organisation. Just having a written policy is not enough. It is recommended that training should be provided to all staff on the key arrangements of the policy with additional training given to those with whistleblowing responsibilities.

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14. Methods officers propose to use to promote whistleblowing include:

- Require managers to hold consistent team meetings to discuss/consider whistleblowing. To that end, following adoption by Council a common script will be developed and shared with the Council's strategic leadership to cascade to teams across the organisation.
- The Council will continue to make the policy accessible on the staff intranet
- The Council will develop and use promotional posters around the building, this will be a refresh of the campaign from 2015.
- The Council will continue to include the policy within induction packs for newcomers
- The Council will ensure that the policy is included in the personnel pages of the intranet

15. Having a policy is a good first step to encourage workers to blow the whistle but each organisation needs to let its workers know about the policy and make sure they know how to make a disclosure. Providing training at all levels of an organisation on the effective implementation of whistleblowing arrangements will help to develop a supportive and open culture.

## **What lessons can be learnt from other organisations**

- Having an online form to allow staff to report whistleblowing through this means (Manchester City Council)
- Working jointly with the Council's Communications Team (Lincolnshire County Council)
- The vast majority of research and guidance regarding whistleblowing is aimed at the NHS. NHS Employers are not for profit organisation aimed at promoting employer's interests in the NHS and in July 2017 they introduced a new 'Draw the Line' campaign. They created a new logo for use in communications, posters, intranet and promotional material.



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NHS Employers also introduced a staff survey to be used as a self-assessment tool to create a set of data about how staff feel about raising concerns. Since it is confidential it provided good insight into actual staff opinion. One question on raising concerns asked if staff would feel safe to raise a concern about unsafe clinical practice and whether they would feel confident that action would be taken if they did so. This is another example of how online tools can be used to gather data and also raise awareness amongst staff. Consideration will be given to including this type of issue/question in the next staff survey (2019).

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## CHAPTER 2 - MEMBERS

### A CODE OF CONDUCT

#### INTRODUCTION

##### WHO THIS CODE APPLIES TO

- 1 This Code applies to you as a Member of this Authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code.
- 2 The Code of Conduct does not apply to what the Mayor, Members and co-opted Members do in their purely private and personal lives.
- 3 You are a representative of this Authority and the public will view you as such and therefore your actions and perceived actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.
- 4 Any failure to observe the Code may result in:-
  - a) a complaint against you which would be dealt with in accordance with the Council's standards framework and could result in the application of a sanction; and
  - b) a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years in the event of a failure to take appropriate action in respect of any disclosable pecuniary interest (see paragraphs 11 and 12 of this Code).
- 5 This Code is based upon the "Nolan Principles - the seven principles of public life" which are set out at Appendix 1 of this Code.

##### INTERPRETATION

- 6 In this Code:-
- 7 "Meeting" means any meeting of:
  - (a) the Authority;
  - (b) the executive of the Authority;
  - (c) any of the Authority's or its executive's committees, sub-committees, or joint committees ~~or area committees~~;

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

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

General Obligations regarding Behaviour

9 Members should demonstrably act consistently and fairly in adhering to the Seven Principles of Public Life as set out in Appendix 1 of the Members Code of Conduct

10 When acting in your role as a Member of the Authority:

<u>WHAT MEMBERS MUST DO</u>	<u>WHAT MEMBERS MUST NOT DO</u>
<u>DO treat others with respect;</u>	<u>DO NOT conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of Members</u>
<u>DO act in accordance with the Authority’s reasonable requirements, including the requirements of the Authority’s ICT policy and the policies (attached to or included in the Authority’s Constitution), copies of which have been provided to you and which you are deemed to have read;</u>	<u>DO NOT disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-</u>  <u>you have the consent of a person authorised to give it;</u>  <u>you are required by law to do so;</u>  <u>the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or</u>  <u>the disclosure is:-</u>  <u>reasonable and in the public interest;</u>  <u>and</u>  <u>made in good faith and in compliance with the reasonable requirements of the Authority; and</u>  <u>you have consulted the Monitoring Officer prior to its release</u>
<u>DO make sure that such resources are not used improperly for political purposes (including party political purposes)</u>	<u>DO NOT prevent another person from gaining access to information to which that person is entitled by law</u>
<u>DO have regard to any applicable Local</u>	<u>DO NOT do anything which would cause</u>

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APPENDIX 1

<p><u>Authority Code of Publicity made under the Local Government Act 1986</u></p>	<p><u>your authority to be in breach of any of the equality enactments</u></p>
<p><u>DO treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.</u></p>	<p><u>DO NOT bully any person</u></p>
<p><u>When making a decision, DO consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.</u></p>	<p><u>DO NOT intimidate or attempt to intimidate any person who is likely to be a complainant, witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the authority's Member Code of Conduct</u></p>
<p><u>At a meeting where a disclosable pecuniary interest or personal interest arises such issues arise, DO declare any interests relating to your public duties and DO take steps to resolve any conflicts arising in a way that protects the public interest.</u></p>	<p><u>DO NOT do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf, of the authority</u></p>
<p><u>DO act solely in terms of the public interest</u></p>	<p><u>DO NOT conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute</u></p>
<p><u>DO NOT place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.</u></p>	<p><u>DO NOT place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.</u></p>
<p><u>DO NOT improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family Members, your employer or your business interests.</u></p>	<p><u>DO NOT improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family Members, your employer or your business interests.</u></p>
<p><u>11 DO NOT act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.</u></p>	<p><u>11 DO NOT act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.</u></p>

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~~9~~

- ~~a) DO treat others with respect;~~
- ~~a) DO NOT conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of Members;~~
- ~~b) DO NOT disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-~~
  - ~~(i) you have the consent of a person authorised to give it;~~
  - ~~(ii) you are required by law to do so;~~
  - ~~(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or~~
  - ~~(iv) the disclosure is:-~~
    - ~~(i) reasonable and in the public interest; and~~
    - ~~(i) made in good faith and in compliance with the reasonable requirements of the Authority; and~~
    - ~~(ii) you have consulted the Monitoring Officer prior to its release;~~
- ~~c) DO NOT prevent another person from gaining access to information to which that person is entitled by law.~~

~~10 When using or authorising the use by others of the resources of the Authority:~~

- ~~a) DO act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;~~
- ~~a) DO make sure that such resources are not used improperly for political purposes (including party political purposes); and~~
- ~~b) DO have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.~~

INTERESTS

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## APPENDIX 1

12 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests. ~~However, when performing your public role as a Member, DO act solely in terms of the public interest and DO NOT act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.~~

13 The Council has two types of interest of which Members should be aware of and ensure that they register and/or declare as required.

a) The statutory definition of Disclosable Pecuniary Interests (DPI's) is ~~now~~ set out in Appendix 3 of the Code of Conduct. You have a Disclosable Pecuniary Interest (DPI) in any business of the authority if it is of a description set out in this Appendix and is either;

(i) An interest of yours; or

(ii) An interest (of which you are aware of) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the "Relevant Person")

b) The Council has chosen to define personal interests as follows:

(i) You have a **personal interest** in any business of your Authority where it relates to or is likely to affect;

(1) Any body of which you are a member or in a position of general control or management and/or to which you are appointed or nominated by your Authority

(2) Any body

(a) Exercising functions of a public nature

(b) Directed to Charitable purposes

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management and

(3) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income

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14. You are required to ~~register~~ register both a "Disclosable Pecuniary Interests (DPI) and a personal interest".

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# Agenda Item 7

## APPENDIX 1

### IMPORTANT NOTE FOR MEMBERS

- Failure to declare or register a Disclosable Pecuniary Interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. This will also be considered to determine whether such a failure is a breach of the Member Code of Conduct.
- Failure to declare or register a personal interest will be considered to determine whether such a failure is a breach of the Member Code of Conduct.

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~~1 Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence.~~

~~2 15. Should a gift or hospitality over the value of £25 or frequent gifts of lesser values from the same person/organisation be accepted, you must within 28 days of receiving the gift or hospitality provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.~~

~~3 It is a matter of individual choice whether a Member declares an "other interest" at a meeting.~~

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### DISCLOSURE AND PARTICIPATION

~~4 At a meeting where such issues arise, DO declare any interests relating to your public duties and DO take steps to resolve any conflicts arising in a way that protects the public interest.~~

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~~512 16. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family Members, your employer or your business interests, may be so closely tied to your personal and/or professional life that your ability to contribute to a decision in an impartial manner in your role as a Member may be called into question and in turn raise issues about the validity of the decision of the Authority. DO NOT become involved in these decisions any more than a member of the public in the same personal and/or professional position as~~

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## APPENDIX 1

yourself is able to and **DO NOT** vote in relation to such matters. (See also Appendix 2.) In addition:

- a)a. Members must update their register of interests within 28 days of the date that a change occurs;
- b. where a Member discloses a Discloseable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation
- b)c. Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

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~~65. **DO NOT** improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family Members, your employer or your business interests.~~

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### PRE-DETERMINATION OR BIAS

17. Where you have been involved in campaigning in your political role on an issue which ~~does not impact on your personal and/or professional life~~, you should not be prohibited from participating in a decision in your political role as a Member. However you should seek guidance and discuss your future participation in decision making with the Monitoring Officer.

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18.

19. Where you have been involved in campaigning in your political role on an issue which does impact on your personal/professional life you may be prohibited from participation in a decision in your political role as a Member. You should seek guidance and discuss your future participation in decision making with the Monitoring Officer.

720. ~~However, **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.~~

~~817. When making a decision, **DO** consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.~~

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## [APPENDIX 1](#)

### INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

**921.** In relation to any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where:

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- a) that business relates to a decision made (whether implemented or not), or action taken by your Authority's executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
- b) at the time the decision was made or action was taken, you were a Member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in Chapter 5 paragraph 11. and you were present when that decision was made or action was taken; or
- c) that business relates to a decision made (whether implemented or not), or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader);

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

### DISPENSATIONS

**224.** The Mayor, a member or voting co-opted member may request in writing to be granted a dispensation relieving them from the restriction of not participating in, or voting upon, any matter in which they have a disclosable pecuniary interest. Such a dispensation will only be granted in accordance with the provisions set out in Section 33 of the Localism Act 2011 and arrangements agreed by Council.

## APPENDIX 1 TO THE CODE OF CONDUCT

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### **SELFLESSNESS**

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

#### **INTEGRITY**

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

#### **OBJECTIVITY**

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

#### **ACCOUNTABILITY**

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

#### **OPENNESS**

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

#### **HONESTY**

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

#### **LEADERSHIP**

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

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## APPENDIX 2 TO THE CODE OF CONDUCT

Where the decision referred to in Clause 7 ([Pre-determination or Bias](#)) of the Code relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

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

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APPENDIX 3 TO THE CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTEREST

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in this Appendix and is either;

- a. An interest of yours; or
- b. An interest (of which you are aware of) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the “Relevant Person”)

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Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member of a relevant authority in carrying out duties as a Member, or towards the election expenses of a/the Member of the relevant authority.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and the relevant authority—</p> <p>under which goods or services are to be provided or works are to be executed; and</p> <p>which has not been fully discharged.</p>

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## [APPENDIX 1](#)

*\*this means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a Head of Service, or in the securities of which the relevant person has a beneficial interest*

Land

Any beneficial interest in land which is within the area of the relevant authority\*.

*\*land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.*

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to the relevant Member's knowledge)—

the landlord is the relevant authority; and

the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities\* of a body where—

that body (to the relevant Member's knowledge) has a place of business or land in the area of the



## [APPENDIX 1](#)

relevant authority; and

either—

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*\*securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

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## APPENDIX 1A

### CHAPTER 2 - MEMBERS

#### A CODE OF CONDUCT

##### INTRODUCTION

###### WHO THIS CODE APPLIES TO

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- 2 The Code of Conduct does not apply to what the Mayor, Members and co-opted Members do in their purely private and personal lives.
- 3 You are a representative of this Authority and the public will view you as such and therefore your actions and perceived actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.
- 4 Any failure to observe the Code may result in:-
  - a) a complaint against you which would be dealt with in accordance with the Council's standards framework and could result in the application of a sanction; and
  - b) a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years in the event of a failure to take appropriate action in respect of any disclosable pecuniary interest (see paragraphs 11 and 12 of this Code).
- 5 This Code is based upon the "Nolan Principles - the seven principles of public life" which are set out at Appendix 1 of this Code.

###### INTERPRETATION

- 6 In this Code:-
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# Agenda Item 7

## General Obligations regarding Behaviour

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10 When acting in your role as a Member of the Authority:

WHAT MEMBERS MUST DO	WHAT MEMBERS MUST NOT DO
<b>DO</b> treat others with respect;	<b>DO NOT</b> conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of Members
<b>DO</b> act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;	<b>DO NOT</b> disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:- you have the consent of a person authorised to give it; you are required by law to do so; the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or the disclosure is:- reasonable and in the public interest; and made in good faith and in compliance with the reasonable requirements of the Authority; and you have consulted the Monitoring Officer prior to its release
<b>DO</b> make sure that such resources are not used improperly for political purposes (including party political purposes)	<b>DO NOT</b> prevent another person from gaining access to information to which that person is entitled by law
<b>DO</b> have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986	<b>DO NOT</b> do anything which would cause your authority to be in breach of any of the equality enactments
<b>DO</b> treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.	<b>DO NOT</b> bully any person
When making a decision, <b>DO</b> consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.	<b>DO NOT</b> intimidate or attempt to intimidate any person who is likely to be a complainant, witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the authority's Member Code of Conduct
At a meeting where a disclosable pecuniary interest or personal interest arises, <b>DO</b> declare any interests relating to your public duties and <b>DO</b> take steps to resolve any	<b>DO NOT</b> do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf, of the authority

conflicts arising in a way that protects the public interest.	
<b>DO</b> act solely in terms of the public interest	<b>DO NOT</b> conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute
	<b>DO NOT</b> place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
	<b>DO NOT</b> improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family Members, your employer or your business interests.
	11 <b>DO NOT</b> act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

## INTERESTS

- 12 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests.
- 13 The Council has two types of interest of which Members should be aware of and ensure that they register and/or declare as required.
- a) The statutory definition of Disclosable Pecuniary Interests (DPI's) is set out in Appendix 3 of the Code of Conduct. You have a Disclosable Pecuniary Interest (DPI) in any business of the authority if it is of a description set out in this Appendix and is either;
- (i) An interest of yours; or
  - (ii) An interest (of which you are aware of) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the "Relevant Person")
- b) The Council has chosen to define personal interests as follows:
- (i) You have a **personal interest** in any business of your Authority where it relates to or is likely to affect;
    - (1) Any body of which you are a member or in a position of general control or management and/or to which you are appointed or nominated by your Authority
    - (2) Any body
      - (a) Exercising functions of a public nature

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- (b) Directed to Charitable purposes
- (c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management and

- (3) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income

14. You are required to register both a Disclosable Pecuniary Interests (DPI) and a personal interest.

## IMPORTANT NOTE FOR MEMBERS

- Failure to declare or register a Disclosable Pecuniary Interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. This will also be considered to determine whether such a failure is a breach of the Member Code of Conduct.
- Failure to declare or register a personal interest will be considered to determine whether such a failure is a breach of the Member Code of Conduct.

15. Should a gift or hospitality over the value of £25 or frequent gifts of lesser values from the same person/organisation be accepted, you must within 28 days of receiving the gift or hospitality provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

## DISCLOSURE AND PARTICIPATION

16. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family Members, your employer or your business interests, may be so closely tied to your personal and/or professional life that your ability to contribute to a decision in an impartial manner in your role as a Member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to and **DO NOT** vote in relation to such matters. (See also Appendix 2.) In addition:

- a. Members must update their register of interests within 28 days of the date that a change occurs;
- b. where a Member discloses a Discloseable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which

he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation

- c. Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

## PRE-DETERMINATION OR BIAS

17. Where you have been involved in campaigning in your political role on an issue which you should not be prohibited from participating in a decision in your political role as a Member. However you should seek guidance and discuss your future participation in decision making with the Monitoring Officer.
18. Where you have been involved in campaigning in your political role on an issue which does impact on your personal/professional life you may be prohibited from participation in a decision in your political role as a Member. You should seek guidance and discuss your future participation in decision making with the Monitoring Officer.

## INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

19. In relation to any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where:
  - a) that business relates to a decision made (whether implemented or not), or action taken by your Authority's executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
  - b) at the time the decision was made or action was taken, you were a Member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in Chapter 5 paragraph 11. and you were present when that decision was made or action was taken; or
  - c) that business relates to a decision made (whether implemented or not), or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader);

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

## DISPENSATIONS

20. The Mayor, a member or voting co-opted member may request in writing to be granted a dispensation relieving them from the restriction of not participating in, or voting upon, any

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matter in which they have a disclosable pecuniary interest. Such a dispensation will only be granted in accordance with the provisions set out in Section 33 of the Localism Act 2011 and arrangements agreed by Council.

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## APPENDIX 1 TO THE CODE OF CONDUCT

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### **SELFLESSNESS**

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

#### **INTEGRITY**

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

#### **OBJECTIVITY**

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

#### **ACCOUNTABILITY**

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

#### **OPENNESS**

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

#### **HONESTY**

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

#### **LEADERSHIP**

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

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## APPENDIX 2 TO THE CODE OF CONDUCT

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

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

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## APPENDIX 3 TO THE CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTEREST

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in this Appendix and is either;

- a. An interest of yours; or
- b. An interest (of which you are aware of) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the “Relevant Person”)

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member of a relevant authority in carrying out duties as a Member, or towards the election expenses of a/the Member of the relevant authority.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and the relevant authority—</p> <p>under which goods or services are to be provided or works are to be executed; and</p> <p>which has not been fully discharged.</p>

*\*this means a firm in which the relevant person is a partner or a body coporate of which the relevant person is a Head of Service, or in the securities of which the relevant person has a beneficial interest*

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Land

Any beneficial interest in land which is within the area of the relevant authority\*.

*\*land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.*

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to the relevant Member's knowledge)—

the landlord is the relevant authority; and

the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities\* of a body where—

that body (to the relevant Member's knowledge) has a place of business or land in the area of the relevant authority; and

either—

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*\*securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

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## APPENDIX 2

### SMBC Whistleblowing Policy

- **Section:** Conduct in the Workplace
- **Source:** Audit and Governance Committee - 25<sup>th</sup> March 2015. Council - 23rd April 2015.
- **Issue Date:** 1st May 2015

#### Introduction

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something, but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Council and the Chief Executive are committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy applies to all those who work for us; whether full-time or part-time, employed through an agency or as a volunteer. If you have a whistleblowing concern, please let us know.

**If something is troubling you that you think we should know about or look into, please use this policy.**

If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance policy or bullying / harassment policy - which you can get from your manager or personnel officer. The relevant policies are also available on the intranet. If you have a concern about financial misconduct or fraud, please see our Anti-Fraud Policy. This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the organisation itself.

**If in doubt - raise it!**

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## OUR ASSURANCES TO YOU

### **Your safety**

The Council and the Chief Executive are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The harassment or victimisation of anyone raising a genuine concern will be viewed as a disciplinary matter.

Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

### **Your confidence**

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see contact details under Independent Advice below).

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## **[How to raise a concern internally](#)**

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the respondent will write to you:

- acknowledging that the concern has been received;
- indicating how the Authority propose to deal with the matter;



- giving an estimate of how long it will take to provide a final response;
- informing whether any initial enquiries have been made;
- supplying information on employee support mechanisms; and
- stating whether further investigations will take place and if not, why not.

## Step one

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

## Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- **Head of Regulation and Compliance** on [jill.coule@sefton.gov.uk](mailto:jill.coule@sefton.gov.uk) or on 0151 934 2031
- **Chief Personnel Officer** on [mark.dale@sefton.gov.uk](mailto:mark.dale@sefton.gov.uk) or on 0151 934 3949
- **Head of Corporate Support** on [Stephan.VanArendsen@sefton.gov.uk](mailto:Stephan.VanArendsen@sefton.gov.uk) or on 0151 934 4081

You can also submit a concern via the web reporting form. The above named people have been given special responsibility and training in dealing with whistleblowing concerns.

If you want to raise the matter confidentially, please let us know at the outset so that appropriate arrangements can be made.

## Step three

If steps one and two have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the **Chief Executive** on [margaret.carney@sefton.gov.uk](mailto:margaret.carney@sefton.gov.uk) or on 0151 934 2057.

## How We Will Handle the Matter

We will acknowledge receipt of your concern within 10 days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing, please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

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Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

Occasionally it may be necessary to vary the time it takes to deal with matters. Whilst staff will work hard to try to meet any deadlines where possible, if these are to be varied, then staff will liaise with you as appropriate.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, please contact the Chief Personnel Officer [mark.dale@sefton.gov.uk](mailto:mark.dale@sefton.gov.uk) or on **0151 934 3949**. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern.

## [Independent Advice](#)

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk). Their lawyers can talk you through your options and help you raise a concern about malpractice at work.

You can also contact your union (where applicable) for advice.

## [External Contacts](#)

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. It would be better for you to raise a concern with an appropriate regulator – such as the Financial Conduct Authority, the Health and Safety Executive, the Care Quality Commission - than not at all. Public Concern at Work (*or, if applicable, your union*) will be able to advise you on such an option if you wish.

If you are not satisfied, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work (0207 4046609 or <http://www.pcaw.co.uk/>);
- Ofsted ([www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted](http://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted))
- the external auditor ([www.pwc.co.uk](http://www.pwc.co.uk));
- The Commission for Local Administration (Local Government Ombudsman) (0300 0610614 or <http://www.lgo.org.uk/>);
- Care Quality Commission (<http://www.cqc.org.uk>)
- a trade union;
- the local Citizens Advice Bureau;

- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the police

## Monitoring/Oversight

The Head of Regulation and Compliance, in her role as Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Council. The Monitoring Officer will endeavour to maintain a record of concerns which are raised both internally and externally.

This will only be possible where the Monitoring Officer is made aware of those concerns.

Last updated on 10 March 2018

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# Agenda Item 8

<b>Report to:</b>	Cabinet Council	<b>Date of Meeting:</b>	8 March 2018 19 April 2018
<b>Subject:</b>	Revenue and Capital Budget Plan 2017/18 - 2019/20		
<b>Report of:</b>	Head of Corporate Resources	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To inform Cabinet of: -

- i) The current forecast revenue outturn position for the Council for 2017/18 as at the end of January. This forecast is informed by the latest analysis of expenditure and income due to the Council, in addition to the progress in delivering approved savings;
- ii) The current forecast on Council Tax and Business Rates collection for 2017/18; and
- iii) The current position of the Capital Programme and to request a number of schemes be added.

## Recommendation(s):

**Cabinet** is recommended to:-

- i) Note the forecast deficit outturn position of £2.251m as at the end of January 2018 and the mitigating actions taken, outlined in section 3.7, to deliver a balanced in-year budget;
- ii) Agree the progress to date on the achievement of approved Public Sector Reform savings for 2017/18;
- iii) Agree the forecast position on the collection of Council Tax and Business Rates for 2017/18;
- iv) Agree the current progress in the delivery of the 2017/18 Capital Programme and the forecast outturn position for the year; and
- v) Include additional capital schemes, outlined in section 7, to the Capital Programme.

**Council** is recommended to:-

- i) Include additional capital schemes, outlined in section 7, to the Capital Programme.

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## Reasons for the Recommendation(s):

To ensure Cabinet are informed of the forecast outturn position for the 2017/18 revenue and capital budgets as at the end of January 2018 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates. To seek approval for additional schemes to be included within the Capital Programme

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

None

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

### (A) Revenue Costs

The financial position on approved Public Sector Reform savings last month indicate that approximately £1.504m of 2017/18 savings are at risk of not being achieved in the year. Due to anticipated additional net overspends elsewhere within the budget (+£0.747m), an increased deficit position for the year of £2.251m is forecast. A number of mitigating actions have been identified in order to deliver a balanced budget based upon the information available.

Any under-achievement of the approved revenue budget savings for 2017/18 (or additional pressures will need to be financed from within any surplus identified within other areas of the 2017/18 budget, or from the Council's general balances.

### (B) Capital Costs

The Council's capital budget in 2017/18 is £28.708m. As at the end of January 2018, expenditure of £12.121m has been incurred and a full year outturn of £22.769m is currently forecast.

The report considers additional capital schemes and asks that they be added to the Capital Programme.

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
Should the forecast deficit position for 2017/18 (£2.251m) be realised at the year end, the Authority would have to utilise reserves in order to finance the shortfall. A number of one off mitigating actions have been identified to reduce the deficit.
<b>Legal Implications:</b>
None
<b>Equality Implications:</b>
None

**Contribution to the Council's Core Purpose:** A sustainable revenue and capital budget will enable the delivery of the Council's core purpose as set out below

Protect the most vulnerable:
Facilitate confident and resilient communities:

Commission, broker and provide core services:
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener:

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

### (A) Internal Consultations

The Head of Corporate Resources (5052/18) and Head of Regulation and Compliance (4336/18) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

None

## Implementation Date for the Decision

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

<b>Contact Officer:</b>	Jeff Kenah
Telephone Number:	0151 934 4014
Email Address:	Jeff.kenah@sefton.gov.uk

## Appendices:

The following appendix is attached to this report:

Appendix A – PSR Savings 2017/18 – Current Forecast Achievement

## Background Papers:

There are no background papers available for inspection.

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## **1. Introduction**

- 1.1 At Budget Council in March 2017, Members approved a 3 year budget package that would seek to address the funding shortfall of £64m that had been reported throughout 2016. Following a review of all financial assumptions and the proposals contained within the Framework for Change programme, savings of £24.922m were identified that would need to be delivered in 2017/18. This position included a number of measures that were approved to phase the delivery of the Public Sector Reform savings over the course of the 3 year period.
- 1.2 This report therefore presents an assessment of the forecast revenue outturn position for 2017/18 and the latest position on the achievement of the agreed Public Sector Reform savings for 2017/18 (£4.573m) (Section 3).
- 1.3 The report also outlines the current position regarding other key income streams for the Authority, namely Council Tax and Business Rates, as variations against expected receipts in these two areas will also affect the Council's financial position in future years (Sections 4 and 5).
- 1.4 An updated position with regard to the 2017/18 Capital Programme is also provided as at the end of January (Section 6). The approval of a number of schemes for inclusion in the 2017/18 Capital Programme is also sought (see Section 7).

## **2. Budget Plan 2017/18 – 2019/20**

- 2.1 As stated the Council's three year budget package requires a further £64m of savings to be made in the period 2017/18 to 2019/20 in addition to that delivered in previous years. The Council has identified the Framework for Change programme as the delivery vehicle for the achievement of these savings, taking into account the Public Sector Reform programme, service budget options and the strategic investment and economic growth workstreams.
- 2.2 This programme of activity, the scale of the financial challenge facing the Council over the 3 years and the level of transformation required, (as set out in the Framework for Change) means that the Council will need to continually manage the risks presented from both a service delivery and financial sustainability point of view.
- 2.3 Members will recall that following the Chancellor of the Exchequers recent budget there will be no change in central government policy in respect of local government funding and therefore no long term sustainable funding solutions being offered by central government in relation to Adult Social Care and Children's Social Care in particular. As a result the Council remains in a very difficult financial position in both the short and medium term due to the severity of the funding reductions it faces.

## **3. Summary of Forecast Outturn Position as at the end of January 2018**

- 3.1 The forecast outturn position as at the end of January 2018 shows a net overall deficit position of £2.251m (1.11% of the Council's net budget). This forecast highlights an improved position of £0.128m to that reported as at the end of December.



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- 3.2 Within the forecast financial position for January, approximately £1.504m of 2017/18 Public Sector Reform project savings are highlighted as “red” i.e. at risk of not being achieved in the year. This position has improved from that reported in December due to savings being achieved through the earlier than expected introduction of a revised Locality Team. Full details of the progress on all Public Sector Reform projects are provided at Appendix A.
- 3.3 Anticipated net underspends elsewhere within the budget currently total £0.747m.

	<b>Budget</b>	<b>Forecast Outturn</b>	<b>Variance</b>	<b>Position previously reported</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Services</b>				
Strategic Management	3.110	3.123	0.013	0.014
Strategic Support Unit	3.758	3.668	(0.090)	(0.035)
Adult Social Care	87.003	86.552	(0.451)	(0.335)
Children's Social Care	27.225	28.782	1.557	1.264
Communities	10.347	10.178	(0.169)	(0.105)
Corporate Resources	5.365	4.913	(0.452)	(0.334)
Health & Wellbeing	23.380	23.144	(0.236)	(0.185)
Inward Investment and Employment	2.562	2.665	0.103	0.121
Locality Services - Commissioned	18.336	17.935	(0.401)	(0.453)
Locality Services - Provision	9.640	10.855	1.215	1.034
Regeneration and Housing	4.482	4.225	(0.257)	(0.167)
Regulation and Compliance	3.655	3.339	(0.316)	(0.463)
Schools and Families	25.307	25.738	0.431	0.406
<b>Total Service Net Expenditure</b>	<b>224.170</b>	<b>225.117</b>	<b>0.947</b>	<b>0.762</b>
Public Sector Reform Savings not allocated to services	(1.751)	(0.559)	1.192	1.601
Reversal of Capital Charges	(13.376)	(13.376)	0.000	0.000
Council Wide Budgets	(2.483)	(2.371)	0.112	0.016
Levies	31.555	31.555	0.000	0.000
General Government Grants	(34.932)	(34.932)	0.000	0.000
<b>Total Net Expenditure</b>	<b>203.183</b>	<b>205.434</b>		
<b>Forecast Year-End Deficit</b>			<b>2.251</b>	<b>2.379</b>

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3.4 The key changes to the outturn position in the latest monitoring period are :-

- **Children's Social Care** – The variation between December to January (£0.293m) is based largely on a continuing increase in care packages and placements for Looked after Children (£0.312m). Numbers of Looked after Children are continuing to increase, and have increased from 474 to 482 between December and January. These budgets continue to be carefully monitored but budget pressures continue to rise.
- **Locality Services Provision** - The overspend this month has increased by £0.180m mainly due to the increased costs of refuse collection including new properties and increased weed removal as requested by Cabinet and Ward Councillors (£0.080m). There is also a delay in implementing the final part of the Security Force staffing review due to long term absences and a salary review being undertaken (£0.100m).
- **Regulation and Compliance** – A reduction of £0.147m in the surplus position has been determined after taking into account revisions in car parking expenses. Additional costs have also been incurred for Coroners Services and Elections with expenditure on both an unforeseen local borough by-election in November and commitments to Electoral Reform Services.
- **Corporate Resources** - The increase in the forecast surplus this month (£0.118m) is largely due to additional savings against staffing budgets due to the postponement of the recruitment to vacant posts, a reduction in forecast expenditure on consultancy within Building Services, additional income which is forecast to be received within the Energy Team, and an additional underspend against the discretionary rate relief budget within Finance. These extra savings are being partially offset by an increase in the forecast shortfall in the recovery of capital fee recharge income.
- **Adults Social Care** – The forecast net surplus has increased by £0.116m. There has been an increase in the forecast surplus for the Specialist Transport Unit based on the latest information supplied on the in-house STU charge to Adult Social Care. Following a revision of forecasts for various supplies and services expenditure a further £0.100m surplus has been identified. Negotiations of contracts and start dates with other bodies (IMCA/NHS) has increased the surplus in this area of the budget (-£0.052m). The net position for the community care budget is an increased deficit of £0.122m. It should be noted that the overall forecast surplus for the year, of £0.451m, assumes that any further net increase in demand or cost pressures for Community Care services, for the remainder of the year, will not result in an increased cost. The situation will be closely monitored given cost pressures already being experienced in the Community Care budget.

## Council's Overall Position

3.5 As stated previously, this report reflects the financial position for the Council ten months into the financial year and as such will be subject to change over the final couple of months. As has been reported, the key risks facing the Council remain the demand led pressure in both Adult's and Children's Services and the potential

impact of winter weather conditions. These issues highlight the sensitivity and volatility within the Council's overall budget particularly around social care and the need for a flexible approach to be taken towards financial management in order that such pressures can be identified. This issue also reflects the difficulty that exists in such a challenging financial environment where robust financial management and monitoring can still be overtaken by sudden cost pressures arising and the need to take corrective action at short notice.

- 3.6 Whilst the current forecast is an estimate at this stage and there are a number of key risks facing the Council between now and the end of the year, it is noted that in previous years when adverse positions have been reported, work has been undertaken to bring the final position back to within budget. This will be particularly important in the current financial year to not only minimise any calls on central balances but also ensure that the Council starts the next financial year from a sustainable position.
- 3.7 The Strategic Leadership Board was requested to develop a remedial action plan to address these issues and ensure a year end balanced budget. A number of mitigating actions have been identified to produce a balanced budget position. These include additional VAT shelter receipts, Business Rates Income (section 31 Grants and Top-Up Grant Adjustment), and additional Minimum Revenue Position (relating to financing of capital schemes). Should it be required, further work will be undertaken to identify further mitigating actions to reduce the deficit.

#### **4. Council Tax Income – Update**

- 4.1 Council Tax income is 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. The Council's Budget included a Council Tax Requirement of £118.748m for 2017/18.
- 4.2 The forecast outturn position for the Council at the end of January 2018 is a reduced surplus of £0.697m, a change of £0.050m from the December position. This variation is primarily due to:-
- Gross Council Tax Charges in 2017/18 being higher than estimated at £0.029m;
  - Council Tax Reduction Scheme discounts being lower than estimated at - £0.026m;
  - Exemptions and Discounts (including a forecasting adjustment) being higher than estimated at £0.056m.
- 4.3 Due to Collection Fund regulations, the Council Tax surplus will not be transferred to the General Fund in 2017/18 but will be carried forward to be distributed in future years.
- 4.4 A forecast surplus of £0.871m was declared on the 15<sup>th</sup> January 2018 of which Sefton's share is £0.747m (85.8%). This is the amount that will be distributed from the Collection Fund in 2018/19. Any additional surplus or deficit will be distributed in 2019/20.

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## **5. Business Rates Income – Update**

- 5.1 Since 1 April 2013, the Council has retained a share of Business Rates income. The Council's share has increased from 49% in 2016/17 to 99% in 2017/18 as a result of its participation in the Liverpool City Region Business Rates 100% Retention Pilot Agreement. The Government's share of business rates has reduced from 50% in 2016/17 to 0% in 2017/18; however, they continue to be responsible for 50% of the deficit outstanding at the 31 March 2017. The Fire and Rescue Authority retain the other 1%.
- 5.2 The Council's Budget included retained Business Rates income of £62.955m for 2017/18. Business Rates are subject to appeals which can take many years to resolve. Settlement of appeals can have a significant impact on business rates income making it difficult to forecast accurately.
- 5.3 The forecast outturn position for the Council at the end of January 2018 is a surplus of £3.300m on Business Rates income which is a change of £3.586m from the December deficit position. This is largely due to:
- an amount of -£3.702m released from the appeals provision;
  - a reduction in the gross charge on rateable properties (+£0.321m);
  - a reduction in the Budget Statement Relief of -£0.105m;
  - Other reliefs (including a forecasting adjustment) being lower than estimated at -£0.100m.
- 5.4 Due to Collection Fund regulations, the Business Rates surplus will not be transferred to the General Fund in 2017/18 but will be carried forward to be recovered in future years.
- 5.5 A forecast surplus of -£3.398m was declared on the 31<sup>st</sup> January 2018. Sefton's share of this is -£3,971m which is made up of an amount brought forward from 2016/17 (+£0.595m) and the impact of variations in 2017/18 (-£4.566m). This is the amount that will be distributed from the Collection Fund in 2018/19 and any additional surplus or deficit will be distributed in 2019/20.

## **6. Capital Programme 2017/18**

- 6.1 The approved capital budget for 2017/18 is £28.708m.
- 6.2 As at the end of January, expenditure of £12.121m (42.2%) has been incurred within the approved Capital Programme.
- 6.3 As part of the monthly review project managers are now stating that £22.769m will be spent by year end. This would result in an under spend on the year of £5.939m on the whole programme with an overall delivery rate of 79.3%. This is summarised below as follows:-

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2017/18 Full Year Budget	Actual Expenditure as at January 2018	Forecast Actual Expenditure	Full Year Budget Variance
£m	£m	£m	£m
28.708	12.121	22.769	5.939

6.4 In order to achieve the revised forecast of £22.769m, expenditure of £10.648m will need to be incurred between now and the end of the year. Based on current expenditure levels, it is considered that this forecast is ambitious however historically a significant level of expenditure is incurred in the last few months of the year.

## 6.5 Key Variations on Overall Programme

It can be seen from the current forecast position that approximately £5.939m of expenditure will not be delivered in the current year. The key variations to this forecast are as follows:-

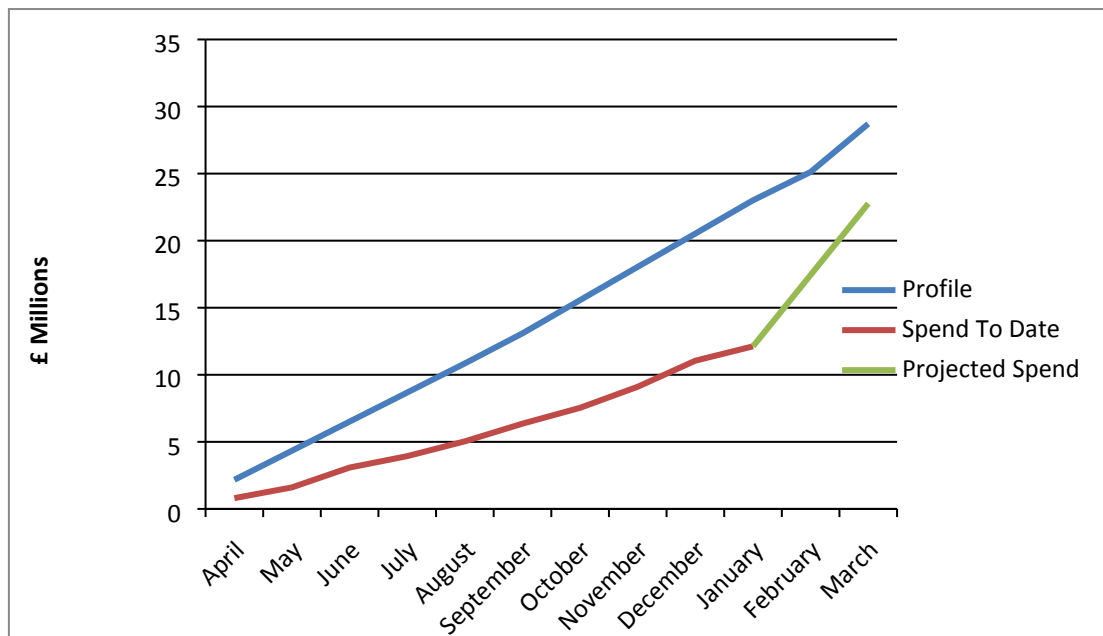
Scheme	Key Variation £'m	Funding Source	Explanation
<b>Potential Overspends Identified (key items)</b>			
M58 Junction 1 Improvements	-0.260	Liverpool Growth Fund Grant /LTP resource	Scheme re phased with slight increase in expenditure in Year 1. No change in overall cost of the scheme.
<b>Resources to be carried forward into next year (key items)</b>			
Vehicle Replacement Programme	1.633	Borrowing	A request will be made to re phase this budget in order to meet actual vehicle replacement requirements.
Better Care Fund Allocation Balance / Disabled Facilities Grant	1.400	Better Care Fund Grant	A request will be made to re-phase this budget that will be used for wider social care capital projects.
Crosby Library	0.345	Non Ring fenced resource	Funding requested to be carried forward
Southport Pier	0.312	Specific Grant	A request to re-phase will be made due to reassessment of work progress.
Flood Defence – CERMS 2016/21	0.300	Specific Grant	A request will be made to re phase this budget as the

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Sefton			required surveys to support the project have been delayed due to difficulties in capturing the required information.
Norwood Primary School Remodelling	0.251	Non Ring Fenced Resource	A request to re-phase this budget will be made due to delays in the scheme.
Crosby Lakeside – High Ropes	0.244	Invest to Save Borrowing	A request will be made to re-phase this budget as the scheme has been delayed pending heritage assessment and planning.
Maghull Leisure Centre	0.181	Borrowing	This balance is held to fund additional car parking funded by prudential borrowing. A request will be made to re-phase this budget.
Adult Social Care IT Infrastructure	0.159	Specific Grant	A request to re-phase this budget will be made due to delays in the scheme.
Parks – Tree Planting Programme	0.107	Section 106	A request will be made to re-phase this budget as work is season led.
Parks – Brookfield and Chaffers Field	0.101	Section 106	A reassessment is currently being undertaken to reassess project priorities.
<b>Total</b>	<b>5.033</b>		

6.6 The graph below therefore shows the 2017/18 Capital Programme expenditure to date against the profiled budget.

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6.7 A service by service breakdown of expenditure, forecast actual expenditure and full year budget variation as at January 2018 is shown in the following table:

	Full Year Budget	Expenditure to Date	Expenditure to Date as a % of Budget	Forecast Actual Expenditure to Date	Full Year Budget Variation To Date
	£m	£m	%	£m	£m
<b>Corporate Resources</b>	<b>0.498</b>	<b>0.390</b>	<b>78.3</b>	<b>0.411</b>	<b>0.087</b>
Previous Year Schemes	0.498	0.390	78.3	0.411	0.087
<b>Locality Services – Commissioned</b>	<b>8.309</b>	<b>4.031</b>	<b>48.5</b>	<b>7.951</b>	<b>0.358</b>
<u>New Schemes 2017/18</u>					
STEP Schemes.	0.410	0.110	26.8	0.410	0.000
LTP – New Schemes	1.880	1.792	95.3	1.880	0.000
Previous Year Schemes	6.019	2.129	35.4	5.661	0.358
<b>Locality Services – Provision</b>	<b>2.471</b>	<b>0.260</b>	<b>10.5</b>	<b>0.826</b>	<b>1.645</b>
Previous Year Schemes	2.471	0.260	10.5	0.826	1.645
<b>Regeneration and Housing</b>	<b>1.287</b>	<b>0.960</b>	<b>74.6</b>	<b>1.237</b>	<b>0.050</b>
Previous Year Schemes	1.287	0.960	74.6	1.237	0.050
<b>Regulation and</b>					

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<b>Compliance</b>	<b>0.015</b>	<b>0.006</b>	<b>40.0</b>	<b>0.015</b>	<b>0.000</b>
Previous Year Schemes	0.015	0.006	40.0	0.015	0.000
<b>Health &amp; Wellbeing</b>	<b>1.271</b>	<b>0.373</b>	<b>29.3</b>	<b>0.832</b>	<b>0.439</b>
<u>New Schemes 2017/18</u>					
Renovation of Changing Facilities at Bootle and Dunes.	0.349	0.302	86.5	0.349	0.000
Netherton Activity Centre Fitness Suite Refurb	0.150	0.000	0.0	0.150	0.000
Previous Year Schemes	0.772	0.071	9.2	0.333	0.439
<b>Adult Social Care</b>	<b>2.984</b>	<b>0.620</b>	<b>20.8</b>	<b>1.513</b>	<b>1.471</b>
<u>New Schemes 2017/18</u>					
Integration of Health & Social Care IT Systems	0.040	0.000	0.0	0.000	0.040
Approved Better Care Funding	2.063	0.000	0.0	0.865	1.198
Previous Year Schemes	0.881	0.620	70.4	0.648	0.233
<b>Schools and Families</b>	<b>5.292</b>	<b>2.660</b>	<b>50.3</b>	<b>4.861</b>	<b>0.431</b>
<u>New Schemes 2017/18</u>					
Great Crosby Primary Phase 3 increase half a form.	0.217	0.173	79.7	0.217	0.000
Linaker Primary Temp Class.	0.150	0.091	60.7	0.114	0.036
Linacre Primary Refurb Class.	0.170	0.092	54.1	0.170	0.000
Waterloo Primary Fire Alarm.	0.050	0.055	110.0	0.050	0.000
Previous Year Schemes	4.705	2.249	47.8	4.310	0.395
<b>Communities</b>	<b>2.434</b>	<b>0.562</b>	<b>23.1</b>	<b>1.488</b>	<b>0.946</b>
Previous Year Schemes	2.434	0.562	23.1	1.488	0.946
<b>Inward Investment &amp; Employment</b>	<b>1.947</b>	<b>0.817</b>	<b>42.0</b>	<b>1.635</b>	<b>0.312</b>
<u>New Scheme</u>					



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2017/18 Southport Pier Refurbishment	1.947	0.817	42.0	1.635	0.312
<b>Total New Schemes 2017/18</b>	<b>7.426</b>	<b>3.432</b>	<b>46.2</b>	<b>5.840</b>	<b>1.586</b>
<b>Total Previous Year Schemes</b>	<b>19.082</b>	<b>7.247</b>	<b>38.0</b>	<b>14.929</b>	<b>4.153</b>
<b>Disabled Facilities Grant</b>	<b>2.200</b>	<b>1.442</b>	<b>65.5</b>	<b>2.000</b>	<b>0.200</b>
<b>Total Capital Programme</b>	<b>28.708</b>	<b>12.121</b>	<b>42.2</b>	<b>22.769</b>	<b>5.939</b>

NB Previous Years Programme includes additional resources approved for previously approved schemes and associated approved resources that were phased over a number of years.

In addition to the in-year variations above, there are a number of Neighbourhood schemes that have been completed. A full review of these has been undertaken, and as a result, there are surplus balances available and these will be used to support the works at Ovington Drive (Kew) and Smithy Green (Formby) to the value of £0.030m and £0.025m respectively.

## 6.8 Financing of the 2017/18 Capital Programme

	Budget
	£m
Government Grants*	21.624
Borrowing	3.185
S106	1.988
Contribution	1.885
Capital Receipt	0.026
<b>TOTAL</b>	<b>28.708</b>

\*Includes capital receipts used to supplement government grants as detailed below. Within the funding profile for schemes approved in 2016/17 it was assumed that £1.5m of capital receipts will be generated. As at the end of March 2017, £0.791m has been received leaving a balance due of £0.709m. As at the end of January 2018 £0.246m has been received leaving a balance required of £0.463m. It is anticipated that a further £0.472m of receipts will be received by 31 March 2018.

## 7. Further additions to the Capital Programme.

At Budget Council in March 2018, Members approved the capital programme for 2018/19. In addition to those elements of the core programme the following additional schemes have been identified that will require council approval.

### Disabled Facilities Grant

£2.2m from the Better Care Fund grant to cover the anticipated cost of the Disabled Facility Grants Programme to enable adaptations to people's homes.

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## Community Equipment Store

£0.463 from the Better Care Fund grant to cover the cost of equipment supplied to adults and children.

## SALIX Finance for Schools

£0.500m per annum for energy saving projects within schools. This is funded by the Department for Education through interest free loans with a 5 year payback.

## RetroFIT for the FUTURE

The council is the accountable body for this project which is fully externally funded mainly through the ESIF (European Structural Investment Fund) and 4 Registered Housing Providers. The total cost of the capital part of the scheme is £7.503m and will deliver low carbon retrofit of homes.

## S106 – Sudell Ward

Approval is requested to include £0.020m section 106 monies in the Capital Programme relating to works for grass crete on Deyes Lane Maghull.

**Analysis of 2017/18 Public Sector Reform Savings**

	Project Phasing			Total Saving (£'m)	Saving Analysis 2017/2018		
	2017/18 £'m	2018/19 £'m	2019/20 £'m		Red	Amber	Green
<b>PSR1- Most Vulnerable</b> Looked After Children Reform Programme Acute wrap around services	-	-	0.539	0.539	-	-	-
	0.275	0.275	0.539	1.089	0.024	0.299	0.766
<b>PSR2- Locality Teams and Personalisation</b> Locality teams Personalisation and asset based approach	1.000	5.100	1.250	7.350	0.002	0.998	0.350
	0.300	1.000	1.700	3.000	-	-	-
	1.300	6.100	2.950	10.350	0.002	1.398	0.850
<b>PSR3- SEND &amp; Home to School Transport</b> All age disability pathway Home to School Transport	-	0.415	0.100	0.715	-	0.055	-
	-	0.365	0.385	0.750	-	-	-
	-	0.780	0.665	1.445	-	0.055	-
<b>PSR5- Education Excellence Extrarobix</b> Traded School Improvement Service	0.318	0.319	-	0.637	-	0.318	-
	0.318	0.319	-	0.637	-	0.318	-
<b>PSR6- Commercialisation, Traded Services &amp; Income</b> Sefton Arr Commercial Fleet Management	0.021	-	-	0.021	0.021	-	-
	0.028	0.028	-	0.056	0.021	-	-
<b>Crosby Lakeside Adventure Centre</b>	0.064	0.064	-	-	0.064	-	-
<b>Atkinson</b>	0.074	0.270	0.070	0.414	-	0.074	-
<b>Tourism</b>	-	0.110	0.215	0.325	-	-	-
<b>School Meals</b>	0.100	0.200	-	0.300	0.100	-	-
<b>Building Cleaning (alternative delivery model)</b>	0.250	-	-	0.250	0.250	-	-
<b>Building Control</b>	0.183	0.183	-	-	-	0.183	-
<b>S&amp;A Fundraising</b> Integration of Land Asset Management Services	0.720	0.361	0.895	1.976	0.335	-	0.385
	0.450	0.445	-	0.895	0.450	-	-
<b>Car Parking</b>	-	0.250	-	0.250	-	-	-
	0.450	0.695	-	1.145	-	-	0.450
<b>PSR7- Assets &amp; Property Management</b> Operational efficiency, Agile and lean, Re-designation, Uplift yield, Facilities Management Services	0.503	0.053	1.512	1.962	0.503	-	-
	0.503	0.053	1.512	1.962	0.503	-	-
<b>PSR8- ICT and Digital</b> Council ICT ICT staffing reductions Transactional Services staff reductions Customer interface (includes One Front Door approach)	-	-	1.950	1.950	-	-	-
	-	-	0.687	0.687	-	-	-
	-	-	0.800	0.800	-	-	-
	-	0.300	-	0.300	-	-	-
	-	0.300	3.419	3.719	-	-	-
<b>PSR10- Commissioning and Shared Services</b> Integration of resources	0.130	0.130	-	0.260	-	0.130	-
	0.353	0.033	0.172	0.492	0.240	0.113	-
<b>LCR Procurement</b>	0.125	0.125	0.250	0.500	0.125	-	-
<b>Shared Services</b>	-	-	0.250	0.250	-	-	-
<b>Additional Procurement Saving</b>	-	-	1.000	1.000	0.399	-	-
<b>Contract Compliance Audit (potential for a mix of one off and re)</b>	0.399	0.399	-	0.798	0.399	-	-
	1.007	0.427	1.672	2.752	0.764	0.243	-
<b>Total PSR</b>	<b>4.573</b>	<b>8.350</b>	<b>11.072</b>	<b>23.995</b>	<b>1.525</b>	<b>3.048</b>	<b>1.522</b>

Comments Relating to the 2017/2018 Financial Year

No saving due in 2017/18  
Saving will be overachieved in 2017/18

The majority of this saving has been achieved.  
Saving will be achieved within the Adults & Social Care budget

A saving of £0.055m has been achieved in advance of 2018/19  
No saving due in 2017/18

Savings in respect of £0.170m School Improvement, £0.070m Governor Services and £0.050m School Admissions are all on target to be delivered.

Sales target unachievable in 2017/18.  
One off saving achieved from the procurement of Tachograph works and equipment, taxi testing and private car MOT testing. The permanent saving will need to be repaid into financial year 2018/19 and may be positively influenced by increased take-up of Tachograph calibration.

Project on hold pending development of the Crosby Coastal Park Plan and Supplementary Planning Document and subsequent consultation.

On target. Saving identified through staff vacancies.  
No saving target in 2017/18, business plan to achieve targeted savings in 2018/19 and 2019/20 is being developed.  
On target. Increase in price will achieve saving alongside increasing sales.  
Targeted saving in 2017/18 is unachievable due to the time needed to identify where service reductions will actually apply and to then implement them, this will require staff consultation and application of Council policies and processes.  
It is expected that by the end of Q3 the service area will know exactly what will be achieved this year (1/1). A new levy to be introduced in Q4 should encourage developers to have planning applications agreed before then in order to reduce their costs.

£0.450m of savings is identified. There is a potential for an overachievement of savings which will be reported within Services as part of the budget monitoring process.  
No saving due in 2017/18

This saving has been reprofiled into 2018/19 and 2019/20.

No saving due in 2017/18  
No saving due in 2017/18  
No saving due in 2017/18  
No saving due in 2017/18

There is a delay in the implementation of these savings due to the time required to identify staff in scope and develop and consult on a new structure. The 2017/18 saving has been met through staff vacancies.  
Savings achieved on the reprocurement of the printing contract £0.100m, along with a dividend payment from YPO. Remaining savings will be harvested when contracts have been renewed, but at the present time and until tendered, it is unknown which contracts will generate the required saving.  
This saving has been rephased into 2019/20 due to delays in progress being made across the city region.  
No saving due in 2017/18  
No saving due in 2017/19  
This saving has been deleted as agreed at budget Council on the 1st March.

Project deliverables will not meet agreed outcomes	Red
Project deliverables are not currently at the required standard but plans are in place to improve	Amber
Project deliverables will meet agreed outcomes	Green

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## COUNCIL – 19 APRIL 2018

### REPORT OF THE LEADER OF THE COUNCIL

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

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

#### CABINET – 8 MARCH 2018

##### 135. Domiciliary Care Contracts

The Cabinet considered the report of the Head of Commissioning Support and Business and Intelligence that sought approval to further extend existing Domiciliary Care contracts for an initial three month period (1<sup>st</sup> May 2018 to 31<sup>st</sup> July 2018).

The report outlined the reasons for the extensions and the ongoing work taking place with Knowsley Metropolitan Borough Council, under the Liverpool City Region joint working arrangements.

#### **Decisions Made:** That:

- (1) the extension of current contracts for a further initial three month period (1st May 2018 to 31st July 2018) be approved;
- (2) delegated authority be granted to the Cabinet Member for Adult Social Care to approve any further extensions beyond 31st July 2018, should they be required;
- (3) it be noted that the proposal was a Key Decision that had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care and Health) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the current contracts are scheduled to end on 30<sup>th</sup> April 2018 and whilst a joint procurement process is being undertaken with Knowsley Council and new contracts were scheduled to be in place on 1<sup>st</sup> May 2018, challenges registered by some bidders for those contracts have delayed completion of the process. The process included for a 3 month implementation phase for new contracts and both authorities are concerned that significantly shortening that phase would detrimentally effect the safe and effective transition to the new arrangements; and

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- (4) that it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care and Health) had given her consent under Rule 46 of the Overview and Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call in" on the basis that they cannot be reasonably deferred because current contracts are scheduled to end on 30<sup>th</sup> April 2018 and whilst a joint procurement process is being undertaken with Knowsley Council and new contracts were scheduled to be in place on 1<sup>st</sup> May 2018, challenges registered by some bidders for those contracts have delayed completion of the process.

## **Reasons for the Decisions:**

Following the Cabinet decision made on 8<sup>th</sup> June 2017, existing Domiciliary Care contracts were extended for an additional one month period (1<sup>st</sup> April 2018 to 30<sup>th</sup> April 2018).

At the same time Cabinet also approved the commencement of a procurement exercise for Domiciliary Care services from 1<sup>st</sup> May 2018 onwards, in cooperation with Knowsley Metropolitan Borough Council under Liverpool City Region joint working arrangements.

The procurement exercise has been conducted; however challenges have been submitted by bidders regarding the awarding of new contracts. As a result, sufficient time is required to address and resolve matters and to then ensure that for any new contracts awarded, there is an appropriate amount of time given to implement them and ensure that any potential transfer of services is conducted in an efficient and safe manner.

## **Alternative Options Considered and Rejected:**

The following option was considered and rejected;

1. **Not extending current contracts** – this option was considered and rejected as the current contracts are ending on 30<sup>th</sup> April 2018 and at this present time a date for the awarding of new contracts is not known due to the procurement process currently being subject to challenge. If the existing contracts were not extended then there is a risk that the delivery of services to vulnerable people would be adversely affected and both existing and any potential new Providers would not have sufficient time to safely transfer and implement services.

## **DECISION TAKEN BY THE LEADER OF THE COUNCIL – 29 MARCH 2018**

### Warm Homes Fund – Category 1 Funding Offer

The Head of Corporate Resources provided a summary of the Council's successful bid to the Warm Homes Fund and sought approval from the Leader of the Council to formally accept the funding offer within the given timescales.

#### **Decisions Made: That:**

- (1) the request to formally accept the Category 1 Warm Homes Fund bid offer to be accepted by the Council by deadline of 29 March 2018, be approved;
- (2) the subsequent contract approval to the Council's Section 151 Officer, be delegated to the Head of Corporate Resources and Head of Regulation and Compliance;
- (3) that it be noted that the application of Rule 46 to waive the call in period in respect of this decision; and
- (4) the formal acceptance and approval of contract of the Category 3 bid, if successful, be delegated to Head of Corporate Resources.

#### **Reason for decisions:**

The offer letter dated 14 March 2018 required the Council to accept the funding offer by 29 March 2018, thus not allowing for constitutional timeframes to be met.

#### **Alternative Options Considered and Rejected:**

Failure to accept funding offer within deadlines will result in loss of £925K funding offered.

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## Notice of Motion by Councillor Byrom

### Merseyside Fire and Rescue Service

This Council recognises the excellent work undertaken by Merseyside Fire and Rescue Service in delivering community safety and prevention initiatives to residents and businesses across Sefton and Merseyside.

The Council, appreciates that Merseyside Fire and Rescue Service has to deal with a wide range of incidents, and therefore requires the resources to respond as speedily and effectively as possible under difficult financial circumstances.

MFRS through its support to National Resilience, is also required to respond to activities regionally, nationally and internationally; such as response to a potential terrorist threat, severe weather and any incident that may have an impact on critical infrastructure.

MFRS also delivers interventions to the wide ranging needs of our communities, which includes proactive prevention activities in undertaking 'Safe and Well' visits, which targets our most vulnerable residents. These visits go deeper to identify and address the wider health and or lifestyle issues which may, further down the line, lead to an emergency incident or acute intervention from the NHS, Social Services, safeguarding and other wider public services.

MFRS has continued to evolve and reform, working in collaboration with our other emergency services, Health organisations, and local Authority partners, whilst maintaining its commitment to the delivery of our community safety plan.

The Government should recognise the Fire and Rescue Service is a unique public body that plans for risk not demand and therefore should be funded accordingly.

MFRS has experienced the worst budget reductions in the country, which has had a detrimental impact on both front line and support service staff and seen a reduction in the number of fire stations and appliances available to attend emergency calls.

As MFRS budgets and physical firefighting resources continue to be cut, it is becoming increasingly difficult to meet local needs and address risk in the communities, the service is at breaking point and has sought to implement a programme of transformation to ensure the risk based needs of local communities are met, supporting the most vulnerable first.

The stark impact of the cuts to MFRS are as follows:

	<b>2010</b>	<b>2017</b>	<b>*2020</b>	
<b>Fire Fighters</b>	990	680	580	
<b>Appliances</b>	42	26	24	
<b>Stations</b>	26	25	22	

\*Assumed financial projected cuts until 2020

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## **This Council therefore calls on the Government to;**

1. Cease any further cuts to the Merseyside Fire & Rescue Authority budget
2. Undertake a full risk assessment of the impact of the cuts to date and the degradation of the remaining service
3. Allow MFRA the flexibility to increase Council Tax above the cap without the need for a County wide referendum.
4. Allow more freedom for Fire and Rescue services to explore Income generation without conditions
5. Support a fair increase to Firefighters and support staff pay rates
6. Accept that MFRA has no free capital available to transfer to revenue expenditure

Finally, This Council on behalf of the citizens of Sefton and Merseyside wish to place on record its full hearted thanks and appreciation for the work undertaken by Merseyside Fire and Rescue Service, and all its Fire Fighters and support staff for their dedication, commitment and professionalism in keeping our communities safe in unprecedented times.

## **Notice of Motion by Councillor Moncur**

### **Support for National Action to tackle obesity**

The Council notes that obesity is a major public health concern with the majority of adults in England being overweight or obese and a more than a third of our 10 to 11 years old being overweight or obese.

It is estimated that obesity is responsible for more than 30,000 deaths each year. Being overweight or obese increases the risk of a wide range of diseases including Type 2 diabetes, hypertension, cardiovascular disease and many cancers. It also negatively affects quality of life and mental wellbeing.

No one is 'immune' to obesity, but some people are more likely to become overweight or obese than others. Factors of income, social deprivation and ethnicity all have an important impact on the likelihood of person becoming obese. Data from the National Child Measurement Programme shows that obesity levels in the most deprived 10% of children is approximately double that of the least deprived 10%.

Obesity places a huge strain on health and social care as well as having a broader impact on economic development. The estimated annual cost of obesity in England is around £32.5 billion and if no action is taken these costs will increase.

We recognise that the causes of obesity are complex. Environmental, physiological and behavioural factors all interrelate and play their part in influencing the prevalence of obesity. This is why at a local level Sefton has a wide range of activities to tackle obesity. This includes signing up to a Healthy Weight Declaration, providing an integrated healthy lifestyle and wellness programme, having health promoting planning policies and through Active Sefton and our 0 to 19 service working with schools to be health promoting.

However, we feel more needs to be done by national government to support the efforts of local areas and we call upon the Government to lead on three areas of action:

#### **Firstly Implement the Food Revolution actions.**

This is a campaign led by the Jamie Oliver Food Foundation and its Australian partners at the Good Foundation. It is committed to inspiring real, meaningful, positive change in the way children access, consume and understand food.

Working with medical experts and professionals Food Revolution has created a six-point plan for action which they believe governments across the world should be working towards as a priority.

We welcome that the UK government has implemented the first action, which is the introduction of a sugary drink tax, but strongly advocate that the government also acts upon the other 5 actions. These are;

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1. The introduction of sugar reformulation targets to reduce excessive sugar in all products and have penalties for non-compliance,
2. Introduce fair marketing which would include a ban on food advertising targeted at children and cutting promotion of sugary products,
3. Making clearer labelling mandatory with clear on-pack sugar information, such as traffic light labelling and having restrictions on portion sizes for confectionary and sugary drinks,
4. Improving access to healthy food at schools for all children and prioritise food education in schools and
5. Providing greater education including clear national guides on what nutritious daily meals look like. This would include practical resources for both parents and teachers and better consistency between the classroom and home.

## **Secondly Tackle Food Poverty**

An affordable healthy diet is vital for good health. However, we know many people, due rising food prices, low wages and reductions in benefits, have an insufficient income to buy healthy food. This 'food poverty' trap results in families cutting back on fresh fruit and vegetables and buying cheap, sweet, fatty, salty, or processed foods that need little cooking.

This results in poorer people having worse diets, greater levels of obesity and poorer health. Across the Liverpool City region many families are living in poverty and there is high demand on food banks.

Whilst there is considerable work across the Liverpool City Region (LCR) to tackle poverty, illustrated in the commitment set out in The LCR Child Poverty and Life Chances Strategy, more needs to be done nationally. We call upon the UK government as the world's sixth largest economy to do more to end food poverty. Food banks should not become a substitute for an effective welfare system and fair work which includes earning a living wage.

## **Thirdly introduce a fairer and greater obesity focus of the use of sugar levy funding**

We welcome the government's sugary drinks levy with the money raised to improve PE and sport for primary-aged pupils to encourage healthy and active lifestyles.

The funding is to be allocated directly to primary schools, based on the number of pupils in years 1 to 6. There is no adjustment for deprivation. We believe to make the greatest impact the funding should be weighted to those with greatest health needs. The National Child Measurement Programme figures show it is the areas with greater deprivation which have a comparably higher proportion of children who are obese, compared to areas in the least deprived areas. If the funding was allocated direct to Local Authorities, rather than to individual schools, there would be greater potential to ensure resources were utilised to meet the needs across the local area.

Furthermore as obesity is influenced by both energy expended and energy consumed to tackle obesity we would like to see the criteria for this funding to also

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include activities which will help children and families make healthier food and drink choices.

In conclusion we strongly believe that more needs to be done on a national level to address the public health issue of obesity.

This Council therefore calls upon Government to give healthy weight a greater priority by:

- Implementing all of the Food Revolution actions.
- Tackling Food Poverty and
- Having a fairer and greater obesity focus of the use of sugar levy funding including allocation to Local Authorities rather than to individual schools

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