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# REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE COMMITTEE

Monday, 27 January 2014

<u>Present:</u>	Councillor	A Brighthouse (Chair)	
	Councillors	S Foulkes S Williams E Boulton J Crabtree P Doughty R Gregson K Hodson	M Johnston P Kearney A Leech D Realey M Sullivan KJ Williams
<u>Deputies:</u>	Councillor	D Elderton (In place of G Ellis)	
<u>Cabinet Members:</u>	Councillors	G Davies, P Hackett	B Kenny C Meaden

## 28 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor P Doughty declared his personal interest in agenda item 6 – Cumulative Impact Assessment (see minute 33 post) by virtue of him being a partner in a licensed premise, and agenda item 9 – Performance Report (see minute 36 post), insofar as it related to planning matters, by virtue of his employment.

## 29 MINUTES

The Head of Legal and Member Services presented the minutes of the Budget Consultation meeting held on 5 November 2013.

The Labour Group spokesperson thanked those Members who had been involved in the Scrutiny Review of the impact of the Budget Options, in particular the Chair and Councillor Paul Doughty. He was pleased that the work that had been undertaken, and the views expressed by the Committee, in its review of the Budget Options (minute 26 (5 November 2013) refers) appeared to have been taken into account by the Cabinet.

**Resolved – That the minutes of the Budget Consultation meeting held on 5 November 2013, be approved as a correct record.**

## 30 MERSEYSIDE FIRE AND RESCUE SERVICE - PRESENTATION

The Chair referred to the Notice of Motion 'Cuts to Merseyside Fire and Rescue Service', which had been considered by the Committee on 17 September 2013 (minute 15 refers). The Committee had advised the Council that it fully supported the Notice of Motion and, arising from the meeting, the Committee had invited the Chief Fire Officer to attend, in order to highlight the potential impact of the Government proposals on the residents of Wirral.

The Chief Fire Officer, Dan Stephens gave a brief presentation to detail for the Committee the scale of the cuts faced by Merseyside Fire and Rescue Authority. CSR 10 had resulted in cuts of nearly twice the national average (£20m out of a £70m budget) and had resulted in a reduction of 270 posts (180 fire-fighters and 90 support staff). There had also been a 33% reduction in appliances (down to 28 from 42). The CSR 13 in year savings target was £6.5m in 2015/2016, rising to £9.1m in 2016/2017. The presentation outlined the operational response methodology, which aimed to maintain average response times and he set out the least worst operational options, which included crewing changes, station mergers, days only crewing and station closures.

In conclusion, he stated that mergers were preferable to changes to duty systems, days only crewing and closures. However, mergers would still involve the closure of stations and were dependent upon working with Council officers to identify and secure suitable sites. Although work was ongoing, realistically, it would be up to two years before any merged stations became fully operational, assuming also that necessary funding was secured.

In response to questions from Members, the Chief Fire Officer outlined the reasons for the budget cut in Merseyside being nearly twice the national average, essentially being linked to an ongoing reduction in high risk industry and dock activity since the 1950s coupled with a corresponding population decrease, making the service expensive per head of population. He indicated that for the service to stand still an increase in the precept of 37% would be required.

In response to concerns expressed by Members in relation to response times being adversely affected by the operational changes associated with mergers, he indicated that the identification of suitable sites was essential and that a detailed consultation process would be undertaken. He referred also to the impact of the cuts on preventative work undertaken. Although much had been mitigated by the high levels of efficiency and hard work of staff, he emphasised that the options being considered were the 'least worst' and that none would improve safety or enhance the service provision.

On a motion by Councillor S Foulkes, seconded by Councillor Kathy Hodson, it was –

**Resolved –**

**(1) That the Chief Fire Officer be thanked for his presentation.**

- (2) That the concerns expressed by Members be fed back to the Merseyside Fire and Rescue Authority, as part of the overall consultation exercise.
- (3) That the Cabinet be requested to support any lobby for additional funding for the Fire and Rescue Service.

### 31 NOTICE OF MOTION - IMPROVING WIRRAL'S SITES FOR JOBS

The Head of Legal and Member Services advised that at the meeting of the Council held on 14 October 2013 (minute 37 refers), the following Notice of Motion proposed by Councillor Phil Gilchrist and seconded by Councillor Alan Brighthouse was referred by the Mayor to this Committee for consideration.

#### IMPROVING WIRRAL'S SITES FOR JOBS

This Council is determined that Wirral must be well placed to take advantage of funds that may be released to improve the infrastructure within the City Region and Wirral in particular.

Council recognises that recent Employment Land studies listed and scored many sites in Wirral with regard to their availability, accessibility and environmental constraints.

Council notes that the current Corporate Plan recognises the need to provide 'accessible employment opportunities'.

Council calls on officers to:

- (a) review the employment sites to establish, in co-operation with the owners, whether there are outdated premises and infrastructure that might be replaced with modern energy efficient premises in a range of sizes and locations.
- (b) work with Wirral's business community to ensure that a range of workshops, modern offices and workplaces is in place, especially in areas of high unemployment.
- (c) bring together proposals that form a bid to be progressed through the new structures involving the Local Enterprise Partnership and the potential of the Combined Authority.

In accordance with Standing Order 7 (6), Councillor Gilchrist had been invited to attend the meeting in order for him to be given an opportunity to explain the Motion. In accordance with Standing Order 7 (5), any recommendation from the Committee in relation to the Notice of Motion would be referred to the Council. Any debate at Council should take place upon the recommendation of the Committee and there should be no separate debate upon the motion itself.

Councillor Gilchrist indicated that the Notice of Motion had been submitted in the light of sites identified in recent Land Studies having been scored with regard to various accessibility and environmental constraints. He referred to

actions that had been taken in other local authorities to secure land for development and, in particular referred to the approaches undertaken in Rochdale and Oldham. He hoped that the officers would be able to complete a review of the employment sites with a view to being able to secure funding through the Local Enterprise Partnership and the Combined Authority.

The Strategic Director for Regeneration and Environment indicated that there were about 98000 jobs in Wirral, with a working age population of 180000, and he agreed with the need to make improvements to the employment rate and to build on the good work already undertaken. He indicated that there were some excellent business premises in Wirral and that many businesses moving into them were often relocating from poor quality premises. However, the Council had no funding to address those poor quality premises and with only £6m for gap funding over six years to be spread across the whole of Merseyside in the new European Programme, there were limitations as to what could be achieved with LEP funding. It was also the case that the level of spend required to be undertaken by owners would not be recouped with increased rental levels and furthermore, banks were loathed to lend to speculative builders in the current economic climate. He proposed to provide an example of the difficulties associated with identifying suitable premises, although this would have to be in exempt session, in view of the commercial sensitivity of the information (see minute 42 post).

He confirmed that Wirral would punch its weight in the Combined Authority, but the level of funding available was limited. He referred also to recent independent studies that had ranked Wirral very high in terms of work undertaken to regenerate the local economy and create jobs. He noted that some other local authorities, whilst not performing as well as Wirral, had adopted different approaches to redevelopment opportunities, including building on green belt, although this had never been recommended in Wirral. In response to the Notice of Motion, the Strategic Director was happy to bring back a report to a future meeting, if it was the wish of the Committee.

However, in response to questions from Members, he indicated that with only four staff in the Investment Team, if the work was to be pursued, it would inevitably be at the expense of something else. In view of this and having regard to comments made by the Strategic Director in relation to the lack of funding, Members expressed a view that the response to the Notice of Motion should be for a brief update to be presented to an early meeting of the Committee.

**Resolved – That the Council be advised that in view of the lack of funding available to fully pursue the Notice of Motion, the response to it should be for the Strategic Director for Regeneration and Environment to present a brief update to an early meeting of the Regeneration and Environment Policy and Performance Committee upon the availability of land for employment opportunities.**

## 32 **SUPPORT TO SMALL AND MEDIUM ENTERPRISES AND THE STRATEGIC APPROACH TO PARTNERSHIPS**

Further to minute 33 (Council – 14 October 2013) and in response to a request from the Leader of the Council, the Strategic Director for

Regeneration and Environment presented an overview of key investment strategy activity in respect of Small and Medium Enterprises and the future opportunities being undertaken to support SME's growth. He indicated that SME's accounted for 99.9% of all private sector businesses in the UK and were significant employers in the local Wirral economy. He highlighted the range of support services provided to SME's by Invest Wirral, which had been positively received by SME's with over 500 receiving advice and support.

He referred also to the Wirral Business Partnership having merged with the Wirral Chamber, a membership organisation that provided business support to its members. The Wirral Chamber worked closely with the Council's Invest Wirral Team to provide a comprehensive business support service and it was hoped that the Wirral Chamber would join the British Chamber of Commerce organisation. He commented upon the importance of prompt payment to SME's for goods and services, as cash flow and the ability to bank roll finance was usually limited. The Council had a target to ensure that 25% of SME's were paid within 10 days and the Council's Procurement Team were developing systems to ensure that the Council was doing all it could to support SME's to maintain a positive cash flow.

The Strategic Director reported also upon the Public Services (Social Value) Act 2012, which had the potential to be a positive step for Wirral's SME's as, under certain circumstances, it required public bodies to consider how the services they procured might improve the economic, social and environmental well-being of the area. Work was ongoing to ensure the implementation of the Act, embedding it into Wirral Council's processes and systems.

In terms of financial assistance to businesses, he referred to the success of the Council in securing £5m of Regional Growth Funding to support development in the Offshore Renewable Energy sector. As part of the programme, funds were available to businesses which were looking to move into the offshore energy market or who were looking to grow their business in this area. As part of the Liverpool City Region Local Enterprise Partnerships Regional Growth Fund, Wirral had also secured £10m to support SME's in the Liverpool City Region (LCR) as well a further £5m to give smaller grants to businesses in the LCR. Wirral was working closely with partners to ensure that this funding opportunity was maximised for Wirral Businesses and that the benefits were felt for the people of Wirral.

**Resolved –**

- (1) That the range of activity taking place to maximise the opportunities for Wirral businesses, especially SME's, to grow and create jobs within the borough, be noted.**
- (2) That an update be presented to a future meeting on the strategic direction of travel in relation to support for Wirral's SME's to ensure they continue to be a priority for the Council's Investment Strategy.**
- (3) That a briefing note be circulated to Members in relation to –**

- (a) **How the target of ensuring that 25% of SME's were paid within 10 days had been arrived at, why it had not been set higher and what targets had been set by other local authorities.**
- (b) **The Public Services (Social Value) Act 2012 and what it means in practical terms for the working of the Council.**

### 33 CUMULATIVE IMPACT ASSESSMENT

Further to minute 18 (17 September 2013), the Strategic Director for Regeneration and Environment presented an overview of the circumstances when it might be appropriate for the Council to adopt a Cumulative Impact Policy in respect of licensed premises under the Licensing Act 2003. Cumulative impact was described in guidance issued under section 182 of the Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The Licensing Manager indicated that a decision to adopt such a policy was required to be taken on an evidential basis and she provided examples of the type of evidence that could be used together with the matters that should be considered by the Licensing Authority.

The effect of adopting a special policy of this kind was to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following relevant representations, unless the applicant was able to demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives. Applicants would be expected to give consideration to potential cumulative impact issues when setting out the steps they would take to promote the licensing objectives in their application.

She commented also that the adoption of a special cumulative impact policy could not be absolute as the circumstances of each application had to be considered and the licensing authority would still need to show that the grant of an application would undermine the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved. Having a special policy in place would not relieve responsible authorities or any other person of the need to make representations, as the licensing authority could only give consideration to such a policy if representations were made. If there were no representations, the licensing authority would have to grant the application.

Wirral did not currently have any special cumulative impact policies within its statement of Licensing Policy. However, the absence of a special policy did not prevent any responsible authority or interested party making representations on a new application for the grant of variation of a licence on the grounds that the premises will have a negative cumulative impact on one or more of the Licensing Objectives.

Members commented that certain areas of the Borough could potentially benefit from a Cumulative Impact Policy, which would be welcomed in addressing anti-social behaviour. However, Members advised some caution

that the process could potentially be misused in certain areas by anti-regeneration groups, who were opposed to a night-time economy.

**Resolved – That the report be noted and the comments of Members be referred to the Licensing Committee for consideration.**

#### 34 **PARKING ON PAVEMENTS AND GRASS VERGES - UPDATE REPORT**

The Head of Environment and Regulation presented an update report upon progress related to pavement and grass verge parking, since the last report to the Sustainable Communities O&S Committee on 21 November 2012 (minute 33 refers). He commented that the issue was particularly sensitive for the public and Members and was the subject of many enquiries to Streetscene, with parking on pavements outside schools at peak times a major problem. He indicated that many areas, particularly those with narrow streets were designed when car ownership was not high. The same was also true in other areas that had a significant number of amenity areas and large verges with narrow access roads, where it would be costly to introduce a wide scale programme to provide parking bays. However, officers had estimated that even if such a programme was undertaken, demand for parking would still be likely to outstrip provision.

He reported that, unless there was a specific signed Traffic Regulation Order in place, enforcement of was only generally possible through the Police. Individual instances of parking on footways or verges could be considered by police officers to be obstructive or dangerous and whilst those offences appeared to clearly indicate that parking on footways and verges was not permitted, officers within the police had pointed out that unless there was evidence that a footway or carriageway was fully 'obstructed', there were no other definitions of what constitutes 'obstruction', 'wilful obstruction' or 'unnecessary obstruction' and in such cases they were less likely to secure a successful prosecution. Additionally, as Members were aware, the recent economic downturn had resulted in limitations in police resources, with such offences being seen as a lower priority than burglary, violence and other crime.

There had been 9 'pilot' verge and pavement TRO schemes introduced to date at a variety of locations, which were reasonably well respected by motorists with good compliance in most areas and few prosecutions having been undertaken. An initiative to issue leaflets to warn 'offending' drivers was also in its early stages but was having some positive effect.

Members referred to particular problems of vehicles parking on pavements and grass verges and obstructing driveways in a number of areas across Wirral. The offences being committed were in relation to both residential and commercial properties and Members also highlighted a trend for drivers of certain heavy utility vehicles to routinely park across pavements. Members noted that in terms of reactive maintenance/repairs, the cost to the Council was thought to be in excess of £40k per annum with the majority of the cost related to damage done to flagged footways. Consideration was given to progress that had been made by other local authorities to address the issue and a range of measures were discussed including the introduction of by-laws and billing offenders for damage caused by their vehicles.

Members noted however that a blanket ban on pavement parking could have a detrimental effect in some areas, particularly with regard to access by emergency vehicles in neighbourhoods with narrow streets and high levels of car ownership. In view of there being no budget to address the problem and the extent being varied across Wirral, a Member proposed that the matter would be better addressed and prioritised for funding by the Constituency Committees, who could develop different solutions as required for specific areas.

**Resolved –**

- (1) That the progress being made in continuing to address pavement and verge parking issues be noted.**
- (2) That the report be referred to each of the Constituency Committees for their consideration.**

**35 SCRUTINY REVIEW GUIDANCE**

The Director of Public Health/Head of Policy and Performance presented draft guidance for the setting up and operation of Scrutiny Review Panels, to ensure a consistent approach to task and finish work across the four Policy and Performance Committees. The draft guidance had been considered by the Co-ordinating Committee (minute 31 (15 January 2014) refers), who had welcomed that there were significantly more scrutiny reviews being undertaken, further demonstrating the direction of travel in the Council's improvement journey.

A member indicated that the guidance should provide more detail as to what should happen at the end of a review and that there was a need for a process to track recommendations through to their completion.

**Resolved – That, subject to the views expressed being taken into account, the report be noted.**

**36 DIRECTORATE PLAN PERFORMANCE REPORT**

The Strategic Director for Regeneration and Environment presented an update of the performance of the Directorate as at 30 November 2013, against the delivery of the Directorate Plan for 2013/2014. Of 21 measures that were RAG rated, 17 were rated Green, 3 were rated Amber and one was rated Red, in relation to the 'percentage of all major planning applications determined within 13 weeks'. The Strategic Director presented an action plan which identified the reason for non-compliance being in relation to one application during Q2 2013/2014 being subject to a s106 agreement, which was required to be reported to the Planning Committee, thereby causing a delay in the issuing of a decision and resulting in performance to dip from 57.1% (Green) to 50% (Red). Although every effort would be made to improve the current status prior to the year end, the Strategic Director indicated that due to the in depth process required to enable a change to the Scheme of Delegation to allow for increased flexibility in the reporting of applications to

the Planning Committee, he anticipated that performance would remain Red for the rest of 2013/2014.

In response to a question from a Member in relation to the indicator 'to maintain local environmental quality (LEQ) via the street cleansing of litter, detritus and dog fouling in main gateways and shopping areas', the Head of Environment and Regulation outlined the key factors for improvement and confirmed that the indicator always received particular attention and was focused upon at regular management meetings with Biffa.

**Resolved – That the report be noted.**

37 **FINANCIAL MONITORING 2013/2014 MONTH 8 (NOVEMBER 2013)**

The Strategic Director for Regeneration and Environment presented the report of the Director of Resources, which set out financial monitoring information for Month 8 (November 2013), to ensure consistency across Policy and Performance Committees and provide sufficient detail for Members to scrutinise budget performance for the Directorate.

All budget savings had been delivered for the year and he reported that projected variations indicated that a net saving was forecast of £435,000. At this stage, issues that had been identified of concern were in relation to Homeless Grant rolled into Formula Grant, but not taken out of budget (£221,000) and Car Parking Income shortfall (£350,000), which had been considered in detail by the Car Parking Scrutiny Working Group.

In response to a comment by the Chair, the Strategic Director assured Members that further consideration would be given to how best to plan future capital spend.

**Resolved – That the report be noted.**

38 **POLICY UPDATE**

The Director of Public Health/Head of Policy and Performance presented a policy briefing to enable Members to review new areas of policy and the government initiatives that would impact on local government in the short to medium term.

**Resolved – That the report be noted.**

39 **DECISION TAKEN UNDER DELEGATED POWERS - APPOINTMENT OF RETAINED RETAIL AND COMMERCIAL LEISURE CONSULTANTS**

The Strategic Director for Regeneration and Environment reported, in accordance with the Approved Scheme of Delegation, upon the acceptance under delegated powers of a tender for the Appointment of Retained Retail and Commercial Leisure Consultants.

**Resolved – That the report be noted.**

#### 40 **SCRUTINY WORK PROGRAMME UPDATE**

The Director of Public Health/Head of Policy and Performance reported upon progress in the delivery of the scrutiny work programme and provided a brief summary of the following topics –

- Impact of Budget Options 2013/2014 and Options 2014/2015
- Review of Apprenticeships
- Review of the Council's Car Parking Strategy
- Review of Street Cleansing Post Budget Options
- Arrangements for Monitoring New Highways Contract

The report also highlighted the officer reports that had been requested, to be added to agenda of future meetings.

The Labour Group spokesperson expressed concern in relation to how matters were being selected for addition to the Committee's work programme. His view was that, in order to ensure that work could be completed within agreed timescales the Committee should adhere to its work programme, approved earlier in the municipal year.

**Resolved – That the work programme be approved.**

#### 41 **EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

**Resolved – That in accordance with section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part 1 of Schedule 12A (as amended) to that Act.**

#### 42 **REGENERATION UPDATE**

The Strategic Director for Regeneration and Environment referred to matters raised in consideration of the Notice of Motion – Improving Wirral's Sites for Jobs (see minute 31 ante), and provided an update in relation to the provision of business premises. His update was considered exempt in view of the commercial sensitivity of the information provided and the public were excluded accordingly.

He also provided an update on regeneration schemes within the Borough, which he anticipated would form the basis of reports to future meetings.

**Resolved – That the report be noted.**

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