

COUNCIL

**MEETING HELD AT THE REMOTE MEETING
ON THURSDAY 19TH NOVEMBER, 2020**

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

Councillors Atkinson, Blackburne, Bradshaw, Brennan, Brodie - Browne, Brough, Byrom, Carr, Carragher, Cluskey, Cummins, Dawson, Dodd, Dowd, Doyle, Dutton, Evans, Fairclough, Friel, Gannon, Grace, Halsall, Hardy, Howard, Irving, Keith, John Kelly, John Joseph Kelly, Killen, Lappin, Lewis, Maher, McCann, McKinley, Moncur, Morris, Murphy, Myers, O'Brien, O'Hanlon, Pitt, Pugh, Pullin, Roche, Roscoe, Sathiy, John Sayers, Yvonne Sayers, Shaw, Spencer, Thomas, Anne Thompson, Lynne Thompson, Tweed, Veidman, Waterfield, Sir Ron Watson and Webster

24. MAYORS WELCOME

The Mayor took the opportunity to welcome Members to the remote meeting of Sefton Council and extended a special welcome to members of the public who were viewing the meeting online. This meeting was being held using Microsoft Teams Live Events software. A protocol for Members attending remote meetings had been circulated prior to the meeting and Members were respectfully requested to adhere to the protocol.

The Mayor advised all Members who were nominated Spokespersons or Movers and Seconders of Motions to turn their cameras off and mute their microphones when not addressing the meeting. The Mayor also advised that any of the nominated Spokespersons, Movers and Seconders of Motions who would like to address the meeting at any time should indicate by using the chat facility in Microsoft Teams and emphasised that the chat facility should only be used to indicate the wish to speak.

The Mayor further advised that all Members who were not nominated Spokespersons should turn their camera off and mute their microphone, and that they should only un-mute their microphone to confirm their attendance and to state how they wish to vote.

The Mayor highlighted that during the meeting Members should indicate their agreement to an item in the usual way and in the case of an item not being agreed, a vote would be taken on the item. The vote would be taken by an officer asking each member in alphabetical order to indicate their

vote. Members should turn on their microphones when it was their turn to vote but that there was no need to turn on their camera.

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bennett, Hands, Jones and McGinnity

26. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

27. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meeting held on 17 September 2020 were approved as a correct record.

28. MAYOR'S COMMUNICATIONS

Death of Former Sefton Mayor Tom Lewis

The Mayor reported on the sad passing of Councillor Dutton's Father, former Councillor and Mayor of Sefton Mr. Thomas Lewis.

Mr Lewis had served the Molyneux Ward from the conception of Sefton Council in 1974 to May 1996. He represented Sefton Council on the Merseyside Waste Disposal Authority and the Policy and Resources Committee.

Mr Lewis was also elected Mayor of Sefton in 1995-1996.

Councillors Sir Ron Watson, Pugh and Cummins paid tribute to Mr. Thomas Lewis.

Councillor Dutton thanked all Members and Officers for their kindness, support and tributes to her Father.

The Mayor reported that the Mayor of Liverpool, Joe Anderson, had recently lost both his brothers and requested that the Council keep him and his family in its thoughts at this difficult time.

The Mayor also reported on the sad news and tragic loss of MP Peter Dowd's Daughter, Jenny Dowd and requested that the Council sends its deepest sympathy to MP Peter Dowd, Councillor Liz Dowd and their family at this difficult time.

The Mayor also reported on the sad passing of Mr. Ralph Maher, the Father of Councillor Maher and Grandfather of Councillor Hardy and

requested that the Council sends its heartfelt sympathy to Councillors Maher, Hardy and all the family at this sad time.

The Council observed a one Minute silence as a mark of respect.

Remembrance

The Mayor reported on Armistice's day and the tributes paid to those who had given their life during conflict and referred to the special virtual Remembrance broadcast.

Wreaths were laid at war memorials across the borough by representatives from Sefton Council, including the Mayor herself, the Leader of the Council, Cabinet Members and ward councillors.

The Mayor thanked Ollie Cowan from the Communications Team and Shaun Pimblett, Civic and Mayoral Officer who organised the virtual film. The Mayor also thanked Reverend Bill Mathews who narrated and all those Members who were involved. The Mayor further thanked all Officers, the Royal British Legion, the Police and Members of the Public for their co-operation in what was a fitting tribute to all those who had given their life during conflict.

Mayor's Christmas Toy Appeal

The Mayor reported that donations of new unwrapped presents or gift vouchers for the Mayor's Christmas Toy Appeal could be donated and left at Libraries or Leisure Centres across the Borough from 2 December 2020.

29. MATTERS RAISED BY THE PUBLIC

The Mayor reported that a public petition had been received containing the signatures of over 500 people and that the summary of the petition stated:

"In 1999 we were granted a lease by the land owner Sefton MBC on an 8.5 acre piece of wasteland which had been subject to illegal tipping of demolition waste. The granting of the lease was subject to the clearance of the demolition waste and reinstatement of the land. 800 tons of rubble was removed. As that lease ended we were granted a 10 year lease following the building of new purpose built stabling and an Education Centre to support the alternative curriculum education programme, the mental health therapeutic interventions and the behaviour coaching which we do alongside the rescued horses and ponies. This intervention is known as Equine Assisted Therapy and we assist all ages of people, military veterans, people in recovery from addiction and homeless people. The cost of all of this was borne by our founding trustees who are not and were never wealthy people. The very foundation and development of this project has been built upon their personal sacrifice. Over 270 horses and ponies have come through our gates along with many hundreds of people. Many young people have gained successful careers in various equine roles following their engagement with Shy Lowen.

As the lease passed the half way point it became difficult to secure funding as there was no guarantee of longevity so on 2nd January 2017 an email was sent to the Manor Ward councillors to request support in gaining a new long lease. Following strong negotiation Sefton MBC eventually agreed in Summer 2019 that a 99 year lease could be granted at marginally below the commercial rate. We agreed although we are aware that the council could legally gift the site in the light of the investment made both financially and in public benefit as has been the case with other organisations. We have still not received a formal agreement and we now occupy a site for which we have no lease at all and so are rendered unable to obtain realistic funding to fund and further develop our offering.

Many lives are affected both equine and human by the nurturing nature of our organisation. Our methodology of Equine Assisted Therapy built on emotion and communication through 'horse whispering' is award winning and has been the subject of Mainstream Television documentaries. We now have an accredited course to teach people to become Equine Assisted Therapy Facilitators.

We want Sefton MBC to recognise the work we do and treat us with the respect we have earned over 21 years and grant us the permanence of occupancy we need to make Shy Lowen the place it really can be, bringing all the greatness of the outdoors to the Sefton community and beyond."

In accordance with the Procedure Rules for Remote Meetings of the Council, the Lead petitioner was advised of her right to submit a written statement, not lasting more than 5 minutes. The Chief Legal and Democratic Officer read out the representations made on behalf of the Lead petitioner.

The Cabinet Member for Regulatory, Compliance and Corporate Services, Councillor Lappin responded to the petition and Members debated the petition.

Thereafter, it was moved by Councillor Lappin, seconded by Councillor Grace and

RESOLVED:

That the lead petitioner be thanked for submitting the petition and the petition be noted.

30. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that the schedule setting out the questions submitted by Members of the Council together with the response by the appropriate Cabinet Member had been e-mailed to all Members of the Council.

The Mayor further reported on the following procedure for the asking of supplementary questions at the remote meeting of Council.

Members would be given the opportunity to ask one supplementary question of the Leader/Cabinet Member and those questions should be e-mailed to the Chief Legal and Democratic Officer by 4 pm the following day after the Council Meeting, Friday 20 November. It was further reported that the answers to the supplementary questions would be e-mailed directly to the Councillor by 4 p.m. on the Monday following the Council meeting, date being 23 November 2020.

The Mayor indicated that the Democratic Services Manager or her colleague would e-mail all Members of the Council with the complete supplementary question and answer schedule the following week after Council.

The Mayor reminded Members when submitting a supplementary question that the question should be a question and not a statement and furthermore must arise directly out of the original question or the reply.

31. PROPOSED PUBLIC SPACE PROTECTION ORDER - DOG CONTROL

RESOLVED:

That the item be withdrawn from the Agenda.

32. TREASURY MANAGEMENT MID-YEAR REPORT 2020/21

The Council considered the report of the Executive Director of Corporate Resources and Customer Services in relation to the Treasury Management activities undertaken to 30 September 2020.

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

RESOLVED:

That the Treasury Management update to 30 September 2020 be noted; the effects of decisions taken in pursuit of the Treasury Management Strategy be reviewed; and the implications of changes resulting from regulatory, economic and market factors affecting the Council's treasury management activities be considered.

33. FINANCIAL PROCEDURE RULES

The Council considered the report of the Executive Director of Corporate Resources and Customer Services in relation to revisions to the Financial Procedure Rules.

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

RESOLVED:

That the amended Financial Procedure Rules as set out in the Appendix to the report, be approved.

34. MEMBERSHIP OF COMMITTEES 2019/20

The Mayor reported that notice had been given by the Labour Group Whip, Councillor Grace and the Conservative Group Whip Councillor Morris of the following changes to Memberships of Committees and Outside Bodies in respect of their Group Memberships:

The Labour Group requested to make the following changes in relation to former Councillor Michael O'Brien's Memberships.

Planning Committee

- Councillor Brenda O'Brien – Vice Chair of Planning
- Councillor Carragher Member and Councillor Carr her Substitute Member

Licensing and Regulatory Committee

- Councillor Paula Spencer - Member

Planning Urgent Referrals Committee

- Councillor John Kelly Member and Councillor Michael Roche his Substitute Member

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

- Councillor Greg Myers - Substitute Member for Councillor Webster

Overview and Scrutiny Committee (Adult Social Care and Health)

- Councillor Anne Thompson – Substitute Member for Councillor Cluskey

Joint Consultative Committee for Teaching Staff

- Councillor Waterfield – Substitute Member for Councillor Brennan

Joint Consultative Committee

- Councillor Grace

The Conservative Group requested that Councillor Dutton replace Councillor Pitt on the Consolidated Charities of Thomas Brown and Marsh Dole of Formby.

RESOLVED:

The changes as detailed above, be approved.

35. MOTION SUBMITTED BY COUNCILLOR MONCUR - THE UNION LEARNING FUND

It was moved by Councillor Moncur, seconded by Councillor Lappin and unanimously:

The Union Learning Fund

RESOLVED: That:

This Council notes:

1. On Tuesday 6 October, the TUC received a letter from the Department for Education saying that ministers have decided to end the Union Learning Fund from March 2021.
2. The Union Learning Fund (ULF) was set up in 1998 to support trade unions to widen access to learning and training in workplaces for both union members and non-members. The fund supports workplace projects across England and is coordinated by the TUC.
3. Each year around 200,000 workers are supported into learning or training with union support through the ULF and the TUC. These learners undertake all sorts of job-relevant learning and training, including basic literacy and numeracy, ICT skills, apprenticeships and traineeships, vocational training, continuing professional development and many other informal and formal courses.
4. In 2019–20, the ULF was worth £12m. If upheld this decision will effectively end union-brokered skills, training, and will undermine key government skills and retraining priorities at a crucial moment for our economy.

This Council understands that: -

1. Union learning reaches people that other DfE programmes do not reach.
2. There is an independent evaluation of the Union Learning Fund every two years. It was most recently evaluated by the University of Exeter in 2018. They spoke to 2,459 learners, and found:
 - Over two-thirds (68 per cent) of learners with no previous qualifications got a qualification.
 - 47 per cent of those with entry level or level 1 qualifications got a qualification at a higher level.
 - Four in five (80 per cent) said they had developed skills that they could transfer to a new job.

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- Two in three (62 per cent) said their new skills made them more effective in their current job.
 - One in five (19 per cent) said they had been promoted or given increased responsibility and one in 10 (11 per cent) got a pay rise.
3. The 2018 independent evaluation found that union learning provided excellent value for money:
- For every £1 spent on the Union Learning Fund, there is a return of £12.30: £7.60 to the worker, £4.70 to the employer.
 - The Union Learning Fund delivers an estimated net contribution to the economy of more than £1.4bn as a result of a boost to jobs, wages and productivity.
 - The return to the exchequer (through reduced spending on welfare benefits and other factors resulting from the boost to jobs and wages) is £3.57 for each £1 spent on the Union Learning Fund.
 - The £12m government funding levered in an additional £54m from employers, unions and training providers in 2019–20.
4. The government has said it will put reskilling workers at the heart of its economic recovery plans after the pandemic. In September 2020, the government announced a new fully funded entitlement to achieve a first level 3 qualification, delivered through the National Skills Fund. Union learning is ideally placed to support this aspiration, in two ways: -
- directly, through delivering relevant level 3 courses to workplace learners, which is already a core function of the Union Learning Fund and was assessed as highly effective by the 2018 independent evaluation
 - directly, through enabling those with basic skills to learn and develop, putting them in a position to progress to level 3 skills
5. Successive governments of all parties have valued this role – and have supported the Union Learning Fund. As government funding, it is paid as a contract and is subject to stringent monitoring requirements. Union Learning Fund money can only be spent on the direct costs of getting working people into learning and skills training, and the associated costs of delivering this programme.
6. ULF projects adapted quickly to delivering online learning and training for workers during the pandemic and have actually surpassed the number of outcomes expected by government since the beginning of April.

This Council resolves to:

1. Express its public support for the continuation of the Union Learning Fund

2. Raise this issue with our local MPs and encourage them to call on the government to reverse its decision.

36. MOTION SUBMITTED BY COUNCILLOR ROSCOE - MOSQUITO DEVICES

Mosquito Devices

It was moved by Councillor Roscoe, seconded by Councillor J.J.Kelly and unanimously:

RESOLVED: That:

This Council recognises that the Equality Act 2010 recognises age as a protected characteristic and that under the Equality Act 2010 people are protected from discrimination in many situations such as using public services.

Mosquito devices emit a high pitch noise designed to be heard only by those under the age of 25. They are designed to prevent anti-social behaviour from young people, but they are indiscriminate and have negative effects on all those who can hear the noise they emit, particularly babies and people with autism. They can cause distress and harm to certain segments in society, including causing nausea, dizziness and pain, as well as affecting children's sense of balance. ⁽¹⁾

Albert Aynsley Green, who was appointed by the government to champion children's rights, has stated that they demonise all children, including babies regardless if they are misbehaving or not. ⁽²⁾

According to Liberty who have called for a ban on these devices ⁽³⁾

- The Mosquito targets any young person in the area, including very young children and babies;
- It affects law abiding children in the same way as those who are committing offences, which is degrading and discriminatory;
- It assumes young people will behave badly, and doesn't affect adult law breakers at all;
- It is a disproportionate and unfair reaction to the bad behaviour of some children, often creating no-go areas for young people in their own towns;
- It alienates young people from the community, which could prove counter-productive;
- It exposes young people to extreme discomfort, and little is known about the long-term effects on people's hearing.

Sefton Council commits to prohibit the use of these devices on any council-owned public space, amenity or park to ensure the protection of young people's human rights, health and engagement within the community.

- (1) <https://web.archive.org/web/20110927131822/http://www.baua.de/nr5858/de/Presse/Pressemitteilungen/2007/12/pm079-07.html> (accessed Feb 2020)
- (2) <https://www.theguardian.com/society/2008/feb/12/mosquito.young.people> (accessed Feb 2020)
- (3) <https://www.libertyhumanrights.org.uk/human-rights/fighting-discrimination/young-people/mosquito> (accessed Feb 2020)

37. MOTION SUBMITTED BY COUNCILLOR THOMAS - SCRAMBLER BIKES

Scrambler Bikes

It was moved by Councillor Thomas, seconded by Councillor Cluskey and unanimously:

RESOLVED: That:

Scramblers are terrorising too many communities. It is a growing and disturbing trend. It affects areas, predominantly urban, right across the country and our region, unfortunately, with no sign of cessation.

We are all familiar with the media case of a young woman from Netherton. She was on her way to pick up her 5 year old daughter on 1st October, when a scrambler bike hit her.

Whilst we acknowledge that Merseyside Police do their best to police the use of these vehicles, there currently exists a shortfall in funding to combat this type of dangerous criminal conduct that is blighting our Communities.

Sefton Council respectfully call upon the Government to increase the resources for tackling crimes where the bike is being driven in an unsafe or antisocial manner and to actively support any positive action that can be pursued in order to counteract the serious public safety issues associated with the misuse of scramblers and quad bikes.

We encourage the Government to work with our Partnerships on legislation that significantly improves the policing of this area of criminality.

Sefton Council recognises: -

1.
 - a) the ongoing problems of motorbike crime and other antisocial behaviour which blights our communities;

- b) that such disorder is caused by a small number of individuals who are not reflective of the wider community;
 - c) the commitment, professionalism and bravery of police officers who work hard to provide a visible police presence;
 - d) that the success in tackling these issues will depend, not just on effective policing, but also on improved education and community support. Council commends Police and partners for their work as part of the Scrambler Bike campaign which is currently on hold due to the Coronavirus pandemic.
2. Council would welcome additional national policing resources which may be deployed in local communities to bolster this campaign, and in so doing recognises the positive impact of a visible on the street police presence in areas affected by crime.
 3. Council welcomes the cross-party support which exists for the campaign and the collaboration between local councillors and MPs with local police, council officials and community representatives.
 4. Council commits to continuing to support this campaign by working with the police, voluntary organisations and the wider community, providing the necessary support and resources where required.
 5. Council commits to further tackling these issues through education in schools and community-based activities which can help reduce situations which lead to anti-social behaviour.
 6. Council, therefore, calls for the Sefton Safer Communities Partnership to consider what further action the Council can take to address the underlying issues which lead to crime and antisocial behaviour as part of a longer-term strategy on these issues.

38. MOTION SUBMITTED BY COUNCILLOR VEIDMAN - PLANNING WHITE PAPER

Planning White Paper

It was moved by Councillor Veidman, seconded by Councillor Carragher:

That:

On 6th August 2020 the Housing Secretary published a White Paper on 'Planning for the Future' which outlines major changes to the current planning system including a new way of categorising land into three types; as Growth areas which would have planning permission in principle, as Renewal areas which would need further permissions and as Protected areas.

This Council Notes:

Sefton Labour Group strongly opposed the last iteration of major reforms to the Planning system by Government which resulted in the reclassification of green belt land within Sefton.

90% of planning applications are approved and there is currently planning permission for over one million homes which have not been built clearly demonstrating that the housing shortage is not due to the current planning system.

The plans to abolish Section 106 agreements is detrimental as this is one of the most important mechanisms in securing community facilities and much needed affordable housing and in addition, lifting the affordable housing threshold will only add to the problem of providing decent sustainable affordable homes.

The plans for total digitisation of the system will disenfranchise many people in Sefton due to their inability to access or afford the technologies to engage.

The idea of permission in principle within Growth areas will potentially remove the role of local Planning Committees in determining how places are shaped and developed also depriving local residents and councillors of a key cherished democratic right.

The proposals will be detrimental to wildlife and the natural environment by removing local democratic scrutiny and safeguards.

This Council Resolves to:

Call on our local MPs' to lobby the Housing Minister to discard his proposed changes to the planning system and listen to the LGA, local Councils, professional bodies, wildlife and environmental organisations and communities who are united in their opposition.

Following debate the Chief Legal and Democratic Officer, Mr David McCullough officiated the vote, after which, the Mayor declared that the **Motion** was **carried** and it was

RESOLVED:

That:

On 6th August 2020 the Housing Secretary published a White Paper on 'Planning for the Future' which outlines major changes to the current planning system including a new way of categorising land into three types; as Growth areas which would have planning permission in principle, as Renewal areas which would need further permissions and as Protected areas.

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The proposals will be detrimental to wildlife and the natural environment by removing local democratic scrutiny and safeguards.

This Council Resolves to:

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39. MOTION SUBMITTED BY COUNCILLOR DAWSON - GOVERNMENT FUNDING - COVID 19

Government Funding – Covid 19

It was moved by Councillor Dawson and seconded by Councillor Pugh that

This Council:

1. Pays tribute to its own employees, contractors and managers; those working in the local NHS and care sectors; and employees working in food shops and other essential enterprises and services; for the sterling efforts which they have made to help local residents survive and endure the threats posed by COVID-19 over many months.

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2. Commends the efforts which have been made by the people living and working in the communities served by the Borough of Sefton to keep themselves and others safe from infection by the COVID-19 virus since March 2020 in the face of substantially varying advice, instructions and example.
3. Notes that a considerable number of people nationally and locally have still not received any direct financial assistance from the government to help them through times of economic shut-down.
4. Congratulates Marcus Rashford of Manchester United FC and his team of helpers in their achieving commitment from central government to funding and assistance for schoolchildren and poorer families to which actions the UK government had previously been opposed.
5. Commits itself to maintain the supportive actions which Sefton Borough Council itself has initiated and continued during 2020 to give support and assistance to those who most need it.
6. Calls upon the government to ensure that Local Authorities and the local NHS and care sector are properly funded to enable them to carry out the work which has been done, and which continues to be need to be done, to support the people living and working in our communities in the face of the virus and the effect of some of the measures which have been brought in to combat the virus.

An **amendment** was moved by Councillor Moncur, seconded by Councillor Hardy that the Motion be amended by:

Paragraph 1 - including the following words “the voluntary, community and faith sectors and the many individual residents;”, after the words “Pays tribute to its own employees, contractors and managers; those working in the local NHS and care sectors;”

Paragraph 2 - including the word “government” in between the words “varying” and “advice”;

Paragraph 3 – ends with “Commits itself to support:

i) the campaign to make the temporary £20 pound uplift to Universal Credit permanent and to extend it to other legacy benefits.

ii) the excludedUK campaign to end the exclusions in the Government’s Covid-19 financial support measures across all employment statuses, circumstances, professions and industries”.

Paragraph 6 – including the words “as originally promised by government” in between the words “funded” and “to enable”.

Following debate on the **amendment** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared the **amendment** was carried by 52 to 5 and on the **Substantive Motion** it was carried by 56 to 1 and it was:

RESOLVED: That:

This Council:

1. Pays tribute to its own employees, contractors and managers; those working in the local NHS and care sectors; the voluntary, community and faith sectors and the many individual residents; and employees working in food shops and other essential enterprises and services; for the sterling efforts which they have made to help local residents survive and endure the threats posed by COVID-19 over many months.
2. Commends the efforts which have been made by the people living and working in the communities served by the Borough of Sefton to keep themselves and others safe from infection by the COVID-19 virus since March 2020 in the face of substantially varying government advice, instructions and example.
3. Notes that a considerable number of people nationally and locally have still not received any direct financial assistance from the government to help them through times of economic shut-down. Commits itself to support:-
 - i) the campaign to make the temporary £20 pound uplift to Universal Credit permanent and to extend it to other legacy benefits.
 - ii) the excludedUK campaign to end the exclusions in the Government's Covid-19 financial support measures across all employment statuses, circumstances, professions and industries.
4. Congratulates Marcus Rashford of Manchester United FC and his team of helpers in their achieving commitment from central government to funding and assistance for schoolchildren and poorer families to which actions the UK government had previously been opposed.
5. Commits itself to maintain the supportive actions which Sefton Borough Council itself has initiated and continued during 2020 to give support and assistance to those who most need it.
6. Calls upon the government to ensure that Local Authorities and the local NHS and care sector are properly funded as originally promised by government to enable them to carry out the work which has been done, and which continues to be need to be done, to support the people living and working in our communities in the face

of the virus and the effect of some of the measures which have been brought in to combat the virus.