

METROPOLITAN BOROUGH OF SEFTON

COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend an **Ordinary Meeting** of the Sefton Metropolitan Borough Council to be held on **Thursday 17th December, 2009 at 6.45 pm or the rising of the Extraordinary Council Meeting at the Town Hall, Bootle** to transact the business set out on the agenda overleaf.

Yours sincerely,

Legal Director

Town Hall,
Southport

9 December 2009

Please contact Steve Pearce, Head of Committee and Member Services
on 0151 934 2046 or e-mail steve.pearce@legal.sefton.gov.uk

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

3. Minutes

(Pages 5 - 12)

Minutes of the meeting held on 22 October 2009

4. Mayor's Communications

Public Session

5. Matters Raised by the Public

To deal with matters raised by members of the public within the Borough, in accordance with the procedures relating to Petitions, Public Questions and Motions set out in Rule 11 of the Council and procedure Rules.

(Details of any further Petitions notified or Questions submitted to the Legal Director by members of the public in accordance with Rule 11 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 in accordance with Rule 12 of the Council and Committee Procedure Rules.

7. Medium Term Financial Plan 2010/11 to 2012/13 - Update

Report of the Finance and Information Services Director to follow

8. Southport Cultural Centre - Temporary Library Service

Report of the Strategic Director of Regeneration and Environmental Services to follow, if necessary

To consider, if appropriate, a referral by the Overview and Scrutiny Committee (Performance and Corporate Services) for the Council to consider the call-in request submitted by

three Councillors in respect of Minute No. 196 of the Cabinet meeting held on 12 November 2009 relating to the provision of a temporary library service in Southport, during the period of the redevelopment of the Southport Cultural Centre

- 9. Review of Members' Allowances – Independent Remuneration Panel** (Pages 13 - 24)
Report of the Legal Director
- 10. Membership of Committees 2009/10**
To consider any changes to the Membership of any committees etc.
- 11. Matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency) of the Constitution** (Pages 25 - 30)
Report of the Legal Director.
- 12. Notice of Motion by Councillor Mahon**
To consider the following Motion submitted by Councillor Mahon:

“That this Council fully supports the National Fire Sprinkler Network in promoting the benefits and awareness of installing sprinkler systems in public buildings, schools, care homes, commercial premises and residential properties throughout the UK.”
- 13. Exclusion of Press and Public**
To consider passing the following resolution:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.
- 14. Transformation Programme Update - Strategic Budget Review** (Pages 31 - 84)
Report of the Chief Executive

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

COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 22ND OCTOBER, 2009

PRESENT: The Mayor (Councillor Doran) (in the Chair)

Councillors Barber, Bigley, Blackburn, Bradshaw, Brady, Brodie - Browne, Byrne, Byrom, Cluskey, Connell, Cummins, Cuthbertson, Dodd, P Dowd, Fairclough, Lord Fearn, Fenton, Friel, Gibson, Glover, Gustafson, Hands, D Hardy, P Hardy, Hill, Hough, Howe, Ibbs, D Jones, T Jones, Maher, C Mainey, S Mainey, McGuire, Moncur, Papworth, Parry, Pearson, Porter, Preston, B Rimmer, D Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers and Webster

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Deputy Mayor, Councillor M. Fearn and Councillors Booth, Brennan, Colbert, M Dowd, Griffiths, Kerrigan, Larkin, Mahon and Platt.

33. DECLARATIONS OF INTEREST

No declarations of interest were made.

34. MINUTES

RESOLVED:

That the Minutes of the Council meeting held on 3 September 2009 be confirmed as a correct record.

35. MAYOR'S COMMUNICATIONS

Funerals

The Mayor reported that it was his sad duty to attend two funerals recently of persons closely connected to our Borough.

On 23 September 2009, on behalf of the Borough, he attended the service at St. Anne's Church, Formby for Colonel Mary Creagh OBE, TD, JP, DL who served as Lord Lieutenant of Merseyside in 1987/88; and on 25 September 2009, he attended the service for the Reverend Canon Colin Pope at Emmanuel Parish Church, Southport. Colin was the Mayoral Chaplain to Mr. Tommy Mann during his term of office and was a notable figure in Sefton through his work as Area Dean of North Meols and as Vicar of the Parish of Emmanuel, Southport. He was also an active

Agenda Item 3

COUNCIL- THURSDAY 22ND OCTOBER, 2009

participant in the Sefton Borough Partnership, the Children and Young People's Thematic Group and Sefton Faith Network.

The Mayor expressed sympathy to the families and friends of two very prominent members of our Borough. Councillors Storey and Hill paid tribute to Colonel Creagh and Councillors Glover, P. Dowd and Hill paid tribute to Canon Pope.

The Council then stood in silence for one minute as a mark of respect to the memory of Colonel Mary Creagh and the Reverend Canon Colin Pope.

Commodore John Madgwick OBE RN

The Mayor reported that on 7 October 2009, the Mayoress and himself were privileged on behalf of the Borough, to bid farewell to Commodore John Madgwick on the occasion of his retirement. The Commodore had served as the Royal Navy's representative in the North West (Naval Regional Officer, Northern England) since March 2000 and would retire from the Service in November this year. The Commodore had been a great supporter of the region and in particular Sefton. During his time in post some 1,500 warships had visited the area and many of their Commanding Officers had continued the tradition of calling into the Town Hall to pay their respects to the Mayor. The Commodore had always striven to maintain the traditional links the Royal Navy has in the region and had supported many receptions and civic events over the years.

Remembrance Sunday

The Mayor reported that the Annual Act of Remembrance would take place across the Borough of Sefton on Sunday, 8 November. All Members have received a copy of the Remembrance Locations in the internal mail and a further copy was available at the Reception Desk.

Mayoral Charity Event

The Mayor reported that Members of the Council would receive in the next few weeks the advertisement for the Mayor of Sefton's Annual Charity Night to be held on 12 February 2010 at the Floral Hall, Southport. He indicated that advance notification was being given as tickets had not gone on sale as yet but 15 tables had already been reserved. Members could reserve a table by contacting the Head of Civic and Mayoral Services and individual tickets would go on sale from 15 November 2009.

Help for Heroes Event

The Mayor reported that Councillor Weavers would be undertaking a unicycle ride in aid of Help For Heroes on Saturday, 24 October 2009, commencing at 1.00 p.m. from Southport Town Hall. All support and contributions would be very welcome. Further information on the event and how to contribute could be obtained online at www.justgiving.com/Frederick-Weavers."

COUNCIL- THURSDAY 22ND OCTOBER, 2009

PUBLIC SESSION

36. MATTERS RAISED BY THE PUBLIC

The Mayor reported that members of the public had not submitted any petitions or questions.

COUNCIL BUSINESS SESSION

37. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that Members of the Council had not submitted any questions.

38. REVIEW OF THE MORATORIUM ON SITING MOBILE PHONE MASTS ON COUNCIL LAND

Further to Minute No. 28 of the meeting held on 3 September 2009, the Council considered a further report of the Strategic Director of Regeneration and Environmental Services on the results of the consultation exercise held with all Area Committees and Parish Councils on proposals to revise the moratorium on the siting of mobile phone masts on Council owned land.

It was moved by Councillor Robertson and seconded by Councillor Shaw:

"That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and*
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phones on Council land and report this back to the Cabinet for approval."*

An amendment was then moved by Councillor P. Dowd and seconded by Councillor Byrom that the Motion be amended by the deletion of all the words and the substitution of the following text:

"That

- (1) in the light of the serious public concern about the siting of telecommunication masts in various locations across the Borough, the Council has a responsibility to ensure that it takes the views of the public fully into account in reviewing its moratorium policy in relation to the placement of mobile communication masts on Council owned property.*
- (2) to ensure openness and transparency the Council agrees to set up an ad-hoc Working Group comprising of Elected Members and*

Agenda Item 3

COUNCIL- THURSDAY 22ND OCTOBER, 2009

appropriate others, to consider all aspects related to telecommunication mast concerns.

- (3) *the Working Group will be charged with proactively seeking views from community organisations, individuals and any other interested bodies before making a recommendation to the Council about whether to lift its moratorium.*
- (4) *the Terms of Reference for the Working Group should include planning and legal issues, written and oral submissions, the nature of discussions with representatives from the mobile phone industry, interest groups, public consultation meetings, appropriate site visits, discussions with regulatory bodies, expert testimony and other research.*
- (5) *the Panel report back no later than 6 months after today's Council meeting."*

The requisite number of Members having signified their wish that the voting on the amendment should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

AGAINST THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor Doran

The amendment was lost by 38 votes to 15 with one abstention.

A further amendment was then moved by Councillor P. Dowd and seconded by Councillor Maher that the Motion be amended by the deletion of all the words and the substitution of the following text:

"That the moratorium be not revised until such time as the whole of the protocol is approved by the Council"

COUNCIL- THURSDAY 22ND OCTOBER, 2009

The requisite number of Members having signified their wish that the voting on the amendment should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

AGAINST THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor Doran

The amendment was lost by 37 votes to 15 with one abstention.

Following further debate, the requisite number of Members having signified their wish that the voting on the Substantive Motion should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Sir Ron Watson and Weavers.

AGAINST THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

Agenda Item 3

COUNCIL- THURSDAY 22ND OCTOBER, 2009

ABSTENTION:

Councillor Doran

The Substantive Motion was carried by 37 votes to 15 with one abstention and it was

RESOLVED: That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phones on Council land and report this back to the Cabinet for approval.

39. CHANGES TO EXECUTIVE ARRANGEMENTS - LEADER OR ELECTED MAYOR FOR SEFTON

Further to Minute No. 142 of the meeting of the Cabinet held on 1 October 2009, the Council considered the report of the Legal Director on the proposed changes to the Council's Constitution as a result of the formal decision to adopt the new style Leader and Cabinet model.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

It was moved by Councillor Robertson, seconded by Councillor Brodie-Browne, and

RESOLVED: That

- (1) approval be given to the changes to the Constitution as set out in Annex A of the report;
- (2) the new arrangements take effect from May 2010; and
- (3) the Legal Director be authorised to advertise the Council's proposals for its new Governance arrangements.

40. ELECTED MEMBER MEDIA GUIDELINES

Further to Minute No. 144 of the meeting of the Cabinet held on 1 October 2009, the Council considered the joint report of the Assistant Chief Executive (Communications) and Legal Director seeking approval for a set of guidelines governing the ways in which the Elected Members' media relations should operate.

It was moved by Councillor Robertson, seconded by Councillor Papworth and

COUNCIL- THURSDAY 22ND OCTOBER, 2009

RESOLVED:

That the Elected Member Media Guidelines be approved.

41. GAMBLING ACT 2005 - REVISED STATEMENT OF GAMBLING LICENSING POLICY

Further to Minute No. 31 of the meeting of the Licensing and Regulatory Committee held on 28 September 2009, the Council considered the report of the Environmental Protection Director seeking approval to the revised Statement of Gambling Licensing Policy following the statutory consultation period. The Licensing Policy would last for a maximum of three years, but could be reviewed and revised by the Authority at any time.

It was moved by Councillor Bigley, seconded by Councillor Papworth and

RESOLVED:

That the revised Statement of Gambling Licensing Policy be approved.

42. THE ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) REGULATIONS 2009

Further to Minute No. 162 of the meeting of the Cabinet on 1 October 2009, the Council considered the report of the Environmental Protection Director on the new enforcement duties placed on the Local Authority under the Environmental Damage (Prevention and Remediation) Regulations 2009 and the implications for Sefton.

It was moved by Councillor Robertson, seconded by Councillor Brodie-Browne and

RESOLVED:

That Part 3 of the Council Constitution (Responsibility for Functions) be amended by the inclusion of the following delegation to the Environmental Protection Director:

"Environmental
Cabinet Member
C Environmental Protection Director

19 - Power to authorise officers to take all necessary action under the Environmental Damage (Prevention and Remediation) Regulations 2009."

43. ATTENDANCE AT MEETINGS - SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972

The Council considered the report of the Legal Director which requested the Council to approve and authorise the absence of Councillor V. Platt

Agenda Item 3

COUNCIL- THURSDAY 22ND OCTOBER, 2009

from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972 due to his current ill health.

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

RESOLVED:

That the current absence from all Council and Committee Meetings of Councillor Platt due to ill health be authorised and approved for a further six month period from the date of this meeting until 21 April 2010 pursuant to the provisions of Section 85 of the Local Government Act 1972.

44. MEMBERSHIP OF COMMITTEES 2009/10

Councillor Parry proposed the following change:

- Councillor Ibbs to replace Councillor Platt as a Trustee of the Consolidated Charities of Thomas Brown and Marsh Dole of Formby

RESOLVED:

That the proposed change detailed above be approved.

45. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 16 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council received a report of the Leader of the Council setting out details of those matters dealt with in accordance with Rule 16 of the Access to Information Procedure Rules (Special Urgency).

46. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) OF THE CONSTITUTION

The Council received a report of the Legal Director setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency).

Agenda Item 9

Meeting: STANDARDS COMMITTEE
COUNCIL

Date of Meeting: 15 DECEMBER 2009
17 DECEMBER 2009

Title of Report: REVIEW OF MEMBERS' ALLOWANCES –
INDEPENDENT REMUNERATION PANEL

Report of:

Mrs C J Elwood
Legal Director

Contact Officer:
(Telephone No.) 0151 934 2032

This report contains	Yes	No
CONFIDENTIAL Information/		√
EXEMPT information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report DELEGATED?		

Purpose of Report

To advise Members of the recommendations made by the Independent Remuneration Panel and to make recommendations to Council.

Recommendation(s)

That Members of the Standards Committee consider the report of the Independent Remuneration Panel and make recommendations to Full Council in relation to the review of the Members Allowance Scheme.

Corporate Objective Monitoring

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

Agenda Item 9

Financial Implications

The additional cost of implementing the recommendations of the Independent Remuneration Panel are:

- a) Full Year - £22,315
- b) May 2009 to March 31st 2010 - £20,455
- c) 1st January 2010 to 31st March 2010 £5,578

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	22,315	22,315	22,315	22,315
Funded by:				
Sefton funded Resources	22,315	22,315	22,315	22,315
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

Legal
Finance

List of background papers relied upon in the preparation of this Report

Report to the Independent Remuneration Panel

1.0 Background

- 1.1 The three Members of the Council's Independent Remuneration Panel met on the 3rd December 2008 to review the Council's current Members Allowance Scheme. The report of the Panel setting out their findings and recommendations is set out at **Annex 1**.
- 1.2 At their meeting on 22nd January, 2009, Members considered the report of the Panel with a view to making recommendations to full Council on 26th February, 2009. After some discussion it was resolved that the report of the Independent Remuneration Panel be deferred to enable the views of the three Political Groups to be sought on the Members Travel & Subsistence Scheme and a report thereon be submitted to the Independent Remuneration Panel for consideration.
- 1.3 After the three Political Groups had considered the matter it was decided not to refer the issue back to the Panel. Accordingly, Members of the Standards Committee considered the report prior to Full Council on 9th July, 2009.
- 1.4 At the Council Meeting Members passed the following resolution:-

RESOLVED: That
 - (1) the IRP recommendations be noted and, while supportive of the principles, this Council believes that the overall Councillors Allowances Budget should be capped at the present level; and
 - (2) accordingly, this matter be referred back to the IRP to consider how the IRP principles can be achieved whilst staying within the overall Councillors Allowances budget and IRP be asked to examine the overall Councillors Allowances budget in the light of the current financial climate with a view to possible reductions in the budget.
- 1.5 The Independent Remuneration Panel met again on the 16 November 2009 and their additional report and recommendations are set out at **Annex 2**.
- 1.6 The additional cost of implementing the recommendations of the Independent Remuneration Panel's for a full year is £22,315. However, if the changes were implemented with effect from May 2009 the cost would be £20,455 and with effect from 1st January 2010, it would be £5,578.
- 1.7 Members of the Standards Committee are requested to review the report and make recommendations to Council in relation to the review of the Scheme.

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SEFTON METROPOLITAN BOROUGH COUNCIL
REPORT OF THE INDEPENDENT REMUNERATION PANEL
DECEMBER 2008

1. INTRODUCTION

1.1 The Panel was convened specifically to consider:-

- (a) The appropriate figure for the Special Responsibility Allowance for Overview & Scrutiny Chairs.
- (b) The appropriate figure and level of Special Responsibility Allowance for the Audit and Governance Chair.
- (c) Whether it is appropriate to pay travelling expenses to those Members who undertake statutory visits to childrens homes.

1.2 We met on the 3rd December 2008. Unfortunately Steve Dickson, the third member of the Panel, was unable to join us. In the circumstances we agreed to proceed in his absence but requested the Legal Director to circulate the draft report on the Panel's findings to Mr Dickson on the understanding that if he has any concerns about the findings then the Panel be reconvened to discuss the matter further.

1.3 The three Leaders of the Council had been given the opportunity to attend and make representations to us or send a nominee. The four Scrutiny Chairs had also been invited to attend to make representations. We therefore had the opportunity to hear directly from three of the Scrutiny Chairs, namely Councillor Hardy, Councillor Papworth and Councillor Hands. In addition Councillor Mrs Parry and Councillor P Cummins addressed us in relation to the issue of travelling expenses. We were advised by Paul Edwards (Finance Director), Caroline Elwood (Legal Director) and Viv Swale (Claims & Administration Manager).

1.4 This report outlines our recommendations to the Council in respect of the current Members Allowance Scheme.

Agenda Item 9

2.0 BACKGROUND

2.1 The Panel last met on the 14th June 2007 and undertook a full and comprehensive review of the Members Allowances Scheme. This was subsequently accepted and approved by the Full Council in September 2007. We had recommended that the Basic Allowance should be reviewed and increased to a figure comparable to the Merseyside average, with future increases linked to the Local Government annual pay settlement (using scp 33) and that the Special Responsibility Allowances should continue to be calculated based upon a multiplier of the Basic Allowance. We also recommended that the Council should no longer continue to make separate payments to cover travel expenses for duties undertaken by Members within Sefton, on the basis that the enhanced level of Basic Allowance would reflect the discontinuance of separate travel expenses. We also recommended that a further full review of the Scheme should be undertaken prior to the beginning of the Municipal Year 2010/2011.

3.0 OVERVIEW & SCRUTINY CHAIRS

3.1 The Cross Party Working Group which was originally established to implement the detailed recommendations made by Dr Snape into improvements to the scrutiny function at Sefton requested that the Panel should formally review the level of Special Responsibility Allowance (SRA) currently paid to the Overview & Scrutiny Chairs. The Working Group felt that the level of the SRA demonstrated the value placed upon the function and Dr Snape herself expressed concern that generally scrutiny had a low status within the organisation which was having an adverse effect upon the performance of the function. The recommendation that the allowance should be reviewed was subsequently approved by Cabinet on 13 December 2007 and Full Council on 28 February 2008.

3.2 We noted that there are currently four Overview & Scrutiny Chairs each of whom receives a Special Responsibility Allowance based on a multiplier of 50% x the Basic Allowance (ie. £4,425). This can be contrasted with the Chair of both Planning and Licensing Committees, both of whom received a Special Responsibility Allowance based on a multiplier of 100% x the Basic Allowance (ie. £8,850).

3.3 We were advised that in recent years the scrutiny function had evolved significantly with a resulting impact upon the workload of the Scrutiny Chairs. Although each Overview & Scrutiny Committee still meets once a cycle much more work is now done in Working Groups undertaking in-depth reviews on a variety of topics. Working Group reports have been well received and welcomed by Cabinet. The Chairs and Committees are supported by a dedicated Scrutiny Team with

Chairs generally kept briefed and informed and becoming involved in a wide range of issues related to the work of the Committee.

3.4 We heard from three of the Scrutiny Chairs who explained the far more proactive role which had now developed and we noted the proposed expansion and strengthening of the roles envisaged by the government, particularly in acting as a critical friend to partner organisations requiring the Council to adopt more innovative and imaginative scrutiny enquiries and wider engagement with service users. We also noted the pro-active role of the Scrutiny Chairs in protecting the integrity and propriety of the decision making process by their guardianship of the Forward Plan of Key Decisions.

3.5 We noted that national research commissioned by the LGA and IDeA in 2006/07 demonstrated that the average allowance of O&S chairmanships is comparable or higher than chairmanships of Licensing and sometimes of Planning Committees. We were also provided with information from 18 other areas and noted 17 of these paid a higher amount of Special Responsibility Allowance than Sefton. Overall the summary showed the average amount paid to Overview & Scrutiny Chairs is £7,482 which equates to 75% of the average Basic Allowance.

3.6 We considered it was important to send out the clear message that as an organisation Sefton does value its scrutiny function and the important role it plays not only in holding the Executive to account but also as a guardian of the constitution particularly in relation to the Forward Plan. We therefore recommend that the Special Responsibility Allowance for Chairs should be increased to 100% of the current Basic Allowance ie. £8,860 with effect from the new Civic Year in May 2009.

4.0 Audit & Governance Chair

4.1 At the meeting of the Panel on the 26th September 2006 it was resolved that “the allowance to the new Chair of Audit & Governance be approved and linked to the current multiplier paid to Chairs of Overview & Scrutiny (namely half of the Basic Allowance)”. Accordingly we noted the Audit & Governance Committee Chair is currently paid the same rate as Overview & Scrutiny Chairs (£4,425). We were provided with information from the survey of 18 Authorities undertaken on our behalf which shows that the average amount paid to Audit & Governance Chairs is £4,647 (which equates to 43% of the Basic Allowance). In those circumstances we felt that the current allowance to the Audit & Governance Committee Chair continued to be appropriate and that the current link to Chairs of Overview & Scrutiny should be discontinued.

Agenda Item 9

5.0 Visits to Childrens Homes.

5.1 As previously noted at the last Panel Meeting it was agreed that, in order to save administrative time in future Members would not be paid individual travelling expenses for travel within the Borough of Sefton. Instead an amount was incorporated within the increased Basic Allowance which all Members received. However Sefton is required to undertake statutory visits to childrens homes within the Borough and these visits are over and above Members regular commitments. At present only a small number of Members actually undertake the visits and in these circumstances the Leader of the Labour Group had suggested the Panel should consider providing those Members who do additional mileage an appropriate internal mileage allowance. We heard from Councillor Paul Cummins who is in favour of this proposal and Councillor Paula Parry who did not favour any alteration to current payments for travelling expenses.

5.2 We received details of visits undertaken since 2006/07 and wished to express our concern that Sefton may not be fulfilling the required number of statutory regulatory visits to childrens homes. However, we did not consider that the payment of travelling expenses to undertake such visits was a suitable way to remedy this issue. Accordingly, we do not recommend that it is currently appropriate to pay travelling expenses to those Members who undertake statutory visits to childrens homes. We are aware that this issue has been drawn to Members attention and note that Childrens Overview & Scrutiny Committee are shortly to commence a review of the Council's Corporate Parenting Role which will include the statutory requirement to visit childrens homes. Once the report has been concluded and considered by Cabinet we would be prepared to reconsider the issue of whether and how this function should be recognised in the Allowance Scheme.

6.0 Conclusions

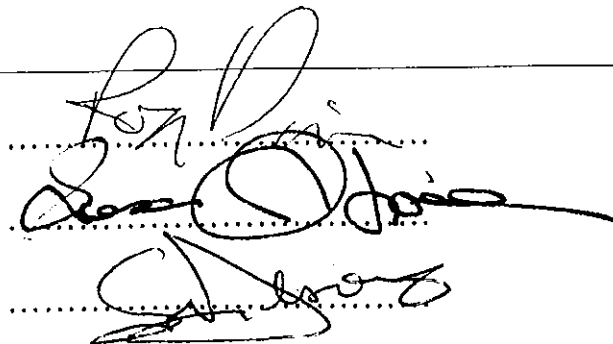
We recommend the above amendments to the Council's current Scheme of Members Allowances and that all other details of the Scheme remain unchanged.

December 2008

Canon R Driver (Chair)

Mrs S Lowe

Mr S Dickson



SEFTON METROPOLITAN COUNCIL

REPORT OF THE INDEPENDENT REMUNERATION PANEL

NOVEMBER 2009

1. INTRODUCTION

- 1.1 We last met as a panel in December 2008 when we made a number of recommendations in relation to the level of special responsibility allowances and the payment of travelling expenses to those members who undertake statutory visits to children's homes. Our report made the following recommendations:-
 - 1.1.1 That the Special Responsibility Allowance for Overview & Scrutiny Chairs should be increased to a multiplier of 100% of the basic allowance ie £8,860 with effect from the new civic year in 2009.
 - 1.1.2 The current link that the Special Responsibility Allowance payable to the Chair of the Audit and Governance Committee is the same as that to Chairs of Overview and Scrutiny Committees be severed; and that the SRA for the Chair of the Audit and Governance Committee remain as a multiplier of 50% of the Basic Allowances.
 - 1.1.3. That we do not consider that it is appropriate to pay travelling expenses to those Members who undertake statutory visits to children's homes.
- 1.2 Our report was submitted to the Standards Committee on 22nd January, 2009 (with a view to making recommendations to full Council on 26th February, 2009). However, after some discussion at the Standards Committee we understand it was resolved that the report of the Panel be deferred to enable the views of the three Political Groups to be sought on the Members Travel and Subsistence Scheme with a possible referral back to the Panel for our views and consideration. Eventually it was agreed not to refer the issue back to us and accordingly the report was re-submitted to the Standards Committee to consider the report and make recommendations to the meeting of full Council on 9th July, 2009.
- 1.3 At the Council Meeting Members attention was drawn to the cost of implementing the changes which was an additional £19,900 in 2009/10 (full year costs £22,150). After lengthy debate the Council Meeting on 9th July passed the following resolution:-

Agenda Item 9

2

RESOLVED: That

- (1) The IRP recommendations be noted and, while supportive of the principles, this Council believes that the overall Councillors Allowances Budget should be capped at the present level; and
 - (2) accordingly, this matter be referred back to the IRP to consider how the IRP principles can be achieved whilst staying within the overall Councillors Allowances budget and IRP be asked to examine the overall Councillors Allowances budget in the light of the current financial climate with a view to possible reductions in the budget.
- 1.4 We met again on 16th November, 2009, to discuss the recommendation. The three Leaders of the Council had been invited to attend and make representations to us or send a nominee. We therefore had the opportunity to hear directly from Councillor T Robertson, Leader of the Liberal Democratic Group and Councillor P Dowd Leader of the Labour Group. Councillor I Maher, Deputy Leader of the Labour Group was also in attendance and also offered the opportunity to comment. Apologies were submitted on behalf of Councillor Mrs Parry, Leader of the Conservative Group. We were advised by Mr L Green (Senior Assistant Director Finance and Information Services Department), Mrs C Elwood (Legal Director) and Ms V Swale (Insurance and Administration Manager Finance & Information Services Department).

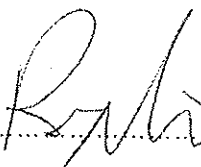
2. RECOMMENDATIONS

- 2.1 Having heard from the Leaders and having discussed the issues our recommendations to the Council are as follows:-
 - 2.1.1 We note the Council's concerns regarding the affordability of our proposals given the current economic situation generally and the difficult financial challenges the Council itself faces. Nevertheless our proposals were made after careful consideration of the report and information before us and we have not received any further information or evidence which would cause us to revise our original recommendations to the Council.
 - 2.1.2 In those circumstances whilst the Council's concerns are both recognised and indeed to be applauded, we are firmly of the view that it is for the Council itself to make decisions on the budgetary implications of any change to the Members Allowances Scheme. Although we would recommend that should the Council approve any increase to the Special Responsibility Allowance of Overview & Scrutiny Chairs then this should not be backdated beyond the date of the Council's formal approval.

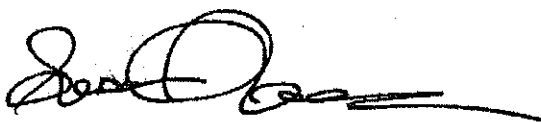
- 2.1.3 In the light of Members concerns we would respectfully draw Members' attention to the current under spend in the Members Allowance Scheme for this financial year and to the provisions within Section 5 of the Scheme itself which does allow Members to give notice in writing to the Finance Director and elect to forgo any part of their entitlement to an allowance under the Scheme.
- 2.1.4 Finally, it was recommended in our report of 14th June, 2007, that there should be a full review of the Members' Allowance Scheme prior to the beginning of the municipal year 2010/11. This recommendation was accepted by the meeting of the Council of 6th September, 2007. We have therefore requested that the Legal Director and Finance Director facilitate a further meeting of the panel in early April 2010 to progress this review.

7 December 2009

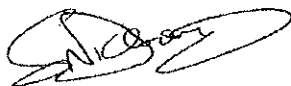
Canon R Driver (Chair)



Mrs S Lowe



Mr S Dickson



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COUNCIL - 17 DECEMBER 2009

REPORT OF THE LEADER OF THE COUNCIL - MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY)

I wish to report that the Chair of the relevant Overview and Scrutiny Committee has given his consent, under Rule 17 of the Scrutiny Procedure Rules, to the following issues being dealt with, on the basis that the decisions could not be reasonably deferred and therefore not subject to call-in.

CABINET - 12 NOVEMBER 2009

194. SOUTHPORT CULTURAL CENTRE - NWDA AND THE COUNCIL'S DECISION ON FUNDING

Further to Minute No. 125 of the meeting held on 3 September 2009, the Cabinet considered the report of the Leisure Director on the details of the decision taken by the North West Development Agency to provide funding to support the redevelopment of the Southport Cultural Centre.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the offer of £4m grant from the North West Development Agency (NWDA) be accepted and allocated to the 2009/10 New Starts Capital Programme;
- (2) the Council's funding of £7.3m to the Southport Cultural Centre project be confirmed and included together with the £4m Sea Change grant and the £4m NWDA grant in the Capital Programme;
- (3) expenditure from the 2009/10 Capital Programme (Sea Change and NWDA) be approved for further pre-development works;
- (4) provision be made within the Medium Term Financial Plan for the cost of prudential borrowing to fund the Council's Capital contribution to the development; and
- (5) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

Agenda Item 11

195. SOUTHPORT CULTURAL CENTRE - BUSINESS PLAN AND POTENTIAL REVENUE IMPLICATIONS

Further to the previous minute, the Cabinet considered the report of the Leisure Director which provided details of the Business Plan which had been produced for the redevelopment of the Southport Cultural Centre and assessed by the North West Development Agency.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) it be noted that the Southport Cultural Centre will upon reopening have to re-establish and grow its audience base, and until this is completed there may be an increase in revenue costs to operate the service for the first 18 months to two years;
- (2) the likelihood for an increased provision in the 2012/13 and 2013/14 Medium Term Financial Plan for the potential additional revenue running costs be noted; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

196. SOUTHPORT CULTURAL CENTRE - TEMPORARY LIBRARY SERVICE

The Cabinet considered the joint report of the Strategic Director of Regeneration and Environmental Services, the Finance and Information Services Director, Leisure Director and Head of Regeneration and Technical Services which provided details of the estimated costs identified for the adaptation works required to a number of potentially suitable venues to facilitate a temporary library service in central Southport, during the period of the redevelopment of the Southport Cultural Centre.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

In response to a question from Members of the Cabinet, the Legal Director reported that there was no provision within the Council Constitution for the Cabinet to overturn the decision taken by the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to call in.

The Cabinet discussed the viability of the options set out in the report and it was accepted that the only options which could be practically implemented were the adaptation works to the Southport Market Hall and the use of the existing branch libraries in Southport. A vote was taken on the option to operate the temporary library service in the Southport Market Hall and in accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their vote for and against the proposal be recorded, namely:

For the proposal (4) - Councillors Brodie Browne, Lord Fearn, Robertson and Tattersall.

Against the proposal (6) - Councillors P. Dowd, Fairclough, Griffiths, Maher, Parry and Porter.

Following further discussion, it was

RESOLVED: That

- (1) the services and staff at the Southport Central Library be relocated at the Churchtown, Birkdale and Ainsdale Branch Libraries at no additional cost, during the period of the redevelopment of the Southport Cultural Centre;
- (2) the Leisure Director submit a report to the Cabinet on the feasibility of providing a temporary IT service for library users in the Southport One Stop Shop; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

198. SOUTHPORT CULTURAL CENTRE - APPROVAL OF TENDER LIST

The Cabinet considered the report of the Head of Regeneration and Technical Services which provided details of the two stage tender process for the redevelopment of the Southport Cultural Centre project and sought approval to a short list of contractors for the project set out in a supplementary note circulated at the meeting.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the six contractors set out in the supplementary note be invited to submit tenders for the Southport Cultural Centre project;

Agenda Item 11

- (2) if any one of the contractors in the short list declines the offer to submit a tender, a contractor from the reserve list set out in the supplementary note be selected in their place; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

CABINET - 25 NOVEMBER 2009

208. BUILDING SCHOOLS FOR THE FUTURE - APPOINTMENT OF PROJECT DIRECTOR AND PROJECT MANAGER

The Cabinet considered the joint report of the Strategic Directors of Communities and Children's Services and the Personnel Director which sought approval for the establishment of posts to enable the appointment of a Project Director and Project Manager for the Council's Building Schools for the Future (BSF) Programme.

RESOLVED: That

- (1) approval be given to the establishment of the posts of Project Director (Senior Management Hay 3, £77,979 - £85,779) and Project Manager (Senior Management Hay 5, £56,670 - £62,334) for Sefton's Building Schools for the Future Programme;
- (2) it be noted that, in accordance with the Responsibility for Functions provided in the Council's Constitution, the personnel implications described in the report have been approved by the Personnel Director, in consultation with the Strategic Director - Communities and the Strategic Director - Children's Services;
- (3) the three Political Group Leaders notify the Legal Director of their nominees to the membership of the Employment Procedure Committee to be established to deal with the recruitment and selection of persons to the posts set out in (1) above; and
- (4) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because it would be detrimental to the timescale needed to recruit the Project Director and Project Manager and would not be viewed favourably by Partnerships for Schools or the Department for Children, Schools and Families who are the sponsors for Building Schools for the Future. In addition, the full time officers are required to manage the programme through the most sensitive period following selection.

C.J. Elwood
Legal Director

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