

COUNCIL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON THURSDAY 8TH JULY, 2010**

PRESENT: The Mayor (Councillor M Fearn) (in the Chair)
The Deputy Mayor (Councillor Cummins) (Vice Chair)

Councillors Barber, Blackburn, Booth, Bradshaw, Brady, Brennan, Brodie - Browne, Byrne, Byrom, Carr, K. Cluskey, L. Cluskey, Cuthbertson, Dodd, Doran, Dorgan, M. Dowd, P. Dowd, Dutton, Fairclough, Lord Fearn, Friel, Gibson, Glover, Griffiths, Gustafson, Hands, Hardy, Hill, Hough, Howe, Ibbs, Jones, Kelly, Kerrigan, Maher, C Mainey, S Mainey, McGinnity, McIvor, Moncur, Papworth, Parry, Pearson, Preece, Preston, D Rimmer, Robertson, Shaw, Tattersall, Tweed, Veidman, Sir Ron Watson, Weavers and Webster

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fenton, Hubbard, Larkin, Mahon, McGuire, Porter, B. Rimmer, Sumner and Tonkiss.

10. DECLARATIONS OF INTEREST

The following declaration of interest was received:

Member	Minute	Reason	Action
Councillor Moncur	23 and 25 - Strategic Budget Review and Budget 2010/11	Personal - He and his spouse are employed by one of the organisations referred to in the report	Took part in the consideration of the item and voted thereon.

11. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the Minutes of the Special Council meeting held on 13 May 2010, the Annual Council meeting held on 20 May 2010 and the Extraordinary Council meeting held on 24 June 2010 be approved as a correct record.

12. MAYOR'S COMMUNICATIONS

Civic Service

The Mayor reported that her Civic Service had been held at The Church of St. Francis of Assisi in Southport on 4 July 2010, and she expressed her thanks to those Members who had attended the Service.

Launch of Mayoral Theme - Music and 'Heroes Welcome in Sefton'

The Mayor reported that on 25 June 2010, she had launched the Principal Theme for her Mayoral Year as Music and indicated that in addition to this she would continue the initiative: 'Heroes Welcome in Sefton' introduced by her predecessor.

The Mayor expressed thanks to the Sefton Music Services Brass Ensemble who provided an excellent display of the musical talent we have in our Borough at the launch event.

Visit of Children's Orchestra from Pafos Cyprus

The Mayor reported that during the period 15-18 July 2010, Sefton would play host to a number of children from Pafos in Cyprus, a town that Sefton had very strong cultural links with. During their visit the children's orchestra would perform on 16 July 2010 at St. Faith's Church, Great Crosby from 6.00 p.m. to 7.00 p.m.; and on 17 July 2010 at the Bandstand on Lord Street, Southport between 11.00 a.m. and 12.00 noon.

The Mayor indicated that the visit had been arranged in liaison with Sefton Music Services and requested Members to take up the opportunity of attending and promoting the events.

Interim Head of Corporate Legal Services

The Mayor reported that the Interim Head of Corporate Legal Services, Dave Mackey, would be retiring on 6 August 2010 after 22 years service at Sefton and a total of 45 years in Local Government. On behalf of the Council, the Mayor thanked Mr. Mackey for his service to Sefton Council and extended best wishes to him for a happy and healthy retirement.

PUBLIC SESSION

13. MATTERS RAISED BY THE PUBLIC

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

COUNCIL BUSINESS SESSION

14. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a written question from Councillor Papworth to the Cabinet Member - Regeneration relating to the proposed redevelopment in Crosby together with a written response to the question - one supplementary question was put and responded to.

15. OVERVIEW AND SCRUTINY ANNUAL REPORT 2009/10

The Council considered the Overview and Scrutiny Annual Report for 2009/10 and Councillors Byrom, Hands, Hill and Papworth highlighted the key areas of work undertaken by their respective Committees and thanked Members and Officers for their support and assistance during 2009/10.

It was moved by Councillor Hands and seconded by Councillor Papworth and

RESOLVED:

That the Overview and Scrutiny Annual Report 2009/10 be noted.

16. HOUSING CAPITAL PROGRAMME 2010/11

Further to Minute No. 30 of the Cabinet meeting held on 10 June 2010, the Council considered the report of the Neighbourhoods and Investment Programmes Director seeking approval to the Housing Capital Programme for 2010/11.

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 Councillors Brodie-Browne and

RESOLVED:

That the Housing Capital Programme detailed at Annex A of the report, which requires the utilisation of £2.225m One Vision Housing capital receipts as a funding resource together with other capital funding, be approved.

17. CARBON REDUCTION COMMITMENT SCHEME

Further to Minute No. 62 of the Cabinet meeting held on 8 July 2010, the Council considered the joint report of the Neighbourhoods and Investment Programmes Director and the Interim Head of Corporate Finance and ICT Strategy on the proposed operation of the Carbon Reduction Commitment (CRC) Scheme which became a statutory requirement with effect from 1 April 2010.

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

RESOLVED:

That Part 3 of the Council Constitution (Responsibility for Functions) be amended to enable the Head of Corporate Finance and ICT Strategy or, the Section 151 Officer to have delegated powers to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the Scheme to the Department for Energy and Climate Change.

18. SEX ESTABLISHMENT LICENCE - SEXUAL ENTERTAINMENT VENUE

Further to Minute No. 39 of the Cabinet meeting held on 10 June 2010, the Council considered the joint report of the Environmental and Technical Services Director and the Interim Head of Corporate Legal Services seeking approval to the adoption of the statutory provisions with regard to the licensing of sexual entertainment venues within the Borough.

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

RESOLVED: That

- (1) approval be given to the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act 2009;
- (2) approval be given to the establishment of a Licensing (Sexual Entertainment Venues) Sub-Committee;
- (3) the Licensing and Regulatory Committee be authorised to delegate its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act 2009 to Licensing (Sexual Entertainment Venues) Sub-Committees each consisting of three members of the Licensing and Regulatory Committee;
- (4) the Assistant Chief Executive be authorised to determine the composition (i.e. membership) of any Licensing (Sexual Entertainment Venues) Sub-Committees from within the membership of the Licensing and Regulatory Committee for the purposes of convening meetings of the Licensing (Sexual Entertainment Venues) Sub-Committees; and

- (5) Part 3 of the Council Constitution - Responsibility for Functions (Delegations to Regulatory and Non-Executive Committees) be amended to take account of resolutions (2), (3) and (4) above.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, Councillor Gibson requested that his vote against the above resolutions, be recorded)

19. MOOR PARK CONSERVATION AREA ARTICLE 4(2) DIRECTION

Further to Minute No. 72 of the Council meeting held on 14 January 2010, and Minute No. 44 of the meeting of the Cabinet held on 10 June 2010, the Council considered the report of the Planning and Economic Development Director which sought approval to the confirmation without modification of the Moor Park Article 4(2) Direction following the recent public consultation exercise.

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

RESOLVED:

That the Moor Park Article 4(2) Direction be confirmed without modification.

20. DOG FOULING AND ENFORCEMENT

Further to Minute No. 64 of the Cabinet meeting held on 8 July 2010, the Council considered the report of the Leisure and Tourism Director on the draft Leisure and Tourism Enforcement Policy for Coast, Countryside, Paths and Open Spaces. The report also sought the delegation of powers to the Leisure and Tourism Director in respect of the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005.

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 Councillors Brodie-Browne and

RESOLVED:

That Part 3 of the Council Constitution (Responsibility for Functions) be amended by the inclusion of the following text:

“Environmental

Cabinet Member
Delegations

E. Leisure and Tourism Director

‘Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005’”

21. MEMBERSHIP OF COMMITTEES 2010/11

Councillor Ibbs proposed the following changes:

Licensing and Regulatory Committee

- Councillor Pearson to replace Councillor Sir Ron Watson as a Member of the Committee

Planning Committee

- Councillor Dorgan to replace Councillor Barber as a Member of the Committee and Councillor Ibbs be appointed as a substitute for Councillor Dorgan on the Committee

Councillor Blackburn proposed the following changes:

Planning Committee

- Councillor Hough to replace Councillor Shaw as a Member of the Committee
- Councillor Tonkiss to replace Councillor Hough as the Substitute Member for Councillor Hands on the Committee
- Councillor Shaw to replace Councillor McGuire as a substitute for Councillor Preston on the Committee

Licensing & Regulatory Committee

- Councillor Blackburn to replace Councillor Larkin as a Member of the Committee
- Councillor Byrne to replace Councillor Fenton as a Member of the Committee

Overview and Scrutiny Committee (Children’s Services)

- Councillor Larkin to be appointed as a Member of the Committee in place of Councillor Hough and also appointed as the Vice-Chair of the Committee

Overview and Scrutiny Committee (Performance & Corporate Services)

- Councillor Shaw to replace Councillor Fenton as a Member of the Committee

Overview and Scrutiny Committee (Regeneration & Environmental Services)

- Councillor Fenton to replace Councillor Larkin as a Member of the Committee
- Councillor Larkin to replace Councillor Fenton as a substitute for Councillor C. Mainey on the Committee

Councillor Moncur proposed the following changes:

Overview and Scrutiny Committee (Health and Social Care)

- Councillor Carr to replace Councillor Brennan as the Substitute for Councillor Veidman on the Committee

RESOLVED:

That the proposed changes detailed above be approved.

22. 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 Interim Head of Corporate Legal Services setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency).

23. STRATEGIC BUDGET REVIEW AND BUDGET 2010/11 - PART 1

The Council considered the report of the Chief Executive which provided details of the proposed response to Minute 8 of the Extraordinary Council Meeting held on 24 June 2010, the impact of the recent announcement by the Government for a reduction of grants to Local Authorities and proposals for the management of the budget reductions for the Council.

The Cabinet had considered the report at its meeting held earlier that day (Minute No. 65 refers) and a revised Appendix A to the report was circulated to Members, together with the confidential Appendix B (see Minute No. 25 below).

The Chief Executive also circulated an addendum to the report on the equality impact assessment of the proposals to reduce/cease some activity funded through Area Based Grant.

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

It was then moved by Councillor Robertson and seconded by Councillor Brodie-Browne that:

- (1) approval be given to the cessation of the specific Area Based Grant projects and activities totalling £2,549,850 in 2010/11 as identified in Appendix A and the confidential Appendix B of the report (see Minute No. 25 below);
- (2) it be noted that this will involve a reduction in staff, to be achieved through the Council's normal personnel procedures and if necessary through compulsory redundancies;
- (3) the finalisation of these arrangements be delegated to the Chief Executive in consultation with Party Leaders;
- (4) the response to the resolution of the Extraordinary Council Meeting on 24 June 2010 as set out in paragraph 5 of the report be noted;
- (5) approval be given to the use of £1.5m one-off funding previously allocated to support the 2009/10 outturn position to compensate for the reduction in grant;
- (6) approval be given to the use of the 2010/11 contribution to balances of £500k towards the required savings;
- (7) approval be given to the re-phasing of £720k of the transport capital programme;
- (8) approval be given to the reallocation of 2009/10 reserve contributions outlined in Appendix 3 of the report and totalling £745k;
- (9) the ongoing work outlined in paragraph 3.9 of the report to identify the balance of savings required be endorsed and a report be submitted to the next Cabinet meeting.

It was moved by Councillor P. Dowd, seconded by Councillor Maher that the motion be amended by the addition of the following text:

"The Council notes:

that the increase in VAT from 17.5% to 20% announced in the Government's June Emergency Budget will fall hardest on those least able to afford it;

that the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Sefton;

that the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances;

that the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected"; and

that the Institute of Fiscal Studies has stated the VAT increase was not "unavoidable", as the Chancellor of the Exchequer said in his Budget speech.

The Council resolves:

To write directly to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Sefton.

To call on the Members of Parliament representing the Metropolitan Borough of Sefton to stand up for Sefton's pensioners, businesses and wider community, to voice their opposition to this unfair increase in VAT and to vote against it in Parliament."

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 AMENDMENT:

Councillors Bradshaw, Brady, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, M. Dowd, P. Dowd, Fairclough, Gustafson, Hardy, Kelly, Kerrigan, Maher, McGinnity, Moncur, Tweed, Veidman and Webster.

AGAINST THE AMENDMENT:

Councillors Barber, Blackburn, Booth, Brodie-Browne, Byrne, Cuthbertson, Dodd, Doran, Dorgan, Dutton, Lord Fearn, Gibson, Glover, Griffiths, Hands, Hill, Hough, Howe, Ibbs, Jones, C. Mainey, S. Mainey, McIvor, Papworth, Parry, Pearson, Preece, Preston, D. Rimmer, Robertson, Shaw, Tattersall, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor M. Fearn.

The amendment was lost by 34 votes to 21 with one abstention.

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A further amendment was moved by Councillor P. Dowd, seconded by Councillor Maher that resolution (1) of the Motion be amended by the addition of the following text:

"excluding the staffing implications set out in the confidential Appendix B".

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 AMENDMENT:

Councillors Bradshaw, Brady, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, M. Dowd, P. Dowd, Fairclough, Gustafson, Hardy, Kelly, Kerrigan, Maher, McGinnity, Moncur, Tweed, Veidman and Webster.

AGAINST THE AMENDMENT:

Councillors Barber, Blackburn, Booth, Brodie-Browne, Byrne, Cuthbertson, Doran, Dorgan, Dutton, Lord Fearn, Gibson, Glover, Griffiths, Hands, Hill, Hough, Howe, Ibbs, Jones, C. Mainey, S. Mainey, Mclvor, Papworth, Parry, Pearson, Preece, Preston, D. Rimmer, Robertson, Shaw, Tattersall, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor M. Fearn.

The amendment was lost by 33 votes to 21 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 SUBSTANTIVE MOTION:

Councillors Barber, Blackburn, Booth, Brodie-Browne, Byrne, Cuthbertson, Doran, Dorgan, Dutton, Lord Fearn, Gibson, Glover, Griffiths, Hands, Hill, Hough, Howe, Ibbs, Jones, C. Mainey, S. Mainey, Mclvor, Papworth, Parry, Pearson, Preece, Preston, D. Rimmer, Robertson, Shaw, Tattersall, Sir Ron Watson and Weavers.

AGAINST THE SUBSTANTIVE MOTION:

Councillors Bradshaw, Brady, Brennan, Byrom, Carr, K. Cluskey, L. Cluskey, Cummins, M. Dowd, P. Dowd, Fairclough, Gustafson, Hardy, Kelly, Kerrigan, Maher, McGinnity, Moncur, Tweed, Veidman and Webster.

ABSTENTION:

Councillor M. Fearn.

The Substantive Motion was carried by 33 votes to 21 with one abstention and it was

RESOLVED: That

- (1) approval be given to the cessation of the specific Area Based Grant projects and activities totalling £2,549,850 in 2010/11 as identified in Appendix A and the confidential Appendix B of the report (see Minute No. 25 below);
- (2) it be noted that this will involve a reduction in staff, to be achieved through the Council's normal personnel procedures and if necessary through compulsory redundancies;
- (3) the finalisation of these arrangements be delegated to the Chief Executive in consultation with Party Leaders;
- (4) the response to the resolution of the Extraordinary Council Meeting on 24 June 2010 as set out in paragraph 5 of the report be noted;
- (5) approval be given to the use of £1.5m one-off funding previously allocated to support the 2009/10 outturn position to compensate for the reduction in grant;
- (6) approval be given to the use of the 2010/11 contribution to balances of £500k towards the required savings;
- (7) approval be given to the re-phasing of £720k of the transport capital programme;
- (8) approval be given to the reallocation of 2009./10 reserve contributions outlined in Appendix 3 of the report and totalling £745k; and
- (9) the ongoing work outlined in paragraph 3.9 of the report to identify the balance of savings required be endorsed and a report be submitted to the next Cabinet meeting.

24. EXCLUSION OF PRESS AND PUBLIC

In view of the content of Minute No. 23 above, the press and public were not excluded from the meeting.

25. STRATEGIC BUDGET REVIEW AND BUDGET 2010/11 - PART 2

In view of the content of Minute No. 23 above, the confidential Appendix B to the Chief Executive's report, which provided details of the assessment of the proposals to reduce/cease activity on projects funded through Area Based Grant, was not discussed under this agenda item.