



METROPOLITAN BOROUGH OF SEFTON

COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend the **Adjourned Annual Meeting** of the Sefton Metropolitan Borough Council to be held on **Tuesday 17th May, 2011 at 6.30 pm at the Town Hall, Bootle** to transact the business set out on the agenda overleaf.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Carney'.

Chief Executive

Town Hall,
Southport

4 May 2011

Please contact Steve Pearce, Head of Committee and Member Services
on 0151 934 2046 or e-mail steve.pearce@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 7 - 14)

Minutes of the Ordinary Council meeting held on 24 March 2011

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 Committee Procedure Rules.

Council Business Session

6. Election Results - 5 May 2011

To receive and note the report of the Assistant Chief Executive and Returning Officer on the results of the Council Elections held on 5 May 2011 (to follow)

7. Leader of the Council

The Leader of the Council was appointed by the Council on 13 May 2010 for a four year term. In accordance with the Political Conventions, the Council is asked to consider whether the Elections held on 5 May 2011 impact on this position.

8. Cabinet, Deputy Executive Leader and Deputy Leader

The Cabinet was appointed by the Leader and Council confirmed the appointments at its meeting on 13 May 2010 for a four year term. In accordance with the Political Conventions, the Council is asked to consider whether the Elections held on 5 May 2011 impact on these positions, and to receive any report of the Leader of the Council on the size, composition and portfolios of the Cabinet and the appointment of the Deputy Executive Leader and Deputy Leader.

9. Appointment of Committees and Working Groups 2011/12

- a) To Determine the Size and Membership of Committees and Working Groups in accordance with the Political Balance Rules

(Details of the allocation of Committee Places in accordance with the Political Balance Rules and the proposed membership of Committees and Working Groups for 2011/12 will be circulated prior to the commencement of the Council Meeting)

- b) Terms of Reference for Committees and Working Groups 2011/12

Subject to the item above, to approve the terms of reference of the Committees and Working Groups as set out in Part 3 of the Council Constitution

10. Appointment of Representatives on Merseyside Joint Authorities 2011/12

To approve the Council's representation on the following Joint Authorities for 2011/12:

- (i) Merseyside Fire and Rescue Authority
- (ii) Merseyside Integrated Transport Authority
- (iii) Merseyside Waste Disposal Authority
- (iv) Merseyside Police Authority (nominations only – appointments will be made by the Merseyside Police Authority Appointments Committee)

(Details of the proposed representation on the above bodies will be circulated prior to the commencement of the Council Meeting)

11. Appointment of Representatives on Sefton Borough Partnership 2011/12

Report of the Assistant Chief Executive (to follow)

12. Review of the Council Constitution

Report of the Chief Executive (to follow)

13. Dates of Council Meetings 2011/12

To note that the Council meetings scheduled to be held during the Municipal Year 2011/12 are as follows:

- 7 July 2011
- 1 September 2011
- 27 October 2011
- 22 December 2011
- 16 February 2012
- 1 March 2012 (Budget Meeting)
- 12 April 2012

14. Sefton New Directions - Shareholders Permission

Report of the Director of Corporate Commissioning – if required (to follow)

15. Notice of Motion by Councillor Sir Ron Watson

To consider the following Motion submitted by Councillor Sir Ron Watson:

"That the Council in response to the consultation process on Tuition Fees for Students indicates its strong opposition to any moves to impose a financial penalty on those students who find themselves in a position to repay the loan in advance of the normal maturity date."

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

COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 24TH MARCH, 2011

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,
Dorgan, M. Dowd, P. Dowd, Dutton, Lord Fearn,
Fenton, Friel, Gibson, Griffiths, Glover, Gustafson,
Hands, Hardy, Hill, Hough, Howe, Hubbard, Ibbs,
Jones, Kelly, Kerrigan, Maher, Mahon, C. Mainey,
S. Mainey, McGinnity, McGuire, Mclvor, Moncur,
Papworth, Parry, Pearson, Porter, Preece, Preston,
B Rimmer, D. Rimmer, Robertson, Shaw, Sumner,
Tattersall, Tonkiss, Tweed, Veidman,
Sir Ron Watson, Weavers and Webster

93. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Doran, Fairclough and Larkin.

94. DECLARATIONS OF INTEREST

The following declarations of interest were received:

Member	Minute No.	Reason	Action
Councillor Byrne	100 - Notice of Motion by Councillor Preece	Prejudicial - He is a Governor of Maghull High School	Left the room during the consideration of the item
Councillor Hands	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Member of the Planning Committee	Left the room during the consideration of the item
Councillor Hough	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Member of the Planning Committee	Left the room during the consideration of the item

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Councillor Hough	100 - Notice of Motion by Councillor Preece	Prejudicial - He is a Governor of Forefield Infants School	Left the room during the consideration of the item
Councillor Howe	100 - Notice of Motion by Councillor Preece	Prejudicial - He is a Governor of Maghull High School	Left the room during the consideration of the item
Councillor Hubbard	97 - Matters raised by the Public	Prejudicial - He is a Member of the Merseyside Committee of the Co-operative Society	Left the room during the consideration of the item
Councillor Hubbard	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Member of the Merseyside Committee of the Co-operative Society	Left the room during the consideration of the item
Councillor Jones	97 - Matters raised by the Public	Personal - A close relative signed the petition and spoke in support of the petition at the Council meeting	Took part in the consideration of the item and voted thereon
Councillor Porter	97 - Matters raised by the public	Personal - she signed the petition	Took part in the consideration of the item and voted thereon
Councillor D. Rimmer	99 - Notice of Motion by Councillor Jones	Prejudicial – He has a friend who is a Director of Spar UK Food Stores	Left the room during the consideration of the item
Councillor Shaw	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Substitute Member of the Planning Committee	Left the room during the consideration of the item
Councillor Sumner	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Member of the Unilever Plc Pension Scheme	Left the room during the consideration of the item

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Councillor Tattersall	99 - Notice of Motion by Councillor Jones	Prejudicial – He has a friend who is a Director of Spar UK Food Stores	Left the room during the consideration of the item
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Councillor Tonkiss	99 - Notice of Motion by Councillor Jones	Prejudicial - He is a Member of the Unilever Plc Pension Scheme	Left the room during the consideration of the item
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95. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council Meeting held on 3 March 2011 be approved as a correct record subject to the amendment of Minute No.76 (Declarations of Interest) to indicate that Councillor Booth had a personal interest in Minute No. 88 (Transformation Programme and Final Revenue Budget Proposals 2011/12) as a Governor of Linaker Primary School.

96. MAYOR'S COMMUNICATIONS

Councillors Not Seeking Re-Election

The Mayor reported that this was the last Council meeting before the Council Elections on 5 May 2011 and, on behalf of the Council, she thanked Councillors Jim Byrne, Anne Ibbs, Paul Larkin, Carmel Preston, Brian Rimmer and David Tattersall who were not seeking re-election, for their dedicated services to the people of Sefton and extended best wishes to them for the future.

The Council agreed that a special vote of thanks be recorded for Councillor B Rimmer who had served on Sefton Council for 38 years since the formation of the Council in 1973 and prior to that, for a number of years on Southport County Borough Council.

Councillors Byrne, Ibbs, B. Rimmer and Tattersall thanked the Council for the best wishes extended to them and for the support and friendship extended to them by Members and Officers during their time as Members of the Council.

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97. MATTERS RAISED BY THE PUBLIC

The Mayor reported that a petition with 3,967 signatures had been submitted objecting to the potential location of a Tesco Express store in the Ainsdale Village on the following grounds:

1. It would work against the viability of other local businesses in the village and discourage other independent businesses coming to this location;
2. It would remove current small businesses at the proposed location; and
3. It would take away the ethos of Ainsdale Village.

A copy of the supporting statement submitted with the petition had been included in the agenda for the meeting.

In accordance with the Council's Petition Scheme, Mr. J. Keen of Ainsdale, the lead petitioner, made a statement in support of the petition.

Councillor Robertson thanked Mr Keen for outlining the concerns of local residents and indicated that the petition did not state what action the petitioners wished the Council to take. If a planning application had been submitted with regard to a Tesco Express store being located in Ainsdale, the petition would have been submitted to the Planning Committee for consideration instead of the Council. Consequently the petition would need to be noted and the representations made would be taken into account during the debate under Minute No. 99.

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

RESOLVED:

That the petition be noted and the representations made be taken into account during the debate on Minute No. 99.

98. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that Members of the Council had not submitted any questions to Cabinet Members/Committee Chairs.

99. NOTICE OF MOTION BY COUNCILLOR JONES

It was moved by Councillor Jones and seconded by Councillor Papworth:

"That the Council recognises the large number of Southport residents disturbed by the unstoppable march of the supermarket giants, and the effect which is gradually altering the character of our unique town and its villages as a shopping destination. We also recognise that the Council has very limited powers under planning law to resist this insidious trend, and that what needs to change is the law at national level which favours the large corporations and prejudices the interests of local people everywhere.

The Council resolves to write to the Secretary of State for Communities and Local Government requesting the Government to act on Big Society and Localism by changing the law, and soon, so that the local community can have the democratic right to determine the shape, growth and future of our town. The Council wishes to see transparency, local accountability and real local decision-making given back to the people of this and every other town, city, village and rural area."

An amendment was then moved by Councillor P. Dowd, seconded by Councillor Maher that the Motion be amended by the deletion of the word "Southport" in the first line of the motion and the insertion of the word "Sefton".

Following debate, on a show of hands, the amendment was **carried**.

Following further debate, on a show of hands, the Substantive Motion was carried by 43 votes in support of the motion, none against and 10 abstentions, and it was

RESOLVED:

That the Council recognises the large number of Sefton residents disturbed by the unstoppable march of the supermarket giants, and the effect which is gradually altering the character of our unique town and its villages as a shopping destination. We also recognise that the Council has very limited powers under planning law to resist this insidious trend, and that what needs to change is the law at national level which favours the large corporations and prejudices the interests of local people everywhere.

The Council resolves to write to the Secretary of State for Communities and Local Government requesting the Government to act on Big Society and Localism by changing the law, and soon, so that the local community can have the democratic right to determine the shape, growth and future of our town. The Council wishes to see transparency, local accountability and real local decision-making given back to the people of this and every other town, city, village and rural area.

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100. NOTICE OF MOTION BY COUNCILLOR PREECE

It was moved by Councillor Preece, seconded by Councillor Hands:

"That it is recommended by Sefton Council that all schools considering Academy status should consult parents/guardians fully in the process including holding a ballot."

An amendment was then moved by Councillor Porter, seconded by Councillor Griffiths that the Motion be amended by the addition of the following text:

"However, the Council also recognises, and welcomes, the current planned consultation programme already initiated by the schools to address this issue, and already adopted by many of them."

Sefton Council is also aware of the strong working relationship which exists between Sefton schools, their governing body and parents/guardians and recognises the importance of them working together in a transparent manner for the well being of our young people now and in the future."

Following debate, on a show of hands, the Mayor declared that the amendment was **carried** unanimously.

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

"Furthermore, to assist the ballot process, the Council requests the Secretary of State for Education to return the £600,000 top-sliced from the Council in 2011/12 to support the National Academies Programme."

Following further debate, on a show of hands, the Mayor declared that the amendment was **lost** by 37 votes to 22.

On a show of hands, the Mayor declared that the Substantive Motion was carried by 47 votes in support of the motion, none against and 8 abstentions, and it was

RESOLVED:

That it is recommended by Sefton Council that all schools considering Academy status should consult parents/guardians fully in the process including holding a ballot.

However, the Council also recognises, and welcomes the current planned consultation programme already initiated by the schools to address this issue, and already adopted by many of them.

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Sefton Council is also aware of the strong working relationship which exists between Sefton schools, their governing body and parents/guardians and recognises the importance of them working together in a transparent manner for the well being of our young people now and in the future.

101. NOTICE OF MOTION BY COUNCILLOR SHAW

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

"This Council notes:

1. *That the Labour Party is the second largest party on Sefton Council and holds 40% of the places in the Cabinet, including the crucially important portfolio of Children's Services, where much of the public concern over potential spending cuts has been centred;*
2. *That over the last six months the Labour Party has voted against (and is recorded in the Council Minutes as voting against) over 80% of the proposed painful, but necessary, reductions in Council spending, but without suggesting a single alternative;*
3. *That the shortfall amounted to £36.8 million out of the required savings of £44.2 million, and that this shortfall would have required the Labour Party to increase Council Tax by 29%, taking the Band D Council Tax (including precepts) from £1,477.68 to £1,904.78, an additional £427.10 per year;*
4. *That such an increase would inevitably ultimately involve the Council in being subject to "capping", but that in the meantime council tax payers would be legally required to pay the increased monthly instalments of (for example) an extra £42.71 per month for Band D householders; and*
5. *That "capping" would have resulted in significant extra re-billing costs and that even more severe mid-year cuts would need to have been made in order to achieve a balanced budget.*

This Council believes that all parties on Sefton Council, particularly those holding places in the Cabinet, have a responsibility to behave responsibly in current circumstances, particularly in relation to budgetary matters."

Following debate, on a show of hands, the Mayor declared that the Motion was **lost** by 34 votes to 27 with one abstention and it was

RESOLVED:

That no action be taken on the Motion

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102. MEMBERSHIP OF COMMITTEES 2010/11

There were no changes made to the membership of Committees.

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

The Council considered the report of the Chief Executive setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency).

RESOLVED:

That the report be noted.