



METROPOLITAN BOROUGH OF SEFTON

COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to

be held on **Thursday 12th April, 2012 at 6.30 pm at the Town Hall, Southport** to

transact the business set out on the agenda overleaf.

Yours sincerely,

A handwritten signature in black ink that reads "M. Carney".

Chief Executive

Town Hall,
Southport

2 April 2012

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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AGENDA

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 of Previous Meeting

(Pages 5 - 30)

Minutes of the meeting held on 1 March 2012

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. 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. The Future of the Standards Regime at Sefton Council

(Pages 31 -
48)

Report of the Head of Corporate Legal Services

8. Draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK

(Pages 49 -
52)

Report of the Director of Corporate Commissioning

9. Report of Independent Remuneration Panel

(Pages 53 -
56)

Report of the Director of Corporate Commissioning

10. Appointment of Member Champion for Armed Forces

(Pages 57 -
60)

Report of the Director of Corporate Commissioning

11. Membership of Committees 2011/12

To consider any changes to the Membership of any committees etc.

12. Notice of Motion Submitted by Councillor P. Dowd

The Council is requested to consider the following Motion submitted by Councillor P. Dowd:

“Following the Chancellor of the Exchequer’s Budget Statement on 21 March 2012, it is clear that most people, other than the wealthiest, have been badly affected. In particular, older people appear to be the latest victims of the Tory/Liberal Democrat Government’s economic policy in which millionaires have their wallets fattened and pensioners have their pockets and purses pinched.

The Government’s abject failure to protect pensioners, working families and young people who are suffering to give the very wealthy more alongside further attacks in the form of the “granny tax”, means-testing of older persons’ bus passes, cuts in support for disabled people, the “bedroom tax” and cuts in the winter fuel allowance, are just some of the “financial instruments” used by the Tory/Liberal Democrat Government to redistribute income to the richest 5%.

The Council resolves to undertake an audit of the effects of the Budget on the senior citizens of Sefton, publish those results and send a copy to the Chancellor of the Exchequer.”

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

COUNCIL

MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 1ST MARCH, 2012

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

Councillors Ashton, Atkinson, Ball, Blackburn, Booth, Bradshaw, Brady, Brennan, Brodie - Browne, Byrom, Carr, K. Cluskey, L. Cluskey, Crabtree, Cuthbertson, Dodd, Doran, Dorgan, M. Dowd, P. Dowd, Dutton, Fairclough, Lord Fearn, Fenton, Friel, Gibson, Griffiths, Glover, Gustafson, Hands, Hardy, Hill, Howe, Jones, Kelly, Kerrigan, Maher, Mahon, Mainey, McGinnity, McGuire, Mclvor, McKinley, Moncur, Page, Papworth, Parry, Pearson, Porter, Preece, Rimmer, Roberts, Robertson, Robinson, Shaw, Sumner, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

99. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Hubbard.

100. DECLARATIONS OF INTEREST

The following declarations of interest were received:

<u>Member</u>	<u>Minute No.</u>	<u>Reason</u>	<u>Action</u>
Councillor Booth	108 - Capital Programme 2011/12 and Capital Allocations 2012/13	Personal – He is the Chair of Governors of Linaker Primary School, which is referred to in the report	Stayed in the room and took part in the consideration of the item
Councillor Brennan	111 - Revenue Budget 2012/13	Personal – He is employed by Sefton Council for Voluntary Service, which is referred to in the report	Stayed in the room and took part in the consideration of the item

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Councillor Brodie - Browne	111 - Revenue Budget 2012/13	Personal – His employer receives funding from the Council's Supporting People Service which is referred to in the report	Stayed in the room and took part in the consideration of the item
Councillor Cummins	111 - Revenue Budget 2012/13	Personal – His employer is affected by the proposals set out in the report	Stayed in the room and took part in the consideration of the item
Councillor Fairclough	106 – Treasury Management Policy and Strategy 2012/13	Personal – His employer is referred to in the report	Stayed in the room and took part in the consideration of the item
Councillor Hill	111 - Revenue Budget 2012/13	Personal – He is the Council representative on the Sefton Council for Voluntary Service; a Trustee of Age Concern, Crosby and the Crosby Older Peoples Luncheon Club; a member of the National Trust; the Council's Fuel Poverty Champion and the Chair of the Sefton Affordable Warmth Partnership Group, which are affected by proposals set out in the report	Stayed in the room and took part in the consideration of the item

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Councillor Kelly	111 - Revenue Budget 2012/13	Personal – He is a Trustee of an organisation which was consulted on the proposals set out in the report	Stayed in the room and took part in the consideration of the item
Councillor McGuire	108 – Capital Programme 2011/12 and Capital Allocations 2012/13	Personal – She is a Member of the Hesketh Park Heritage Group which will be affected by proposals in the report	Stayed in the room and took part in the consideration of the item
Councillor McGuire	111 - Revenue Budget 2012/13	Personal - She is a Member of the Hesketh Park Heritage Group which will be affected by proposals in the report	Stayed in the room and took part in the consideration of the item
Councillor Papworth	111 - Revenue Budget 2012/13	Personal – He is a Member of the Sefton Council for Voluntary Service, which is affected by proposals in the report	Stayed in the room and took part in the consideration of the item
Councillor Shaw	111 – Revenue Budget 2012/13	(a) Personal – His son is employed by Sefton Library Service which may be affected by the options set out in the report (b) Prejudicial – He is a member of the Local Government Pensions Committee (LGA	(a) Stayed in the room and took part in the consideration of the item (b) Left the room during the consideration of the amendment on this issue in Minute 111below

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body) and a substitute member of other LGA bodies in the Human Resources field, membership of which would be affected by issues referred to in the report

Councillor Sir Ron Watson	111 - Revenue Budget 2012/13	Personal – His relative works for Sefton Council	Stayed in the room and took part in the consideration of the item
Margaret Carney – Chief Executive	105 – Localism Act 2011 – Pay Policy	Personal – Her post is referred to in the report	Stayed in the room and took part in the consideration of the item

101. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council meeting held on 16 February 2012 be approved as a correct record.

102. MAYOR'S COMMUNICATIONS

The Mayor reported that the Mayoral Charity Ball held in the Floral Hall (Southport Theatre and Convention Centre) in Southport on 17 February 2012 had been a resounding success. Although final figures were not yet available, indications were that this year's event would set a record for fund raising on behalf of the Mayor's Charity. The Mayor extended his thanks to all those who attended and to those who contributed in any way

PUBLIC SESSION

103. MATTERS RAISED BY THE PUBLIC

The Mayor reported that following the publication of the report relating to the Revenue Budget 2012/13, to be considered under Minute No. 111 later in the meeting, a petition had been submitted, containing 2,124 signatures objecting to the proposal set out in budget saving option E4.8 for the closure of the facilities at the Botanic Gardens and Hesketh Park.

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The Mayor indicated that the petition did not contain the requisite number of signatures required under the Council's Petition Scheme to enable the petition organiser to present and address the Council on the content of the petition but he requested the Council to take the petition into account when it debated the proposals later in the meeting.

COUNCIL BUSINESS SESSION

104. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out a written question submitted by Councillor Hands to the Leader of the Council, and the response given.

105. LOCALISM ACT 2011 - PAY POLICY

Further to Minute No. 118 of the Cabinet meeting held on 1 March 2012, the Council considered the report of the Director of Corporate Support Services on the requirement under the Localism Act 2011 for all local authorities to produce a pay policy statement for 2012/13 and each subsequent financial year. The report set out the proposed Pay Policy for the Council and the proposed changes to the functions of the Employment Procedure Committee and the Pay and Grading Committee in order to ensure compliance with the guidance in the Act.

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

RESOLVED:

That approval be given to:

- (1) the proposed Pay Policy set out in Annex A to the report; and
- (2) the proposed changes to the functions of the Employment Procedure Committee and the Pay and Grading Committee set out in the report and the consequential amendments being made to the Council's Constitution.

106. TREASURY MANAGEMENT POLICY AND STRATEGY 2012/13

Further to Minute No. 108 of the Cabinet meeting held on 16 February 2012, the Council considered the report of the Head of Corporate Finance and ICT which provided details of the proposed procedures and strategy to be adopted in respect of the Council's Treasury Management Function in 2012/13.

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

RESOLVED:

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That approval be given to:

- (1) the Treasury Management Policy Document for 2012/13 (Annex A);
- (2) the Treasury Management Strategy Document for 2012/13 (Annex B);
- (3) the amendment to banking arrangements contained within the Financial Procedure Rules of the Constitution;
- (4) the Money Laundering Policy Document (Annex C); and
- (5) the option set out in Section 5 of the report being used as the basis for the calculation of the Minimum Revenue Provision for Debt Repayment in 2012/13.

107. THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES - PRUDENTIAL INDICATORS 2012/13

Further to Minute No. 109 of the Cabinet meeting held on 16 February 2012, the Council considered the report of the Head of Corporate Finance and ICT on proposals to establish the Prudential Indicators required under the Prudential Code of Capital Finance in Local Authorities. This would enable the Council to effectively manage its Capital Finance Activities and comply with the Chartered Institute of Public Finance and Accountancy Prudential Code of Capital Finance in Local Authorities.

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

RESOLVED:

That approval be given to:

- (1) the Prudential Indicators detailed in the report and summarised in Annex A, as the basis for compliance with The Prudential Code for Capital Finance in Local Authorities;
- (2) the amendment of relevant Prudential Indicators in the event that any unsupported borrowing is approved as part of the 2012/13 Revenue Budget; and
- (3) delegated authority being granted to the Head of Corporate Finance and ICT to manage the Authorised Limit and Operational Boundary for external debt as detailed in Section 5 of the report.

108. CAPITAL PROGRAMME 2011/12 AND CAPITAL ALLOCATIONS 2012/13

Further to Minute No. 107 of the Cabinet meeting held on 16 February 2012, the Council considered the report of the Head of Corporate Finance and ICT which provided details of the 2012/13 Capital Allocations received

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to date and their use in the development of a new starts programme for 2012/13. The Council also considered an addendum to the report which provided details of the revised Capital Programme for 2011/12.

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

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

RESOLVED:

That the revised Capital Programme for 2011/12 as set out in the addendum report be approved.

109. LOCAL GOVERNMENT ACT 2003 - CHIEF FINANCIAL OFFICER'S REQUIREMENTS

Further to Minute No. 105 of the Cabinet meeting held on 16 February 2012, the Council considered the report of the Head of Corporate Finance and ICT which provided an assessment on the robustness of the estimates, the adequacy of the financial reserves and the longer term revenue and capital plans based on the proposals in the report on the Revenue Budget 2012/13 to be considered under Minute No. 111 below.

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

RESOLVED:

That the report be noted.

110. STATEMENTS BY PARTY GROUP LEADERS

The Leaders of the three Political Groups, Councillors P. Dowd, Robertson and Parry made statements and outlined the policies of their respective Groups in respect of the issues to be considered under Minute No. 111 below, in respect of the Revenue Budget for 2012/13.

111. REVENUE BUDGET 2012/13

Further to Minute No. 90 of the meeting held on 16 February 2012, the Council considered the joint report of the Chief Executive and the Head of Corporate Finance and ICT which provided details of the remaining budget savings options to be considered under the Transformation Programme proposals, and the proposed framework budget referred by the Cabinet on 16 February 2012 to the Overview and Scrutiny Committee (Performance and Corporate Services) meeting on 21 February 2012 for consideration prior to this Council meeting.

The report incorporated the following information:

Executive Summary

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Annex A Revenue Budget Proposals 2012/13
Annex B Revenue Budget Summary 2012/13

Part A Transformation Programme

- Work Programme and Prioritisation
- Consultation and Engagement Overview
- Impact Assessment Overview
- Risk Management
- Remaining relatively Low and Medium Impact Options
- Reviews
- Options requiring further consideration
 - Landscape Services
 - Supporting People
 - Adults Transport
 - Re-Commissioning of Nursing and Residential Care
- Conclusion

Annex C Work Programme Timetable
Annex D Remainder of options where the impact has been assessed as relatively low or medium following the analysis of the consultation and engagement activity
Annex E Community Care Practitioner Review
Annex F Voluntary, Community and Faith Sector Review
Annex G Terms of Reference - Library Services Review
Annex H Terms of Reference - Leisure Activity Review
Annex I Terms of Reference - 24 Hour Response Review
Annex J Terms of Reference - Street Lighting Review
Annex K Landscape Services Change Proposals
Annex L Supporting People Proposal

Part B “Framework” Budget

The Mayor reported that the details of the frequently asked questions on the Transformation Programme 2011-2104, had been circulated around the Council Chamber to enable all Members of the Council to consider the content.

The Mayor indicated that much of the information within the report was based on the large scale consultations held on the budget savings options and he expressed thanks to the Members of the public who had taken part in the consultation exercise.

The Mayor requested Members to take into account the issues raised at the Members’ Briefing Sessions held on 9 and 16 February 2012 and be aware of their responsibilities relating to the consideration of the key issues set out in the report.

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

It was moved by Councillor P. Dowd, seconded by Councillor Maher:

"That:

- (1) the work programme timetable contained in Annex C of the report be noted;
- (2) after taking into account the equality analysis assessment, the consultation feedback, risks and mitigating actions for each individual proposal, approval be given to the following actions being taken on the budget savings options set out in Annex D of the report:

Ref	Service Area	Proposal	Action to be taken
E4.4	Highways Maintenance	A further reduction in Highways Grounds Maintenance Works Budgets which will be delivered by a reduction in the number of cuts to all highway grassed areas	That a reduction of three cuts to all highway grassed areas at a saving of £50,000 be approved
E6.6	Public Conveniences	Public Conveniences - Market Test	That a formal procurement process to provide the public convenience operational service be approved, which would result in a saving of £100,000
E6.7	Tourism	Review of Service	(a) That approval be given to the Tourist Information Centre being relocated to the Southport Cultural Centre (SCC) in 2013, resulting in a saving of £90,000; and (b) It be noted that £38,000 will be taken from the Tourism event reserve budget in the 2012/13 financial year to achieve the £90,000

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			target in order to manage the transitional arrangements pending the opening of the SCC
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- (3) in respect of the Assessment and Care Management - Community Care Practitioners (CCP) Review, set out in Annex E of the report, it be noted that savings of £193,000, associated with the CCP Review have already been achieved through the Voluntary Early Retirement/Voluntary Redundancy process;
- (4) in respect of the Voluntary, Care, Faith (VCF) Sector Review, set out in Annex F of the report:
- (i) it be noted that the VCF Sector review is now concluded and any future changes would be considered within the prioritisation process;
 - (ii) the key messages identified from the results of the VCF consultation and equality analysis assessment be noted;
 - (iii) approval be given to the introduction of three year commissioning processes where grant aid is given to organisations subject to annual performance reviews;
 - (iv) approval be given to a budget reduction of £150,000; and
 - (v) the grant to the Sefton Play Council be retained at £40,000;
- (5) in respect of the Landscape Services Change Proposals, set out in Annex K of the report:
- (i) after taking into account the equality analysis assessment, the consultation feedback, risks and mitigating actions, approval be given to the following actions being taken:

Ref	Service Area	Proposal	Action to be taken
E4.6 E4.7	Landscape Services	Recharge sports users and allotment users the costs of provision of utilities and the costs of Grounds Maintenance	That the total saving to be achieved from the recharge of sports users and allotment users for utilities and maintenance be reduced from £170,000 (over 2 years) to £85,000. The specific achievement of these savings to be the subject of a negotiation

			with the users of these facilities
E4.8	Landscape Services	Closure of Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park	That the Aviary, Nursery Shop and Fernery at the Botanic Gardens and the Conservatory at Hesketh Park be retained.

and

- (ii) approval be given to the proposal (E4.5,10,11,12) to redesign the Parks and Green Spaces Service and Coast and Countryside Service in order to achieve a saving of £250,000 in 2012/13 and £330,000 in 2013/14 and it be noted that the final proposals would be reported to the Cabinet in June 2012 at the conclusion of the process;

- (6) in respect of the Supporting People Proposals, set out in Annex L of the report:
 - (i) approval be given to an in principle budget reduction of £2m in 2012/13 and a further £1m in 2013/14;
 - (ii) approval be given to a further period of consultation on commissioning priorities and the detail of how the budget reduction could best be delivered whilst minimising/mitigating the impacts i.e. a further review;
 - (iii) it be noted that this further review would be completed by May 2012 and would determine the commissioning priorities and identify if and how services are to be ceased/de-commissioned/rationalised. (The outcome of this review would be reported to the Cabinet in June 2012 and it would also confirm if the in principle budget can be achieved); and
 - (iv) the high level project plan for the further review of the Supporting People budget and services be noted;

- (7) a further review of the transport services provided for vulnerable adults be undertaken in order to establish a policy and appropriate provision of such transport;

- (8) in respect of the Re-Commissioning of Nursing and Residential Care:
 - (i) approval be given to an in principle budget reduction of £1.5m in 2012/13 and a further £1.5m in 2013/14;

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- (ii) approval be given to the continuation of the review of Nursing and Residential “real cost of care”;
 - (iii) in parallel with the review referred to in relation to 8(ii) above, approval be given to the commencement of a procurement process and to continue to explore alternative commissioning approaches; and
 - (iv) it be noted that it is anticipated that the review referred to in resolution 8(ii) above would be concluded in May/June 2012. (The outcome of this will be reported to the Cabinet in June/July 2012. The review and the work identified in resolution 8(iii) above would also confirm if and how the in principle budget reduction can be achieved);
- (9) in respect of the other reviews set out in Annexes G to J of the report:
- (i) the terms of reference for the following reviews and the associated timescales be approved:
 - Annex G Terms of Reference - Library Services Review
 - Annex H Terms of Reference - Leisure Activity Review
 - Annex I Terms of Reference - 24 Hour Response Review
 - Annex J Terms of Reference - Street Lighting Review; and
 - (ii) it be noted that the terms of reference for other reviews would be presented to the Cabinet at a later date;
- (10) the Revenue Budget options for 2012/13 contained within Annex A of the report be approved for inclusion in the Council’s Revenue Budget 2012/13 and the Medium Term Financial Plan with the following amendments

Annex A Line Ref	ITEM	2012/13	
		£000	£000
49	Community Care Practitioners	61	
1	Reviewing Officers	153	
45	Sefton Play Council Grant	20	
41	Recharge for sports users and allotments users	85	
41	Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park	50	
	Total added back to Framework Budget		369
53	Framework Budget Surplus		-284
	Resulting deficit		85

- (11) the use of one-off reserves to fund the £85,000 deficit detailed at resolution (10) above, be approved;
- (12) Officers be authorised to prepare for implementation immediately in relation to those proposals in Annex A, then subject to the duty to consult with employees and trade unions, issue relevant statutory and contractual notifications;
- (13) the overall Revenue Budget for 2012/13 as set out in Annex B of the report be approved, subject to the amendments contained in resolutions (10) and (11) above; and
- (14) it be noted that subject to the approval of the above recommendations, the Revenue Budget for 2012/13 assumes that no savings would be taken from the following options:

- E1.3 Children’s Special Transport
- E2.3/4 Transportation for Adult Client Groups
- E2.10 Fair Access for Care Criteria
- E3.14 Crosby Civic Hall
- E4.3 Capita Contract
- E4.8 Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park
- E5.6 Home Improvement Agency
- E6.1 Dispense with Mayoral/Twinning
- E6.10 Southport Theatre/Floral Hall
Sefton Play Council – VCF Grant.”

An **amendment** was moved by Councillor Robertson, seconded by Councillor Brodie-Browne that the Motion be amended as follows:

Resolution in the Motion	Reference	Proposal	Description	Impact on 2012/13 Budget (+ve = increased net Council expenditure) £000
2	E6.7	Reinstate Tourism Marketing		27
10	New Proposal	Plastic and Cardboard Recycling	Assumed roll-out starting Jan 2013 estimated full year cost £1m. Estimated cost for 2012/13 is £160,000. Subject to a successful bid to the Department for Communities and Local Government Weekly	40

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			Collections Support Scheme (WCSS). With contributions Council's (25%) and WCSS (75%)	
10	E6.9	Reduce Trade Union Facility time		-17
10	New Proposal	Rear Entry Cleansing	To reduce crews from 5 to 4	-50
10	New Proposal	One off refund Sefton residents as detailed:	One off refund of £12 per qualifying dwelling excluding exempt dwellings, second homes, and residents in receipt of 100% Council Tax Benefit. The refund be paid to the first named occupant on the Council Tax account for each dwelling in situ on 1st April 2012 only. The Council delegate final administrative arrangements to the Head of Finance and ICT	1116
10	New Proposal	Reduction in Member Allowances	Reduce Special Responsibility Allowances by 10% subject to Independent Remuneration Panel	-37
10	New Proposal	Review number of wards, councillors and ward boundaries	Formal request to Boundary Commission to review to achieve financial change in future years	0
10	New Proposal	One-off Reserves	Further use of one-off reserves to balance the budget	-1079
		Net budget impact		0

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **lost** by 43 votes to 22.

A further **amendment** was moved by Councillor Parry, seconded by Councillor Porter that the Motion be amended as follows:

“The Council has a duty to balance the budget and in order to cover the budget gap and produce a balanced budget; it is proposed that Resolution 10 of the Motion should be amended by:

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- (1) Cancellation of the subscriptions to the Local Government Association (£47,000) and the North West Employers Association (£28,000) set out in Annex A of the report;
- (2) Inclusion of further savings of £12,000 for Option E6.9 – Trade Union facility time, set out in Annex A of the report (It is proposed that this be achieved by deleting the vacant post); and
- (3) The proposals in (1) and (2) above would create a budget surplus of £22,000 and this amount should be used to support Options E4.6 and E4.7 (Sporting Activities) referred to in resolution 5 in the Motion.”

Following debate on part (1) of the above Amendment, on a show of hands, the Mayor declared that part (1) was **lost** by 54 votes to 9.

Following debate on part (2) of the above Amendment, on a show of hands, the Mayor declared part (2) was **carried** by 35 votes to 28.

The Mayor ruled that part (3) of the above Amendment would not be considered following the lost vote on part (1) of the Amendment.

A further **amendment** was moved by Councillor Parry, seconded by Councillor Porter that the Substantive Motion be amended as follows:

“That Resolution (3) of the Substantive Motion be amended by the addition of the following text:

‘A review of the re-organisation of the Community Care Practitioners Staff be undertaken to identify further savings and the proposals be reported back to the Cabinet in October 2012’.”

Following debate thereon, on a show of hands, the Mayor declared that the further amendment was **lost** by 48 votes to 10 with 5 abstentions.

A further **amendment** was moved by Councillor Parry, seconded by Councillor Porter that the Substantive Motion be amended as follows:

“That Resolution 4(v) of the Substantive Motion be amended to read:

‘the grant to Sefton Play Council be reduced from £40,000 to £20,000’.”.

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **lost** by 49 votes to 10 with 5 abstentions.

At this point in the meeting, the Mayor adjourned the meeting for a period of ten minutes to enable Members of the Council to have a refreshment break. The meeting then reconvened.

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A further **amendment** was moved by Councillor Doran, seconded by Councillor Cuthbertson, that resolution (10) of the Substantive Motion be amended as follows:

- “(1) That the Council reorganises its Governance Structures and
- (a) abolishes all Area Committees at a saving of £467,980 which represents the costs of administration and direct spending budgets; and
 - (b) removes the position of shadow spokespersons with an estimated saving of £76,000

This results in a total permanent additional saving of £543,980 which should be used to offset future years savings and the use of one-off resources in 2012/13.

- (2) In addition the Council should immediately seek the necessary review and approval for a reduction in the number of councillors per ward. It is recognised that no savings will accrue in the short term but this could contribute once the review was completed.”

Following debate on part (1) of the above Amendment, on a show of hands, the Mayor declared that the amendment was **lost** by 60 votes to 5.

Following debate on part (2) of the above Amendment, on a show of hands, the Mayor declared that the amendment was **lost** by 60 votes to 5.

A further **amendment** was moved by Councillor Robertson, seconded by Councillor Brodie-Browne that the Substantive Motion be amended as follows:

“That Resolution (2) be amended by the reinstatement of £27,000 for Tourism Marketing to be financed from a reduction of that amount in the Rear Entry Cleansing Service.”

Following debate thereon, on a show of hands, the Mayor declared that the further amendment was **lost** by 43 votes to 22.

A further **amendment** was moved by Councillor Robertson, seconded by Councillor Brodie-Browne that the Substantive Motion be amended as follows:

“That Resolution (10) be amended by the addition of £40,000 for Plastic and Cardboard Recycling to be financed by a reduction in Member Allowances of £37,000 and use of £3,000 from one-off reserves.”

At this point, it was moved by Councillor Ron Watson and seconded by Councillor Pearson “that the question be now put”. In accordance with Rule 15.11(c) of the Council and Committee Procedure Rules, the Mayor

declared that the amendment had not been sufficiently discussed and he rejected the Motion.

Following debate thereon, on a show of hands, the Mayor declared that the further amendment was **lost** by 43 votes to 22.

On a show of hands, the Mayor declared that the **Substantive Motion** (including the further savings of £12,000 for Option E6.9 – Trade Union Facility Time) was **carried** by 44 votes to 2, with 18 abstentions and it was

RESOLVED:

That:

- (1) the work programme timetable contained in Annex C of the report be noted;
- (2) after taking into account the equality analysis assessment, the consultation feedback, risks and mitigating actions for each individual proposal, approval be given to the following actions being taken on the budget savings options set out in Annex D of the report:

Ref	Service Area	Proposal	Action to be taken
E4.4	Highways Maintenance	A further reduction in Highways Grounds Maintenance Works Budgets which will be delivered by a reduction in the number of cuts to all highway grassed areas	That a reduction of three cuts to all highway grassed areas at a saving of £50,000 be approved
E6.6	Public Conveniences	Public Conveniences - Market Test	That a formal procurement process to provide the public convenience operational service be approved, which would result in a saving of £100,000
E6.7	Tourism	Review of Service	(a) That approval be given to the Tourist Information Centre being relocated to the Southport Cultural Centre (SCC) in 2013, resulting in a saving of £90,000; and

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			(b) It be noted that £38,000 will be taken from the Tourism event reserve budget in the 2012/13 financial year to achieve the £90,000 target in order to manage the transitional arrangements pending the opening of the SCC
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- (3) in respect of the Assessment and Care Management - Community Care Practitioners (CCP) Review, set out in Annex E of the report, it be noted that savings of £193,000, associated with the CCP Review have already been achieved through the Voluntary Early Retirement/Voluntary Redundancy process;
- (4) in respect of the Voluntary, Care, Faith (VCF) Sector Review, set out in Annex F of the report:
- (i) it be noted that the VCF Sector review is now concluded and any future changes would be considered within the prioritisation process;
 - (ii) the key messages identified from the results of the VCF consultation and equality analysis assessment be noted;
 - (iii) approval be given to the introduction of three year commissioning processes where grant aid is given to organisations subject to annual performance reviews;
 - (iv) approval be given to a budget reduction of £150,000; and
 - (v) the grant to the Sefton Play Council be retained at £40,000;
- (5) in respect of the Landscape Services Change Proposals, set out in Annex K of the report:
- (i) after taking into account the equality analysis assessment, the consultation feedback, risks and mitigating actions, approval be given to the following actions being taken:

Ref	Service Area	Proposal	Action to be taken
E4.6 E4.7	Landscape Services	Recharge sports users and allotment users the costs of provision of utilities and the costs of	That the total saving to be achieved from the recharge of sports users and allotment users for utilities and

		Grounds Maintenance	maintenance be reduced from £170,000 (over 2 years) to £85,000. The specific achievement of these savings to be the subject of a negotiation with the users of these facilities
E4.8	Landscape Services	Closure of Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park	That the Aviary, Nursery Shop and Fernery at the Botanic Gardens and the Conservatory at Hesketh Park be retained.

and

- (ii) approval be given to the proposal (E4.5,10,11,12) to redesign the Parks and Green Spaces Service and Coast and Countryside Service in order to achieve a saving of £250,000 in 2012/13 and £330,000 in 2013/14 and it be noted that the final proposals would be reported to the Cabinet in June 2012 at the conclusion of the process;
- (6) in respect of the Supporting People Proposals, set out in Annex L of the report:
- (i) approval be given to an in principle budget reduction of £2m in 2012/13 and a further £1m in 2013/14;
 - (ii) approval be given to a further period of consultation on commissioning priorities and the detail of how the budget reduction could best be delivered whilst minimising/mitigating the impacts i.e. a further review;
 - (iii) it be noted that this further review would be completed by May 2012 and would determine the commissioning priorities and identify if and how services are to be ceased/de-commissioned/rationalised. (The outcome of this review would be reported to the Cabinet in June 2012 and it would also confirm if the in principle budget can be achieved); and
 - (iv) the high level project plan for the further review of the Supporting People budget and services be noted;
- (7) a further review of the transport services provided for vulnerable adults be undertaken in order to establish a policy and appropriate provision of such transport;

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COUNCIL- THURSDAY 1ST MARCH, 2012

- (8) in respect of the Re-Commissioning of Nursing and Residential Care:
- (i) approval be given to an in principle budget reduction of £1.5m in 2012/13 and a further £1.5m in 2013/14;
 - (ii) approval be given to the continuation of the review of Nursing and Residential “real cost of care”;
 - (iii) in parallel with the review referred to in relation to 8(ii) above, approval be given to the commencement of a procurement process and to continue to explore alternative commissioning approaches; and
 - (iv) it be noted that it is anticipated that the review referred to in resolution 8(ii) above would be concluded in May/June 2012. (The outcome of this will be reported to the Cabinet in June/July 2012. The review and the work identified in resolution 8(iii) above would also confirm if and how the in principle budget reduction can be achieved);
- (9) in respect of the other reviews set out in Annexes G to J of the report:
- (i) the terms of reference for the following reviews and the associated timescales be approved:
 - Annex G Terms of Reference - Library Services Review
 - Annex H Terms of Reference - Leisure Activity Review
 - Annex I Terms of Reference - 24 Hour Response Review
 - Annex J Terms of Reference - Street Lighting Review
 - (ii) it be noted that the terms of reference for other reviews would be presented to the Cabinet at a later date;
- (10) the Revenue Budget options for 2012/13 contained within Annex A of the report be approved for inclusion in the Council’s Revenue Budget 2012/13 and the Medium Term Financial Plan with the following amendments:

Annex A Line Ref	ITEM	2012/13	
		£000	£000
49	Community Care Practitioners	61	
1	Reviewing Officers	153	
45	Sefton Play Council Grant	20	
41	Recharge for sports users and allotments users	85	
41	Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park	50	

	Total added back to Framework Budget		369
34	Personnel – Trade Unions Facility Time (Further Saving)		-12
53	Framework Budget Surplus		-284
	Resulting deficit		73

- (11) the use of one-off reserves to fund the £73,000 deficit detailed at resolution (10) above, be approved;
- (12) Officers be authorised to prepare for implementation immediately in relation to those proposals in Annex A, then subject to the duty to consult with employees and trade unions, issue relevant statutory and contractual notifications;
- (13) the overall Revenue Budget for 2012/13 as set out in Annex B of the report be approved, subject to the amendments contained in resolutions (10) and (11) above; and
- (14) it be noted that subject to the approval of the above recommendations, the Revenue Budget for 2012/13 assumes that no savings would be taken from the following options:
 - E1.3 Children’s Special Transport
 - E2.3/4 Transportation for Adult Client Groups
 - E2.10 Fair Access for Care Criteria
 - E3.14 Crosby Civic Hall
 - E4.3 Capita Contract
 - E4.8 Aviary, Nursery Shop and Fernery at Botanic Gardens and Conservatory at Hesketh Park
 - E5.6 Home Improvement Agency
 - E6.1 Dispense with Mayoral/Twinning
 - E6.10 Southport Theatre/Floral Hall
 - Sefton Play Council – VCF Grant.

112. COUNCIL TAX 2012/13

The Council considered the report of the Head of Corporate Finance and ICT on the level of levies and precepts set for 2012/13 and the proposed level of Council Tax for 2012/13.

A copy of the formal budget resolution to be agreed by the Council, based on the resolutions referred to in Minute No. 111 above was circulated to Members of the Council for consideration.

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

RESOLVED: That

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COUNCIL- THURSDAY 1ST MARCH, 2012

- (1) it be noted that at its meeting on 19 January 2012, the Council calculated the following amounts for the year 2012/2013 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 1992 (as amended):
- (a) 93,119.58 Band D equivalent properties, for the whole area [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended]; and
- (b) for dwellings in those parts of its area to which a Parish precept relates as shown in the table below:

Parish	Council Tax Base (Band D Equivalent Properties)
Aintree Village	2,281.68
Formby	9,422.50
Hightown	890.21
Ince Blundell	193.31
Little Altcar	288.46
Lydiate	2,251.14
Maghull	7,130.09
Melling	1,092.57
Sefton	277.93
Thornton	816.97

- (2) the Council Tax requirement for the Council's own purposes for 2012/2013 (excluding Parish Precepts) be calculated as £117,952,710;
- (3) the following amounts be calculated by the Council for the year 2012/2013 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:

(a)	£626,485,679	being the aggregate amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
(b)	-£507,582,648	being the aggregate amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	£118,903,031	being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 31B of the Act).
(d)	£1,276.89	being the amount at 3(c) above (item R), divided by the amount at 1(a) above (item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
(e)	£950,321	being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act.
(f)	£1,266.68	being the amount at 3(d) above, less the amount given by dividing the amount at 3(e) above by the amount at 1(a) above (item T), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

(g)	<p>The amounts below, being the amounts given by adding to the amount at 3(f) above the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council in accordance with Section 34(3) of the Act as basic amounts of its Council Tax for the year for dwellings in those parts of its area to which special items relate:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Parish</u></th> <th style="text-align: right;">£</th> </tr> </thead> <tbody> <tr><td>Aintree Village</td><td style="text-align: right;">1,306.12</td></tr> <tr><td>Formby</td><td style="text-align: right;">1,271.24</td></tr> <tr><td>Hightown</td><td style="text-align: right;">1,270.89</td></tr> <tr><td>Ince Blundell</td><td style="text-align: right;">1,275.47</td></tr> <tr><td>Little Altcar</td><td style="text-align: right;">1,275.35</td></tr> <tr><td>Lydiate</td><td style="text-align: right;">1,333.25</td></tr> <tr><td>Maghull</td><td style="text-align: right;">1,355.53</td></tr> <tr><td>Melling</td><td style="text-align: right;">1,283.15</td></tr> <tr><td>Sefton</td><td style="text-align: right;">1,279.27</td></tr> <tr><td>Thornton</td><td style="text-align: right;">1,272.19</td></tr> </tbody> </table>									<u>Parish</u>	£	Aintree Village	1,306.12	Formby	1,271.24	Hightown	1,270.89	Ince Blundell	1,275.47	Little Altcar	1,275.35	Lydiate	1,333.25	Maghull	1,355.53	Melling	1,283.15	Sefton	1,279.27	Thornton	1,272.19																																																																																																																								
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(h)	<p>The amounts below, being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="3" style="text-align: left;">Proportion of Band D</th> <th colspan="8">Property Valuation Band</th> </tr> <tr> <th>A</th> <th>B</th> <th>C</th> <th>D</th> <th>E</th> <th>F</th> <th>G</th> <th>H</th> </tr> <tr> <th>6/9</th> <th>7/9</th> <th>8/9</th> <th>9/9</th> <th>11/9</th> <th>13/9</th> <th>15/9</th> <th>18/9</th> </tr> <tr> <th></th> <th>£</th> <th>£</th> <th>£</th> <th>£</th> <th>£</th> <th>£</th> <th>£</th> <th>£</th> </tr> <tr> <th style="text-align: left;"><u>Parish</u></th> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Aintree Village</td> <td>870.75</td> <td>1,015.87</td> <td>1,161.00</td> <td>1,306.12</td> <td>1,596.37</td> <td>1,886.62</td> <td>2,176.87</td> <td>2,612.24</td> </tr> <tr> <td>Formby</td> <td>847.49</td> <td>988.74</td> <td>1,129.99</td> <td>1,271.24</td> <td>1,553.74</td> <td>1,836.24</td> <td>2,118.73</td> <td>2,542.48</td> </tr> <tr> <td>Hightown</td> <td>847.26</td> <td>988.47</td> <td>1,129.68</td> <td>1,270.89</td> <td>1,553.31</td> <td>1,835.73</td> <td>2,118.15</td> <td>2,541.78</td> </tr> <tr> <td>Ince Blundell</td> <td>850.31</td> <td>992.03</td> <td>1,133.75</td> <td>1,275.47</td> <td>1,558.91</td> <td>1,842.35</td> <td>2,125.78</td> <td>2,550.94</td> </tr> <tr> <td>Little Altcar</td> <td>850.23</td> <td>991.94</td> <td>1,133.64</td> <td>1,275.35</td> <td>1,558.76</td> <td>1,842.17</td> <td>2,125.58</td> <td>2,550.70</td> </tr> <tr> <td>Lydiate</td> <td>888.83</td> <td>1,036.97</td> <td>1,185.11</td> <td>1,333.25</td> <td>1,629.53</td> <td>1,925.81</td> <td>2,222.08</td> <td>2,666.50</td> </tr> <tr> <td>Maghull</td> <td>903.69</td> <td>1,054.30</td> <td>1,204.92</td> <td>1,355.53</td> <td>1,656.76</td> <td>1,957.99</td> <td>2,259.22</td> <td>2,711.06</td> </tr> <tr> <td>Melling</td> <td>855.43</td> <td>998.01</td> <td>1,140.58</td> <td>1,283.15</td> <td>1,568.29</td> <td>1,853.44</td> <td>2,138.58</td> <td>2,566.30</td> </tr> <tr> <td>Sefton</td> <td>852.85</td> <td>994.99</td> <td>1,137.13</td> <td>1,279.27</td> <td>1,563.55</td> <td>1,847.83</td> <td>2,132.12</td> <td>2,558.54</td> </tr> <tr> <td>Thornton</td> <td>848.13</td> <td>989.48</td> <td>1,130.84</td> <td>1,272.19</td> <td>1,554.90</td> <td>1,837.61</td> <td>2,120.32</td> <td>2,544.38</td> </tr> <tr> <td><u>All Other Parts of the Council's Area</u></td> <td>844.45</td> <td>985.20</td> <td>1,125.94</td> <td>1,266.68</td> <td>1,548.16</td> <td>1,829.65</td> <td>2,111.13</td> <td>2,533.36</td> </tr> </thead> </table>									Proportion of Band D	Property Valuation Band								A	B	C	D	E	F	G	H	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9		£	£	£	£	£	£	£	£	<u>Parish</u>									Aintree Village	870.75	1,015.87	1,161.00	1,306.12	1,596.37	1,886.62	2,176.87	2,612.24	Formby	847.49	988.74	1,129.99	1,271.24	1,553.74	1,836.24	2,118.73	2,542.48	Hightown	847.26	988.47	1,129.68	1,270.89	1,553.31	1,835.73	2,118.15	2,541.78	Ince Blundell	850.31	992.03	1,133.75	1,275.47	1,558.91	1,842.35	2,125.78	2,550.94	Little Altcar	850.23	991.94	1,133.64	1,275.35	1,558.76	1,842.17	2,125.58	2,550.70	Lydiate	888.83	1,036.97	1,185.11	1,333.25	1,629.53	1,925.81	2,222.08	2,666.50	Maghull	903.69	1,054.30	1,204.92	1,355.53	1,656.76	1,957.99	2,259.22	2,711.06	Melling	855.43	998.01	1,140.58	1,283.15	1,568.29	1,853.44	2,138.58	2,566.30	Sefton	852.85	994.99	1,137.13	1,279.27	1,563.55	1,847.83	2,132.12	2,558.54	Thornton	848.13	989.48	1,130.84	1,272.19	1,554.90	1,837.61	2,120.32	2,544.38	<u>All Other Parts of the Council's Area</u>	844.45	985.20	1,125.94	1,266.68	1,548.16	1,829.65	2,111.13	2,533.36
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- (4) it be noted that for the year 2012/2013 the Police Authority and Fire and Rescue Authority have stated the following amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Proportion of Band D	Property Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
<u>Precepting Authority</u>								
Merseyside Fire & Rescue Authority	44.91	52.39	59.88	67.36	82.33	97.30	112.27	134.72
Merseyside Police Authority	100.41	117.15	133.88	150.62	184.09	217.56	251.03	301.24

- (5) the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2012/2013 for each part of its area and for each of the categories of dwellings:

Proportion of Band D	Property Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
<u>Parish</u>								
Aintree Village	1,016.07	1,185.41	1,354.76	1,524.10	1,862.79	2,201.48	2,540.17	3,048.20
Formby	992.81	1,158.28	1,323.75	1,489.22	1,820.16	2,151.10	2,482.03	2,978.44
Hightown	992.58	1,158.01	1,323.44	1,488.87	1,819.73	2,150.59	2,481.45	2,977.74
Ince Blundell	995.63	1,161.57	1,327.51	1,493.45	1,825.33	2,157.21	2,489.08	2,986.90
Little Altcar	995.55	1,161.48	1,327.40	1,493.33	1,825.18	2,157.03	2,488.88	2,986.66
Lydiate	1,034.15	1,206.51	1,378.87	1,551.23	1,895.95	2,240.67	2,585.38	3,102.46
Maghull	1,049.01	1,223.84	1,398.68	1,573.51	1,923.18	2,272.85	2,622.52	3,147.02
Melling	1,000.75	1,167.55	1,334.34	1,501.13	1,834.71	2,168.30	2,501.88	3,002.26
Sefton	998.17	1,164.53	1,330.89	1,497.25	1,829.97	2,162.69	2,495.42	2,994.50
Thornton	993.45	1,159.02	1,324.60	1,490.17	1,821.32	2,152.47	2,483.62	2,980.34
<u>All Other Parts of the Council's Area</u>	989.77	1,154.74	1,319.70	1,484.66	1,814.58	2,144.51	2,474.43	2,969.32

- (6) the Council's basic amount of Council Tax for 2012/2013 is not deemed to be excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992.

113. MEMBERSHIP OF COMMITTEES 2011/12

No changes were made to the Membership of Committees.

114. NOTICE OF MOTION SUBMITTED BY COUNCILLOR BYROM

Further to Minute No. 97 of the meeting held on 16 February 2012, it was moved by Councillor Byrom, seconded by Councillor Mahon:

“This authority supports the Metropolitan Fire Authorities Joint response to the Government’s Resource Review.

It notes that 62% of cuts in the English Fire Service, outside London, have fallen on the six Metropolitan brigades alone.

The number of frontline staff has been reduced by 458, nearly 6% of the establishment.

The six Chief Fire Officers have given a professional opinion that the scale of cuts now planned will severely affect frontline services and may result in the number of fire-fighters being “massively reduced, some by compulsory redundancy”. Fire appliance numbers will be cut and fire stations closed.

It is their professional view that the scale of cuts envisaged would “leave the main regional cities of this country with radically low levels of fire and rescue cover and significantly less ability to manage or assist at a major incident involving terrorism or flooding”.

The Metropolitan Brigades, including Merseyside, have had the biggest revenue support grant cut. Of the total RSG reductions planned between 2005/06 and 2012/13 of £75.9m - £62m has been in the Mets - 82% of all cuts.

In order to protect the life and property of the community of Sefton, the scale of these damaging cuts must be reversed and the strong message from the six Metropolitan Fire Chiefs given credence.

This authority resolves to write to the Parliamentary Under Secretary of State for the Fire and Rescue Service, all of Sefton’s MP’s and the Prime Minister voicing our strong support for the joint Metropolitan Fire Services campaign.”

An **amendment** was moved by Councillor Jones, seconded by Councillor Papworth that the Motion be amended as follows:

“That the existing text in the seventh paragraph of the Motion be deleted and substituted by the following text:

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COUNCIL- THURSDAY 1ST MARCH, 2012

'In order to continue the valuable service provided to Sefton, we ask the Government to consider the advice of the Fire Chiefs when making future decisions regarding finances'.

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **lost** by 50 votes to 14.

On a show of hands, the Mayor declared that the Substantive Motion was **carried** unanimously and it was

RESOLVED:

This authority supports the Metropolitan Fire Authorities Joint response to the Government's Resource Review.

It notes that 62% of cuts in the English Fire Service, outside London, have fallen on the six Metropolitan brigades alone.

The number of frontline staff has been reduced by 458, nearly 6% of the establishment.

The six Chief Fire Officers have given a professional opinion that the scale of cuts now planned will severely affect frontline services and may result in the number of fire-fighters being "massively reduced, some by compulsory redundancy". Fire appliance numbers will be cut and fire stations closed.

It is their professional view that the scale of cuts envisaged would "leave the main regional cities of this country with radically low levels of fire and rescue cover and significantly less ability to manage or assist at a major incident involving terrorism or flooding".

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In order to protect the life and property of the community of Sefton, the scale of these damaging cuts must be reversed and the strong message from the six Metropolitan Fire Chiefs given credence.

This authority resolves to write to the Parliamentary Under Secretary of State for the Fire and Rescue Service, all of Sefton's MP's and the Prime Minister voicing our strong support for the joint Metropolitan Fire Services campaign.

Agenda Item 7

Report to:	Standards Committee	Date of Meeting:	13 March 2012
	Audit and Governance Committee		28 March 2012
	Cabinet		29 March 2012
	Council		12 April 2012

Subject: The Future of the Standards Regime at Sefton Council

Report of: Head of Corporate Legal Services

Wards Affected: No

Is this a Key Decision? No

Is it included in the Forward Plan?
Yes

Exempt/Confidential

No

Purpose/Summary

1. To provide a further update on the impact of the Localism Act 2011 and the current standards regime, and;
2. To outline possible future arrangements for the conduct of standards in Sefton

Recommendations:

1. That the Standards Committee ceases to exist with effect from 30 June 2012.
2. That the work of the current Standards Committee be merged with that of the Council's Audit and Governance Committee. That the case-work of the current Standards Sub Committees continue, but to now be overseen by the Audit and Governance Committee.
3. That the draft Code of Conduct (Appendix A) as prepared by the Association of County Secretaries and Solicitors (ACSeS) be adopted by the Council with effect from 1 July 2012, subject to recommendations 9 and 10 below.
4. That the need for a meeting of the Standards Committee or its successor is dispensed with in the circumstances outlined in paragraph 6.
5. That authority be delegated to the Hearings Sub-Committee to impose the range of sanctions identified in paragraph 7 below on a Councillor should he/she have been found to be in breach of the Code of Conduct.
6. That the Monitoring Officer be delegated authority to make arrangements for the advertisement, recruitment of an Independent Member (IP) and for standby IP's in consultation with a working group of members (max 5 members) drawn from the current Standards Committee.
7. That the Monitoring Officer prepares the new register of interests in conjunction with the Head of Governance and Civic Services to comply with the new Code of

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Conduct, and the Act and ensure that the register is available for inspection.

8. That the Monitoring Officer ensures that members are made aware of their new obligations under the Act in due course
9. In addition to the draft Code of Conduct prepared by ACSeS it is recommended that the Code of Conduct includes a provision to ensure that members update their register of interests within 2 months of the date that a change occurs.
10. That an addition be made to the ACSeS draft Code of Conduct that where a member discloses a Dislosable Pecuniary Interest (DPI), that they must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.
11. To agree that the necessary changes be made to the terms of reference of the Audit & Governance Committee and that the Council's Constitution be amended accordingly.

How does the decision contribute to the Council's Corporate Objectives?

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

Reasons for the Recommendation:

To ensure that the authority is compliant with the requirements of the Localism Act 2011.
To try to optimise the administrative arrangements to support the new legal framework.

What will it cost and how will it be financed?

(A) Revenue Costs

Nil

(B) Capital Costs

Nil

Implications:

Legal: Legal implications are contained within the report

Human Resources: Nil

Equality

- | | | |
|----|--|-------------------------------------|
| 1. | No Equality Implication | <input checked="" type="checkbox"/> |
| 2. | Equality Implications identified and mitigated | <input type="checkbox"/> |
| 3. | Equality Implication identified and risk remains | <input type="checkbox"/> |

Impact on Service Delivery:

The recommendation to remove the Standards Committee will mean that there is one less meeting to be serviced by officers of the Council.

The proposed merging of the work of the Standards Committee with the Audit and Governance Committee will give greater context to work.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1410) has been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Standards Committee could continue as a committee, with changed terms of reference and work to a revised legal framework.

Implementation Date for the Decision

1 July 2012

Contact Officer: Jill Coule
Tel: Head of Corporate Legal Services
Email: jill.coule@sefton.gov.uk

Background Papers: Nil

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1. Introduction/Background

- 1.1 A report on the Localism Act 2011 and its implications was presented to the Standards Committee on 29 November 2011. The Act had only received Royal Assent on 15 November 2011.
- 1.2 Since then officers have had the opportunity to understand more of the impact of the new Act and to liaise with its Parish Councils and other Merseyside Authorities.
- 1.3 The Act makes fundamental changes to the regulation of standards of conduct for Sefton's elected members, co-opted members and parish councillors. The date for implementation of these changes is 1 July 2012. This report describes those changes in more detail and recommends the necessary steps for the Council to implement the new regime.
- 1.4 The report has been considered at the Cabinet Member meeting for Performance and Governance on 8 March, the Standards Committee on 13 March, Audit & Governance and Committee on 28 March and Cabinet on 29 March 2012. The key issues identified in the report have been largely agreed with by members. The main issue that emerged at the Standards Committee was whether the Standards Committee should cease or not. Alternative options identified by the Standards Committee included, continuation of the Committee in its current form or continuation in its current form but as a sub committee of the Audit and Governance Committee.
- 1.5 These options were subsequently considered at both the Audit and Governance Committee and Cabinet. Both meetings resolved that the Standards Committee should cease and that the business of the Standards Committee be merged with that of the Audit and Governance Committee (*Recommendations 1 and 2 refer*).

2. The duty to promote and maintain high standards of conduct

The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members (Section 27 Localism Act 2011).

3. The future of the Standards Committee

- 3.1 The Act repeals Section 55 of the Local Government Act 2000, which made it mandatory for each Council to have a Standards Committee. In other words, there will be no requirement for there to be a Standards Committee of the Council after 30 June 2012.
- 3.2 In repealing the Section 55 Local Government Act 2000 statute as set out above, the unique requirements of the existing Standards Committee are also repealed. This means that in establishing any new Standards regime the following arrangements can apply:
 - 3.2.1 The committee with the responsibility for the new standards regime will be governed by proportionality.

- 3.2.2 The current restriction that only 1 Cabinet Member can be a member of the Committee governing the standards arrangements will cease to apply.
- 3.2.3 The current co-opted independent members will cease to hold office. The Act establishes a new category of Independent Persons (IP's) and provides that existing co-opted independent members of the current Standards Committee cannot serve as IP's for 5 years. This part of the Act is currently the subject of further lobbying and this provision may change.
- 3.3 There will still be a need to deal with standards issues and case work arising from complaints from members of the public, officers of the Council or other councillors.
- 3.4 To that end it is therefore recommended that the Standards Committee cease to exist with effect from 30 June 2012. (*Recommendation 1*)
- 3.5 Following that, the work of the Standards Committee be merged with that of the Council's Audit and Governance Committee and the necessary changes be made to the terms of reference and the Council's Constitution and be recommended to Council in due course. (*Recommendation 2*)

4. Code of Conduct

- 4.1 The Act also repeals the Model Code of Conduct which was adopted by Sefton Council in July 2008 as well as the 10 General Principles of Public Life. This means that Councillors will no longer need to give a general undertaking to comply with the Code of Conduct, either on their election to office or annually. However, the Council will be required to adopt a new Code of Conduct governing, elected and co-opted Members which will apply when they are acting in those capacities. Notably any new Code of Conduct must be consistent with the following seven principles which are drawn from the previous ten General Principles of Public Life:
- Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- 4.2 What the Code can now contain is at the discretion of each individual Council, so long as it is consistent with those Principles cited above. If Council's wish to include additional requirements such as the previous General Principles (which were Stewardship, Personal Judgement, Duty to uphold the law and Respect for Others) again that is a matter for each individual Council.
- 4.3 As was noted in the last report to Members of the Standards Committee a number of Sefton Councillors and more generally Councillors within the Merseyside region are also Members of another council or public body. For example some Sefton Councillors are also parish Councillors. In addition some Sefton Councillors are also members of Merseyside wide bodies such as Fire, Transport, Waste Disposal

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and Police authorities. However, nationally police authorities will cease to exist in November 2012.

- 4.4 Given the need for transparency and consistency amongst the myriad of councils and public bodies within Merseyside, there appears to be consensus that whatever Code is adopted be consistent amongst those bodies. To that end it is proposed to adopt the Code of Conduct as prepared by the Association County Solicitors and Secretaries (ACSeS). The draft Code is attached at **Appendix A** for information. (*Recommendation 3*)
- 4.5 The Act requires that any Code of Conduct adopted must include appropriate provisions for the registration and disclosure of pecuniary and non-pecuniary interests.

5. Registration Arrangements for and Declarations of Interest

- 5.1 Regulations, yet to be made under the Act will define Disclosable Pecuniary Interests (DPI's). The Act is clear that any Councillor with a DPI will not be able to participate in the Council's business for that item and the Council can reflect this in its Constitution (Standing Orders).
- 5.2 The Code of Conduct will need to be amended when the Regulations are released with respect to the definition and disclosure arrangements for pecuniary and non-pecuniary interests.
- 5.3 In these circumstances, it is therefore recommended that the current arrangements continue for the registration and disclosure of interests until the new Regulations are available and that officers prepare a report accordingly. Members of the Committee are asked to note that it may be necessary to hold an additional Standards Committee to address this and any other miscellaneous issues arising from the new arrangements.

6. Standards Casework

- 6.1 The Act requires a Council to adopt 'arrangements' for dealing with complaints/breaches of the Code of Conduct. In considering such arrangements, Councils should be mindful that it is no longer a statutory requirement to have separate Assessment, Review and Hearings Sub-Committees. This means that the Council can establish its own processes, which could include delegation of some decisions to officers. In considering this possible delegation, attention is drawn to the following types of decisions:

- No discernible breach of the Code of Conduct/no jurisdiction
- Dealing with complaints in writing as opposed to holding a meeting in particular:
 - Prior to the assessment meeting
 - Where there is a finding of no breach following an investigation

No discernible breach of the Code of Conduct/No jurisdiction

- 6.2 Complainants do not always readily identify what part of the Code of Conduct has been breached, or in fact do not fall within the jurisdiction of the Standards Committee at all and on occasion may need to be directed elsewhere. In these

circumstances it is proposed to give authority to the Monitoring Officer and deputies to correspond with complainant to consider whether a breach of the Code of Conduct can be clearly determined and if it cannot to write to the complainant confirming that no further action will be taken, or to direct the complainant elsewhere as appropriate.

Dealing with complaints in writing

- 6.3 There are currently two main scenarios where it would be more efficient for the Monitoring Officer and/or Deputies to begin to progress matters in writing before convening a sub-committee meeting. Those two scenarios are when a complaint is received, and following an investigation where there is a finding of no breach of the Code of Conduct. In the first scenario, it can be helpful to the Assessment Sub-Committee if a preliminary response is obtained from the councillor(s) complained about so that this information could be included with the Assessment Sub-Committee papers. In the second scenario where an investigator finds no breach of the Code of Conduct it would be helpful to circulate this to Assessment Sub-Committee members in writing for consideration and only call a meeting if there is no consensus with the investigator's findings. If there was consensus then the case could be dispensed with by way of circulation of the investigators report to relevant parties' and the complaint, the IP and in due course the Audit and Governance Committee.
- 6.4 It is therefore recommended in future that the current arrangements for dealing with casework through the sub committees are retained but transferred to the Audit and Governance Committee, who will retain oversight. These sub-committee arrangements can be reviewed once the level of casework is understood under the new Act and the regulations are available.
(Recommendation 2)
- 6.5 It is also recommended that the Monitoring Officer and/or Deputies be given authority to deal with certain prescribed matters, as set out above, in writing without the need to convene meetings. Such steps to be taken in consultation with the IP. It is also recommended that these delegations be noted in the Council's constitution accordingly. *(Recommendation 4)*

7. Sanctions

- 7.1 The former sanction provisions are now removed by the Localism Act 2011. There can therefore be no suspensions, no requirement to attend training etc. When a sanction is imposed there is no mechanism under the legislation to appeal. This means that any decision could be open to judicial review by the High Court if it was clearly unreasonable, improperly taken, or imposed a sanction which the Council does not have the power to impose. Under the new legislation where a Councillor is found to have breached the Code of Conduct the following actions can be taken:
- 7.1.1 Report the findings of the hearing, to Council for information;
- 7.1.2 Recommend to the Councillors Group Leader that the Councillor be removed from any or all Committees/Sub-Committees of the Council. Where Councillors do not belong to Group such a recommendation could be made to full Council;
- 7.1.3 Recommend to the Leader of the Council that a Councillor be removed from the Cabinet or removed from particular portfolio responsibilities;

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- 7.1.4 Arrange training for a Member;
 - 7.1.5 Recommend to Cabinet to remove the Councillor from all outside body appointments to which the Councillor has been appointed or nominated to by the Council;
 - 7.1.6 Dependent upon the nature of the breach, one of the following might be appropriate; withdrawal of facilities such as use of Council email, equipment etc may be appropriate; or, exclusion of a Councillor from Council offices except to attend meetings.
- 7.2 It is therefore recommended that Council delegate authority to the Hearings Sub-Committee the above sanctions which could be imposed on a Councillor should he/she have been found to be in breach of the Code of Conduct.
(Recommendation 5)

8. Independent Persons (IP's)

- 8.1 Any arrangements made by the Council under the Localism Act as set out earlier in the report must include the appointment of one IP.
- 8.2 The IP must be appointed through the process of a public advertisement. Appointment is by way a positive majority of all members of the Council (not just the majority of those present and voting). The legislation sets out certain criteria which mean that the IP would not be considered to be independent if one of the following criteria were met:
- 8.2.1 He/she is or has been within the last 5 years, an elected or co-opted member or an officer of the Council;
 - 8.2.2 He/She is or has been within the last 5 years, an elected, or co-opted member of any Committee or Sub-Committee of the Council (which would preclude any of the current co-opted independent members of the Standards Committee from being appointed as an IP); or
 - 8.2.3 He/She is a close relative or close friend of a current elected or co-opted member or officer of the Council, or of any elected or co-opted member of any Committee or Sub-Committee of the Council. For these purposes 'relative' includes:
 - a) The candidate's spouse or civil partner
 - b) Any person with whom the candidate is living as if they are spouses or civil partners
 - c) The candidates grandparents
 - d) Any person who is a lineal descendent of the candidate's grandparent
 - e) A parent, brother, sister or child of anyone in paragraphs (a) or (b) above
 - f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e) above
 - g) Any person living with a person in paragraphs (c), (d) or (e) as if they were a spouse or civil partner to that person
- 8.3 The IP will conduct some key functions which are listed below:
- 8.3.1 An IP must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct. In addition an IP must be consulted in respect of a decision to take no action where the investigation finds no evidence of breach, on any local resolution of the complaint etc

- 8.3.2 An IP may be consulted by the Council in respect of a standards complaint at any stage; and
- 8.3.3 An IP may be consulted by a Councillor or co-opted member of the Council against whom the complaint has been made. This seems an ill conceived proposal as this could cause a later conflict of interest when the IP is consulted on the determination of that complaint.

Recruitment and Selection of IP's

- 8.4 The Act gives discretion to appoint one or more IP's. However each IP must be consulted before any decision is taken on a complaint, which has been investigated. There would therefore seem to be little advantage in formally appointing more than one IP. However should the IP be unavailable or as set out above conflicted from involvement, then arrangements may need to be made for another IP to be available at short notice i.e. without the need to advertise, recruit and appoint etc. To that end, it is proposed that through the recruitment process, up to two standby IP's are selected that could be activated at short notice. It is recommended that such recruitment process be conducted in conjunction with a small working group of members (maximum 5) drawn from the current Standards Committee. (*Recommendation 6*)

9. Register of Interests

- 9.1 The Monitoring Officer is obliged under the Act to maintain a register of interests which must be available for inspection and available on the Council's website.
- 9.2 The Act as previously advised earlier in the report, removes the current definitions of personal and prejudicial interests and replaces it with the as yet undefined Disclosable Pecuniary Interest (DPI). Whilst regulations to define the DPI are awaited, it is anticipated that the definition may equate to the current definition of a prejudicial interest. A member's duty to register interests extends beyond their own interests for the first time and will include interests of their spouse/civil partner, or someone living with the Councillor in a similar capacity.
- 9.3 The register of interests is now also required to include a mechanism to record and disclose non-pecuniary interests as well as the formal DPI's. Upon election a Councillor will be required to register a DPI within 28 days of becoming a member. Failure to do so is a criminal offence. Failure to register the DPI does not however prevent a Member from continuing to act as a Member. Where the Code of Conduct requires registration of an interests i.e. the non-pecuniary interests, failure to do so, would be a breach of the Code only and not a criminal offence.
- 9.4 The requirement for a member to keep the register up to date is removed except on re-election. However it is recommended that members will be strongly encouraged to register their interests as it negates the need to orally disclose the interest at the meeting. It is the Monitoring Officers' responsibility to ensure that any new notifications are added to the register accordingly.
- 9.5 It is therefore recommended that the Monitoring Officer prepare the new register of interests in conjunction with the Head of Governance and Civic Services to comply with the new Code of Conduct, and the Act and that the register is available for inspection. (*Recommendation 7*)

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- 9.6 It is also recommended that the Monitoring Officer ensures that members are made aware of their new obligations under the Act in due course.
- 9.7 In addition it is recommended that the Code of Conduct includes a provision to ensure that members update their register of interests bi-monthly so that the need to orally declare the interest is removed. (*Recommendation 9*)

10. Disclosure of Prejudicial Interests & Withdrawal from the Meeting

- 10.1 Whilst regulations are awaited for the definition of Disclosable Prejudicial Interests (DPI), what is known about these interests from the Act is what happens when they are disclosed.
- 10.2 The duty to disclose and withdraw arises whenever a Councillor attends any meeting of the Council, a committee, sub-committee, Cabinet meeting or a panel meeting and is aware that he/she has a DPI. The DPI must be about any matter that is being considered as part of the meeting. If the DPI is registered or has been sent to the Monitoring Officer for registration, the Councillor does not need to orally disclose the DPI. However if a DPI is orally disclosed at the meeting, then the member has 28 days in which to ensure that the Monitoring Officer is duly notified of the DPI so that it can be added to the register of interests.
- 10.3 If a Councillor has a DPI in any matter the Councillor must not:
 - 10.3.1 Take part in the discussion of the matter in the meeting. It is not clear whether this will include making representations at a meeting, as a member of the public might, or not at this time;
 - 10.3.2 Take part in any vote in the matter in question.
- 10.4 Failure to comply with these requirements becomes a criminal offence and is not merely a breach of the Code of Conduct.
- 10.5 It is therefore recommended that in order to give clarity to Members that an addition be made to the ACSes draft Code of Conduct that where a member discloses a DPI, that they must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation. (*Recommendation 10*)

11. Dispensations

- 11.1 The current criteria for applying for a dispensation under the Local Government Act 2000 (as amended) are:
 - 11.1.1 That at least 50% of the members of a decision making body have a prejudicial interest and;
 - 11.1.1 That so many members of one political party have a prejudicial interest in the matter that it will upset the result of vote on the matter.
- 11.2 However, under the Act a dispensation can be granted on the following grounds:

- 11.2.1 That so many members of the decision making body have DPI's in a matter that it would "impede the transaction of the business". In other words the meeting that is considering the matter is likely to be inquorate;
 - 11.2.2 That, without the dispensation, the representation of the different political groups on the body transacting the business would be so upset so as to alter the outcome of any vote on the matter;
 - 11.2.3 That the authority considers that the dispensation would be in the interests of people living in the authority's area;
 - 11.2.4 That without dispensation, no member of the Cabinet would be able to participate in this matter.;
 - 11.2.5 That the authority considers that it is otherwise appropriate to grant a dispensation.
- 11.3 Dispensations must be for a specified period of time and for a maximum of 4 years.
- 11.4 Previously only the full Standards Committee could consider and grant of a dispensation. Under the Act granting of dispensations could be delegated to a sub-committee or to the Monitoring Officer. It is therefore recommended that such a delegation be included in the amendments to the Constitution. Further regulations are expected in the matter of interests and dispensations.

12 Transition Arrangements and Conclusion

- 12.1 The present standards regime will continue to function as at present, considering, investigating and determining allegations of misconduct, until the end of June 2012. There will then be, it is suggested 2 months, to deal with outstanding complaints.
- 12.2 The right of appeal will not exist for those cases Standards Committees deal with as they work their way through the transitional system. The government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).
- 12.3 The government proposes that the suspension sanction is removed from standards committees for the transitional period. Hence the most a Standards Committee could do, for instance, is to issue a Councillor with a censure or a request that they undergo training.
- 12.4 As can be seen by the length of this report, there are a lot of changes to the Standards regime. Following receipt of the regulations and before the implementation date of 1 July 2012, it is proposed that Members be briefed on the new arrangements. (*Recommendation 8*)

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APPENDIX A

Draft CODE OF CONDUCT

Introduction

This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this Authority and the public will view you as such and therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is based upon the “Nolan Principles - the seven principles of public life” which are set out at Appendix 1.

Interpretation

In this Code:-

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member and an appointed member.

General Obligations

1. When acting in your role as a member of the Authority:
 - 1.1 **DO** treat others with respect;
 - 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of members;
 - 1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (a) reasonable and in the public interest; and

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- (b) made in good faith and in compliance with the reasonable requirements of the Authority; and
 - (c) you have consulted the Monitoring Officer prior to its release; and
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the Authority:-
- 2.1 **DO** act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
 - 2.2 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Interests

- 3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests. However, when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 4. You are required to register "pecuniary and other interests" (these will be laid out in Regulations subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence.
- 5. There will be no requirement for you to declare or register any gifts and hospitality (subject to any future Regulations), but **DO NOT** accept any gifts in excess of £50 (fifty pounds).

Disclosure and participation

- 6. At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, may be so closely tied to your personal and/or professional life that your ability to contribute to a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to and **DO NOT** vote in relation to such matters. (See also Appendix 2.)

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8. **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a member. However, **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
10. When making a decision, **DO** consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.

Interests arising in relation to overview and scrutiny committees

11. In relation to any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where:-
 - 11.1 that business relates to a decision made (whether implemented or not), or action taken by your Authority's executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
 - 11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken; or
 - 11.3 that business relates to a decision made (whether implemented or not), or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):

you may attend a meeting of the overview and scrutiny committee of your Authority or of a sub-committee of such a committee, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

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APPENDIX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2

Where the decision referred to in Clause 7 of the Code relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your Authority *unless* the decision relates particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* the decision relates particularly to the school concerned;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

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Agenda Item 8

Report to: Cabinet **Date of Meeting:** 29 March 2012

Council **Date of Meeting:** 12 April 2012

Subject: Draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK

Report of: Director of Corporate Commissioning **Wards Affected:** All

Is this a Key Decision? Yes

Is it included in the Forward Plan?

Yes

Exempt/Confidential

No

Purpose/Summary

To seek approval to an amendment to the Council's Constitution, to provide for the co-option of a non-voting member from Sefton Local Involvement Network (LINK), and a substitute member, to the membership of the Overview and Scrutiny Committee (Health and Social Care), following the approval of a draft Joint Working Protocol between the Committee and Sefton LINK.

Recommendation

To approve the amendment to the Council's Constitution, to provide for the co-option of a non-voting member from Sefton Local Involvement Network (LINK) to the membership of the Overview and Scrutiny Committee (Health and Social Care), and provision also be made to permit a substitute co-opted member to attend meetings of the Committee, if necessary.

How does the decision contribute to the Council's Corporate Objectives?

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

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Reasons for the Recommendation:

The Constitution states that only the Council may amend the Constitution.

What will it cost and how will it be financed? N/A

Implications: N/A

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal: S221 Local Government and Public Involvement in Health Act 2007 and associated guidance.	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: N/A

What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD: 1341/11) and the Head of Corporate Legal Services (LD:697/12) have been consulted and any comments have been incorporated into the report.

The Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK have been consulted on the Joint Protocol.

Are there any other options available for consideration? N/A

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer: Debbie Campbell, Overview & Scrutiny Officer
Tel: 0151 934 2254
Email: debbie.campbell@sefton.gov.uk

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 enabled Local Involvement Networks (LINKs) to be established. Sefton LINK was established in 2008 and gives local people and organisations a say in Health and Adult Social Care in Sefton. Sefton LINK is a voluntary network of local people, groups and organisations who wish to improve Health and Adult Social Care services. Sefton LINK members have the opportunity to:-
- Shape and improve the quality and delivery of services;
 - Influence Health and Adult Social Care decision makers;
 - Express any concerns or raise neglected issues;
 - Join a range of Task and Finish Groups to look at specific areas of concern;
 - Attend meetings, events and presentations on behalf of the membership; and
 - Meet like-minded individuals who wish to “make a difference”.
- 1.2 A representative from Sefton LINK has attended meetings of Sefton Council’s Overview and Scrutiny Committee (Health and Social Care) (OSC) for some years now and receives e-mail alerts for the publication of all its agendas and Minutes.
- 1.3 Recently, Sefton LINK approached the relevant Overview and Scrutiny Officer to request that a joint working protocol between the OSC and Sefton LINK be developed, similar to one that already exists in Knowsley MBC.
- 1.4 Following a meeting between a representative of Sefton LINK, the Chair of the OSC and the relevant Overview and Scrutiny Officer, a draft document was developed and circulated for comments.

2. Recent Developments

- 2.1 The protocol proposes that a member of the LINK will be co-opted onto the OSC. In practice, this will mean that they will sit at the table with Members for the duration of Committee meetings.
- 2.2 The co-opted member will be treated in accordance with the rules and regulations contained within the Code of Conduct for elected Members, as set out within the Council’s Constitution, and should act in accordance with these rules. The co-opted member will be required to declare any interests, where applicable. The co-opted member may speak on items included on the agenda for an OSC meeting but cannot vote on those items.
- 2.3 The Council is reminded that the Overview and Scrutiny Committee (Children’s Services) already has 3 co-opted members and has operated with these members for some years now. These comprise of a Parent Governor Representative, an Archdiocesan Representative and a Diocesan Representative.
- 2.4 The protocol also proposes that it should be reviewed on an annual basis and, where necessary, updated jointly, to ensure that it continues to meet the needs of the LINK and the OSC.

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- 2.5 Subject to the passage of the Health and Social Care Bill, local HealthWatch organisations will be established in October 2012 and will continue the functions currently provided by LINKs. LINKs will evolve into Local HealthWatch but will have additional functions and powers. Local HealthWatch will build on the good practice of LINKs, and continue to work with Local Authorities, Clinical Commissioning Groups, Patient groups, the local Voluntary and Community Sector and service providers to ensure they are inclusive and representative of the community they serve.
- 2.6 It is anticipated that the protocol can be adapted once LINKs evolve into HealthWatch.

3. Matters for Consideration

- 3.1 At its meeting held on 8th November 2011, the OSC considered the Protocol developed and agreed the following recommendations:-

- “1. That the draft Joint Working Protocol between Sefton Overview and Scrutiny Committee (Health and Social Care) and Sefton LINK be approved; and
2. That the Council be requested to approve the amendment of the Council’s Constitution, to include the co-option of a non-voting member of Sefton Local Involvement Network (LINK) to the membership of this Committee.”

- 3.2 However, following the meeting held on 8th November 2011, Sefton LINK approached the Council and requested that provision also be made to permit a substitute co-opted member to attend future meetings of the Committee, if necessary.

- 3.3 Subsequently, at the meeting held on 10th January 2012, in confirming the Minutes from the previous meeting, the Committee agreed the inclusion of the following at the conclusion of the existing Minute 2, as set out above:-

“and provision be made to permit a substitute co-opted member to attend meetings of the Committee, if necessary.”

- 3.4 Formal approval to the amendment to the Council’s Constitution is now sought.

Agenda Item 9

Report to: Cabinet
Council

Date of Meeting: 29th March 2012
12th April 2012

Subject: Report of Independent Remuneration Panel

Report of: Director of Corporate Commissioning **Wards Affected:** All

Is this a Key Decision? Yes **Is it included in the Forward Plan?** Yes

Exempt/Confidential No

Purpose/Summary

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

Recommendation(s)

- 1) That the recommendation of the Panel to review the Scheme of Allowances following the Council elections in May be recommended by Cabinet to Council; and
- 2) The Panel membership be expanded by the appointment of Mr. E. Davies and Mr. J. Fraser.

How does the decision contribute to the Council's Corporate Objectives?

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

Reasons for the Recommendation:

Approval of the Members' Allowances Scheme is a matter for the full Council.

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What will it cost and how will it be financed?

(A) Revenue Costs : There are no financial implications arising directly from this report. The remuneration of Members Allowances is made from Council Administration budgets held within the Governance & Civic Section of the Corporate Commissioning Directorate. The Independent Remuneration Panel were advised that Members' Basic Allowance had been cut by 5% from 2 September 2010 and 5% cuts were made to Special Responsibility Allowances in 2009/10.

(B) Capital Costs

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal The Independent Remuneration Panel is constituted in accordance with the Local Authorities (Members Allowances) Regulations 2003.	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: None

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1429/12) and Head of Corporate Legal Services (LD784/12) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration? No

Implementation Date for the Decision Immediately following the Council meeting.

Contact Officer: Andrea Grant, Head of Governance & Civic Services
Tel: 0151 934 2030
Email: andrea.grant@sefton.gov.uk

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 At its meeting on 14th December 2010, the Panel considered its work programme for the following municipal year and resolved to meet in March and September 2011 with a view to recommendations to the Council on the scheme of Members' allowances for 2012/13.

1.2 The Panel met on the following dates and considered the matters set out below:

16th March 2011 Presentation on the roles and work of Councillors.

Presentation on the matters for consideration by the Panel in understanding the review

7th September 2011 Consideration of information requested including:

Government guidance on local authority allowances, views submitted by Members in relation to the review and information on the Council's arrangements for organising Councillors' travel.

Presentation on the Council's current budget position and the prioritisation agenda.

29th November 2011 Consideration of information including:

Reviews undertaken by other Merseyside authorities, comparative data, Members receiving special responsibility allowances, Cabinet portfolio responsibilities, attendance statistics, role description and person specifications for Councillor positions and results of the National Census of Local Authority Councillors.

Oral representations from Councillors P. Dowd and Robertson.

21st December 2011 Oral representations from Councillor Mrs. Parry.

1.3 Following this comprehensive review of information the Panel resolved as follows:

(1) The Panel notes the increased workload undertaken by Chairs of Overview and Scrutiny Committees;

(2) The Panel also notes the differing roles, responsibilities and time spent on duties by different Cabinet Member portfolio spokespersons;

(3) Accordingly, the Panel acknowledges the potential to reflect the matters referred to in (1) and (2) above in a review of the Members' Allowance Scheme following the local government elections in May 2012;

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- (4) An induction/refresh session be arranged for new/existing Panel Members in early March 2012 and a formal, further meeting of the Panel be arranged in early April 2012.

2. Panel Membership

- 2.1 The Panel have also requested that the membership of the Panel be increased. In view of the forthcoming changes to the Standards Committee, it is proposed that the independent members of the Standards Committee be invited to join the Council's Independent Remuneration Panel.
- 2.2 The proposed Panel members have a great deal of experience and are familiar with the work of Sefton having been well-respected members of Sefton's Standards Committee for over 8 years.
- 2.2 It is proposed that an induction and refresh session and a meeting of the Panel be arranged for early in the 2012/13 municipal year.

Agenda Item 10

Report to: Cabinet
Council

Date of Meeting: 29 March 2012
12th April 2012

Subject: Appointment of Member Champion for the Armed Forces

Report of: Director of Corporate Commissioning **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential

No

Purpose/Summary

To appoint the Council's Member Champion for the Armed Forces and note the proposals for the development of an Armed Forces Community Covenant.

Recommendation(s)

Cabinet:

- (1) That the Cabinet nominate Councillor Brennan to be the Member Champion for the Armed Forces;
- (2) note the proposals for the development of an Armed Forces Community Covenant.

Council:

That Councillor Brennan be appointed as the Member Champion for the Armed Forces and be designated as the Council's signatory to the Armed Forces Covenant once agreed.

How does the decision contribute to the Council's Corporate Objectives?

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

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Reasons for the Recommendation:

The appointment of an Armed Forces Champion is a pre-requisite for the development of an Armed Forces Community Covenant, which is required before any bid for funding is made.

What will it cost and how will it be financed?

(A) Revenue Costs

None arising from this report

(B) Capital Costs

None arising from this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None at this stage

What consultations have taken place on the proposals and when?

The Head of Corporate Finance & ICT (FD1452/12) has been consulted and has no comments to make on this report as there are no financial consequences as a result of it. The Head of Corporate Legal Services (LD 801/12) has been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration? No

Implementation Date for the Decision Immediately following the Council meeting.

Contact Officer: Andrea Grant

Tel: 0151 934 2030

Email: andrea.grant@sefton.gov.uk

Background Papers:

There are no background papers available for inspection.

1. Armed Forces Member Champion

- 1.1. Meetings have been held with the Commanding Officer of 42 (North West) Brigade, to discuss proposals for each Local Authority within the North West area to appoint a 'Armed Forces Champion or Focal Point' from among its elected members. The appointment of a Forces Champion is the first step in developing a Armed Forces Community Covenant, which needs to be in place before a bid for funding can be accessed.
- 1.2 This matter has been discussed by the Leaders Group and it was proposed that Councillor Brennan be nominated as the Member Champion.

2. Armed Forces Community Covenant

- 2.1 The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community and is designed to capture the various initiatives and commitments made by local public services and third sector organisations. Funding of £30m has been made available from the Government for the next four years to support action by local communities to support service men and women and veterans.
- 2.2 About 20% of the Army is recruited from the North West, with a similar figure for the Royal Navy and the Royal Air Force. There are about 5,000 servicemen, regular and active reserve, stationed in the North West. Whilst there are no regular units in Merseyside, there are TA units in Bootle, Norris Green, Aigburth, Allerton, Gateacre, Huyton, St. Helens and Birkenhead. With their families they make up a population of about 4,000.
- 2.3 Evidence suggests that about 92% of servicemen find employment, accommodation and make the early transition without issue within 6 months of discharge. Most have made a prepared and considered transition although this is likely to be made more complex by the Armed Forces redundancy programme over the next few years.
- 2.4 Determining the number of veterans in the region is difficult but is estimated at between 500,000 and 1,000,000 veterans. The veterans community is complex and changing. It consists of both 70 year old Korean War veterans, 50 year old Falkland War veterans and 24 year old Afghanistan War veterans. Their experiences and needs are different.
- 2.5 In parallel, Sefton Council for Voluntary Service have initiated some work to plan for a partnership to progress any bid for funding which will involve representatives of the Council, One Vision Housing, the Soldiers, Sailors, Airmen and Families Association (SSAFA), the North West Reserve Forces and Cadets Association, the Veterans Association, the Royal British Legion and veterans involved in charity work in the Borough.

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