

COUNCIL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON THURSDAY 5TH JULY, 2012**

PRESENT: The Mayor (Councillor K. Cluskey) (in the Chair)

Councillors Ashton, Atkinson, Ball, Bennett, Blackburn, Booth, Bradshaw, Brennan, Brodie - Browne, Byrom, Carr, L. Cluskey, Crabtree, Cummins, Cuthbertson, Dawson, Dodd, Dorgan, M. Dowd, P. Dowd, Dutton, Fairclough, Lord Fearn, Friel, Gatherer, Gustafson, Hardy, Hartill, Hubbard, Jones, Keith, John Kelly, John Joseph Kelly, Kermode, Kerrigan, Killen, Lappin, Maguire, Maher, Mahon, McGinnity, McGuire, Mclvor, McKinley, Moncur, Page, Papworth, Preece, Rimmer, Roberts, Robertson, Robinson, Roche, Shaw, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Deputy Chair, Councillor M. Fearn and Councillors Hands, Murphy, Tonkiss and Sumner.

20. DECLARATIONS OF INTEREST

The following declarations of pecuniary interest were made and the Members concerned left the room during the consideration of the items indicated:

<u>Member</u>	<u>Minute</u>
Councillor Atkinson	31 – Appointments to Outside Bodies 2012/13 and 37 - Notice of Motion submitted by Councillor Dawson
Councillor Dodd	31 – Appointments to Outside Bodies 2012/13 and 37 - Notice of Motion submitted by Councillor Dawson
Councillor Friel	31 – Appointments to Outside Bodies 2012/13 and 37- Notice of Motion submitted by Councillor Dawson
Councillor Kermode	31 – Appointments to Outside Bodies 2012/13 and 37 - Notice of Motion submitted by Councillor Dawson

Councillor Lappin	31 – Appointments to Outside Bodies 2012/13 and 37 - Notice of Motion submitted by Councillor Dawson
Councillor Shaw	26 - Capital Programme and Capital Allocations 2012/13

21. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the Minutes of the Annual Council Meeting held on 10 May 2012 and the Adjourned Annual Council Meeting held on 15 May 2012 be approved as a correct record.

22. MAYOR'S COMMUNICATIONS

The Mayor reported on the number of mayoral engagements he had attended since his appointment to the Office of Mayor on 10 May 2012.

PUBLIC SESSION

23. MATTERS RAISED BY THE PUBLIC

The Mayor reported that Members of the Public had not submitted any petitions or questions.

COUNCIL BUSINESS SESSION

24. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by:

- Councillor Jones to the Leader of the Council (Councillor P. Dowd)
- Councillor Brodie-Browne to the Leader of the Council (Councillor P. Dowd)
- Councillor McKinley to the Leader of the Council (Councillor P. Dowd)
- Councillor Shaw to the Cabinet Member - Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Dawson to the Cabinet Member - Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Dawson to the Cabinet Member - Older People and Health (Councillor Cummins)

- Councillor Dawson to the Cabinet Member - Transportation (Councillor Fairclough)

together with the responses given. Supplementary questions were asked and responded to by the Leader of the Council and the Cabinet Member - Children, Schools, Families and Leisure.

25. TRANSFORMATION, MEDIUM TERM FINANCIAL PLAN AND REVENUE BUDGET UPDATE

Further to Minute No. 16 of the Cabinet meeting held on 21 June 2012, the Council considered the report of the Head of Corporate Finance and ICT which provided an update on the latest assumptions contained in the Medium Term Financial Plan 2013/14 - 2014/15; highlighted the potential budget gaps for that period and recommended the first stage of budget reductions to contribute to the balancing of the 2013/14 budget.

The report also set out proposals for a change to the Treasury Management Policy to allow improvement of cash management.

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 approval be given to:

- (1) the Medium Term Financial Plan projected assumptions contained in the report;
- (2) the initial budget proposals for 2013/14 and future years outlined in paragraph 7 of the report, and officers be delegated to take the necessary actions to achieve the impact outlined; and
- (3) the change to the Treasury Management Policy as outlined in paragraph 8 of the report.

26. CAPITAL PROGRAMME AND CAPITAL ALLOCATIONS 2012/13

Further to Minute No. 4 of the Cabinet meeting held on 24 May 2012, the Council considered the joint report of the Strategic Director - Place and the Head of Corporate Finance and ICT which provided an update on the development of a single capital pot bidding process and detailed the recommendations for the acceptance of an interim Capital New Starts Programme for 2012/13.

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

RESOLVED:

That approval be given to:

- (1) the utilisation of the full 2012/13 Transportation capital allocation to meet existing capital new start proposals;
- (2) the utilisation of the full 2012/13 Disabled Facilities Grant capital allocation to meet the cost of statutory disabled grant awards; and
- (3) the interim allocation of £2,661,750 as a Children's Services 2012/13 capital new starts programme in order to progress urgent and time constrained projects identified.

27. DUNES SPLASHWORLD - PURCHASE OF FITNESS EQUIPMENT - RECOMMENDATION FROM THE CABINET

Further to Minute No. 11 of the Cabinet meeting held on 24 May 2012, it was moved by Councillor P. Dowd, seconded by Councillor Maher and

RESOLVED:

That approval be given to the inclusion of the sum of £262,000 in the capital programme, funded from Prudential Borrowing, for the purchase of fitness equipment at Dunes Splashworld, Southport.

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

28. STANDARDS REGIME AT SEFTON COUNCIL

Further to Minute No. 121 of the meeting held on 12 April 2012, the Council considered the report of the Head of Corporate Legal Services which provided a further update on the impact of the Localism Act 2011 and the current standards regime.

The report contained the following appendices:

- Local Government Association proposed Code of Conduct
- Department of Communities and Local Government illustrative text for dealing with the conduct of Members and Co-opted Members
- Sefton Council's revised Code of Conduct which had been approved by Council
- Proposed additional terms of reference for the Audit and Governance Committee

The report also provided details of the new Regulations relating to the disclosure of pecuniary interests by local authority members and co-opted

members and the appointment of Independent Persons, which took effect on 1 July 2012; and the action to be taken by Officers on these issues.

The Council also considered a supplementary report by the Head of Corporate Legal Services which provided details of the recommendations of the Standards Committee and Audit and Governance Committee on the issues set out in the previous report and the details of the Independent Persons to be appointed to the Audit and Governance Committee.

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

RESOLVED: That

- (1) it be noted that the Code of Conduct as set out in Appendix C of the previous report, was adopted by the Council on 12 April 2012, subject to a further review of the administration of Standards in Sefton and the Code of Conduct being undertaken within six months of its introduction and being re-considered by the Council;
- (2) approval be given to a working party being drawn from the Audit and Governance Committee as opposed to the Standards Committee, as set out in Minute 121(6) of the Council meeting held on 12 April 2012. (Paragraph 1.1.6 of the report refers);
- (3) approval be given to the appointment of Mr. J. Fraser and Mr. E. Davies as the Independent Persons in accordance with the transition regulations, for the period ending no later than 30 June 2013;
- (4) the additional Terms of Reference for Audit and Governance Committee as shown at Appendix D of the original report be approved; and
- (5) approval be given to the appointment of a Parish Council representative and substitute representative (appointed by the Sefton Area Partnership of Local Councils) as a co-opted member of the Audit and Governance Standards Sub Committees, to enable him/her to be involved in the consideration of any complaints submitted in respect of the conduct of any Parish Councillor within the Borough of Sefton.

29. SCHEME OF MEMBERS' ALLOWANCES

Further to Minute No. 21 of the Cabinet meeting held on 21 June 2012, the Council considered the report of the Director of Corporate Commissioning on the proposals by the Independent Remuneration Panel for the implementation of a new Scheme of Members' Allowances.

The Council also considered the revised scheme of Members' Allowances which had been updated following the Cabinet meeting.

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 recommendations made by the Independent Remuneration Panel set out in paragraph 2.1 of the original report be noted;
- (2) the existing Members' Allowances be frozen at the current level and in order to comply with the Department for Communities and Local Government Guidance referred to in the report, special responsibility allowances of £4,260 be introduced for the Political Group Leaders and be backdated to 15 May 2012;
- (3) the publicity required as set out in Section 3 of the report be undertaken; and
- (4) the Council's Constitution be amended to insert the revised Scheme.

An **amendment** was moved by Councillor Brodie-Browne, seconded by Councillor Shaw that the Motion be amended by the addition of the following resolution:

"(5) the special responsibility allowances for the Members of the Cabinet be reduced by 10%."

On a show of hands, the Mayor declared that the amendment was **lost** by 35 votes to 18 with 7 abstentions.

On a show of hands, the Mayor declared that the Substantive Motion was carried by 35 votes to 18 with 8 abstentions and it was

RESOLVED: That

- (1) the recommendations made by the Independent Remuneration Panel set out in paragraph 2.1 of the original report be noted;
- (2) the existing Members' Allowances be frozen at the current level and in order to comply with the Department for Communities and Local Government Guidance referred to in the report, special responsibility allowances of £4,260 be introduced for the Political Group Leaders and be backdated to 16 May 2012;
- (3) the publicity required as set out in Section 3 of the report be undertaken; and
- (4) the Council's Constitution be amended to insert the revised Scheme.

30. OVERVIEW AND SCRUTINY ANNUAL REPORT 2011/12

The Council considered the Overview and Scrutiny Annual Report for 2011/12 and Councillors McGinnity, Brennan, Hubbard and Papworth highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2011/12.

It was moved by Councillor McGinnity, seconded by Councillor Byrom and

RESOLVED:

That the Overview and Scrutiny Annual Report 2011/12 be noted.

31. APPOINTMENTS TO OUTSIDE BODIES 2012/13

- (1) Further to Minute No. 16 of the meeting held on 15 May 2012, it was moved by Councillor Webster, seconded by Councillor P. Dowd:

That the proposed change to one of the Council's Labour Group representatives on the Merseyside Integrated Transport Authority for 2012/13, following the resignation of Councillor M. Dowd, be delegated to the Leader of the Council for determination.

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

"That the vacant place on the Merseyside Integrated Transport Authority for 2012/13 following the resignation of Councillor M. Dowd be allocated to a Conservative Member, to be determined by the Leader of the Conservative Group."

On a show of hands, the Mayor declared that the amendment was **lost** by 31 votes to 25.

On a show of hands, the Mayor declared that the Substantive Motion was **carried** by 31 votes to 25 and it was

RESOLVED:

That the proposed change to one of the Council's Labour Group representatives on the Merseyside Integrated Transport Authority for 2012/13, following the resignation of Councillor M. Dowd, be delegated to the Leader of the Council for determination.

- (2) It was moved by Councillor Webster, seconded by Councillor P. Dowd:

That Councillor Kerrigan be appointed as the Council's representative on the Merseyside Police and Crime Panel for 2012/13.

During the debate on the Motion, the Head of Corporate Legal Services advised the Council of the main implications regarding appointments to the new Police Crime Panels with respect to the Police Reform and Social Responsibility Act 2011 and the Police Crime Panels (Nominations, Appointments and Notifications) Regulations 2012. In Merseyside's circumstances, where panel arrangements had not yet been agreed, each of the five Councils in Merseyside should appoint a Member to the Shadow Panel who could then determine the representation on the Panel for the remaining five Members' positions and the two Co-opted Members' positions based on the balanced appointment objective.

An **amendment** was moved by Councillor Brodie-Browne, seconded by Councillor Jones that the Motion be amended to read:

"That if Sefton Council is called upon to have a second representative on the Merseyside Police and Crime Panel for 2012/13 and if that representative should be a Liberal Democrat Member, the representative should be Councillor Shaw."

On a show of hands, the Mayor declared that the amendment was **lost** by 41 votes to 16.

On a show of hands, the Mayor declared that the Substantive Motion was **carried** by 42 votes to 13 and it was

RESOLVED:

That Councillor Kerrigan be appointed as the Council's representative on the Merseyside Police and Crime Panel for 2012/13.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Members requested that their vote against the Substantive Motion be recorded, viz:-

Councillors Ashton, Blackburn, Booth, Dawson, Dodd, Hubbard, Keith, McGuire, Preece, Robertson, Shaw, Weavers and Welsh).

32. MEMBERSHIP OF COMMITTEES 2012/13

The Mayor reported that Councillor Tweed as the Chair of the Public Engagement and Consultation Panel had invited the Conservative Group to nominate a Member and Substitute Member to serve on the Panel for 2012/13 and that Councillor McGinnity as the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) would be invited to attend meetings of the Panel as an observer.

It was moved by Councillor Dutton, seconded by Councillor Papworth that Councillor McIvor be appointed as a Member of the Public Engagement and Consultation Panel and Councillor Jones be appointed as his Substitute on the Panel.

It was moved by Councillor Blackburn, seconded by Councillor Shaw that:

Councillor Robertson be appointed as the Substitute Member for Councillor M. Fearn on the Planning Committee in place of Councillor McGuire.

RESOLVED:

That the above mentioned changes in membership of the Panel and Committee be approved.

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

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

The Council also considered a schedule setting out a written question submitted by Councillor McGuire to the Chair of the Overview and Scrutiny Committee - Performance and Corporate Services (Councillor McGinnity) together with the response given. A supplementary question was asked and responded to.

RESOLVED:

That the report be noted.

34. NOTICE OF MOTION SUBMITTED BY COUNCILLOR HUBBARD

It was moved by Councillor Hubbard, seconded by Councillor Brennan and unanimously

RESOLVED:

The Council notes that:

- (1) the centenary of the Battle of Festubert will be in 2015;
- (2) in excess of 150 men from what is now Sefton, died in that battle;
and

- (3) in 1920, Southport “adopted” the village of Festubert, raising money and establishing a cultural visits programme on an annual basis.

The Council calls upon the Mayor to send a letter of friendship to the Mayor of Festubert.

35. NOTICE OF MOTION SUBMITTED BY COUNCILLOR PAPWORTH

It was moved by Councillor Papworth, seconded by Councillor Moncur and unanimously

RESOLVED:

The Council congratulates and thanks those officers who organised the passage of the Olympic Torch through the Borough on 1 June 2012. The event was a huge success, and will have given lasting pleasure to many thousands of Sefton residents. The Council also gratefully acknowledges the part played by Sefton Council for Voluntary Service, Merseyside Police and numerous other organisations.

36. NOTICE OF MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON

It was moved by Councillor Sir Ron Watson, seconded by Councillor Cuthbertson.

“The Council:

- (1) recognises the many representations, elected members have had from local pensioners over the changes to their tax allowances in the Budget and considers that the Coalition Government urgently needs to review their policy in this area with the aim of reinstating the previous allowance figure;
- (2) considers that pensioners in particular, have been the one group of society most badly hit by the unprecedented levels of low interest rates that have drastically reduced their retirement incomes from their hard earned savings;
- (3) believes that the Coalition Government should alter the tax free ISA provision to allow the current maximum figure of £11,280.00 to be invested in a Cash ISA, as opposed to the current situation where half has to be invested in what can be a risky stock exchange situation; and
- (4) requests the Coalition Government to address these issues in the Chancellor’s Autumn Statement.”

An **amendment** was moved by Councillor P. Dowd, seconded by Councillor Maher that the Motion be amended by deleting all the text in

Paragraph 3 after the words “should alter” and replacing it with: “the provisions in their budget which have a detrimental effect on the finances of pensioners.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was **carried** by 35 votes to 26.

On a show of hands, the Mayor declared that the Substantive Motion was **carried** by 35 votes to 25 with one abstention and it was

RESOLVED:

The Council:

- (1) recognises the many representations, Elected Members have had from local pensioners over the changes to their tax allowances in the Budget and considers that the Coalition Government urgently needs to review their policy in this area with the aim of reinstating the previous allowance figure;
- (2) considers that pensioners in particular, have been the one group of society most badly hit by the unprecedented levels of low interest rates that have drastically reduced their retirement incomes from their hard earned savings;
- (3) believes that the Coalition Government should alter the provisions in their budget which have a detrimental effect on the finances of pensioners; and
- (4) requests the Coalition Government to address these issues in the Chancellor’s Autumn Statement.

37. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DAWSON

It was moved by Councillor Dawson, seconded by Councillor Robertson.

“This Council:

- (1) notes the widespread circulation of a report, authored by Councillor Joe Hanson of Liverpool City Council, which has detailed concerns relating to the financial management and past governance of Merseytravel over a number of years, and has prompted criticism from the District Auditor;
- (2) welcomes statements from Merseytravel members, Councillors of all Parties, of their intention to run their Authority in future in accordance with principles of good governance; and
- (3) calls upon the Secretary of State for Transport and the Secretary of State for Communities and Local Government to ensure that the matters raised in the “Hanson Report” and other concerns relating

to the governance of Merseytravel in recent years, should be subject of independent investigation.”

Following debate thereon, on a show of hands, the Mayor declared that the Motion was **lost** by 33 votes to 15 with 8 abstentions and it was

RESOLVED:

That no action be taken on the Motion.