COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 22ND NOVEMBER, 2012

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

The Deputy Chair (Councillor M. Fearn) (Vice 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, Hands, Hartill, Hubbard, Jones, Keith, John Kelly, John Joseph Kelly, Kermode, Kerrigan, Killen, Lappin, P. Maguire, Maher, Mahon, McGinnity, S. McGuire, McIvor, McKinley, Moncur, Murphy, Page, Papworth, Preece, Rimmer, Robertson, Robinson, Roche, Shaw, Sumner, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hardy and Roberts.

58. DECLARATIONS OF INTEREST

The following declarations of interest were made:

<u>Member</u>	Minute No.	Reason	<u>Action</u>
Councillor Atkinson	74 - Notice of Motion submitted by Councillor Robertson	Other Interest – She is employed by the Merseyside Integrated Transport Authority	Stayed in the room and took part in the consideration of the item
Councillor Dodd	74 - Notice of Motion submitted by Councillor Robertson	Pecuniary Interest – He is one of the Council's representatives on the Merseyside Integrated Transport Authority	Left the room during the consideration of the item

Councillor Dorgan	70 - Notice of Motion submitted by Councillor McKinley	Pecuniary Interest – His business is involved with financial guarantees and international services and transactions	Left the room during the consideration of the item
Councillor Lappin	74 - Notice of Motion submitted by Councillor Robertson	Other Interest – She is employed by the Merseyside Integrated Transport Authority	Stayed in the room and took part in the consideration of the item

The Motions under consideration did not directly engage or affect the interests of the Councillors set out above

59. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meeting held on 6 September 2012 be approved as a correct record.

60. MAYOR'S COMMUNICATIONS

The Mayor reported on the recent death of Colonel 'Paddy' Bryson, a prominent and much admired citizen of this Borough, who would have celebrated his 100th Birthday next year.

Colonel Bryson was a World War Two Veteran, former Regimental Commanding Officer, former High Court Judge and the holder of a Queen's Order for bravery and the OBE.

He was also the Liverpool and County President of the Royal British Legion, a Knight of the Honourable Society of the Knights of the Round Table, Knight Commander of the Papal Order of St. Gregory, Honorary Life President of the Merseyside Council of Ex-Service and Regimental Associations, and lifetime member of the Royal British Legion.

He had presided over the North West Cancer Research Fund, the Liverpool Law Society and the West Lancashire and Liverpool Royal British Legion.

Past positions included Commissioner of Taxes, Chairman of the Medical Appeal Tribunal, Senior District Registrar of the High Court of Justice,

Chairman of the Lord Mayor's Poppy Fund and organiser of the Lime Street Remembrance Day commemorations.

The Mayor indicated that he had attended the funeral of Colonel Bryson on behalf of the people of the Borough on 8 October 2012 and would again be representing the Borough at a memorial service to be held in Liverpool Metropolitan Cathedral on 25 November 2012.

61. MATTERS RAISED BY THE PUBLIC

The Mayor reported that a petition with 4,298 signatures had been submitted by the Formby Residents Action Group Opposition from Formby (FRAGOFF) "urging the Council, including its officers, elected members and its Leaders, to implement a Local Plan which protects the green belt, farm land, countryside and residents in Sefton from any development on such land and that they address this issue as a matter of urgency." In addition to that, 50 people had also signed an e-petition on the Council's website.

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

In accordance with the Council's Petition Scheme, Mrs. M. Bennett, the lead petitioner, made a statement in support of the petition.

The Leader of the Council, Councillor P. Dowd thanked Mrs Bennett for submitting the petition. He then referred to the Unitary Development Plan previously adopted by the Council and he indicated that the current position on the preparation of a new Local Plan was as follows:

- A report would be submitted to the Cabinet in the near future providing updated evidence in the following areas:-
 - Housing requirement study (a review of the housing requirement was needed to take account of new information from the Census and latest population estimate).
 - Employment land and premises study (the last employment land study dated from 2008 and also needed to be brought up-to-date).
 - Agricultural land quality study (The agriculture land study was considered important as concern had been expressed during the consultation about the potential loss of high quality agricultural land and further surveys were needed to find out its current quality).
- The outcome and implications of the above studies would need to be considered by the Cabinet and it was anticipated that a "Consequences Study" would be commissioned in January 2013 and completed by the end of April/May 2013.
- Once the Consequences Study was complete, the next stage of the process would be to consider a "Preferred Options" document with a view to carrying out a 12 week consultation exercise from July to September 2013 and the publication of the Plan by March to May 2014.

 Thereafter, the Plan would be submitted to the Secretary of State in June 2014 and it was anticipated that the Plan would be examined by a Planning Inspector in October 2014, prior to the adoption of the new Local Plan in early 2015.

A short discussion then took place on the content of the petition.

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

RESOLVED:

That the petition be noted and any comments from the Formby Residents Action Group Opposition from Formby (FRAGOFF) on the Local Plan be considered during the consultation period.

62. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

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

- Councillor Ashton to the Leader of the Council (Councillor P. Dowd)
- Councillor Robertson to the Council's Spokesperson on the Merseyside Integrated Transport Authority (Councillor Friel)
- Councillor McGuire to the Cabinet Member Corporate Services and Performance (Councillor Tweed)
- Councillor Jones to the Leader of the Council (Councillor P. Dowd)
- Councillor Crabtree to the Cabinet Member Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Shaw to the Chair of the Overview and Scrutiny Committee – Regeneration and Environmental Services (Councillor McKinley)
- Councillor Hands to the Cabinet Member Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Dawson to the Cabinet Member Transportation (Councillor Fairclough)
- 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)

together with the responses given. Supplementary questions were asked and responded to by the Leader of the Council and the Cabinet Members for Children, Schools, Families and Leisure; Corporate Services and Performance; and Transportation.

63. TRANSFORMATION PROGRAMME AND REVENUE BUDGET 2012 - 2015

Further to the meetings of the Cabinet held on 13 September, 11 October and 8 November 2012, the Council considered the report of the Head of Transformation Services and the Head of Corporate Finance and ICT which provided details of a package of budget savings proposals to enable the Council to achieve the current budget savings of £43.7 million for the period 2013/14 to 2014/15.

The report contained the following annexes:

Annex A – Work Programme Timetable

Annex B – Business efficiencies on which approval to progress immediately was sought

Annex C – Internal consultation proposals on which approval to progress immediately was sought

Annex D – Integration proposals on which approval to progress immediately was sought

Annex E – External consultation (information) proposals on which approval to progress as described was sought

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

The Leader of the Council, Councillor P. Dowd referred to the current budget savings of £43.7m which had to be achieved for the period 2013/14 to 2014/15 and indicated that the Government was due to announce the Local Government Settlement for 2013/14 in December 2012 and the confirmation of the external revenue support from the Government would provide greater clarity of the Council's saving requirement for 2013/14.

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

the work programme timetable contained in Annex A of the report be noted:

Annex B – Business efficiencies on which approval to progress immediately was sought

approval be given to the budget reductions, increased income targets and adjustments to the Medium Term Finances Plan as outlined in Annex B of the report and Officers be authorised to continue with engagement and implementation processes with partners, key stakeholders, employees and Trade Unions as appropriate with a view to achieving the agreed changes at the earliest opportunity;

Annex C – Internal consultation proposals on which approval to progress immediately was sought

 approval be given to the proposals as described in Annex C of the report;

Annex D – Integration proposals on which approval to progress immediately was sought

4) approval be given to the proposals as described in Annex D of the report;

Annex E – External consultation (information) proposals on which approval to progress as described was sought

- 5) approval be given to the proposals as described in Annex E of the report;
- 6) it be noted that the risks and mitigating actions outlined in Annexes C, D and E of the report had been taken into account;
- 7) it be noted that where changes and/or savings cannot be achieved through deletion of vacant posts, Voluntary Redundancy or Voluntary Early Retirement then there may be a need for compulsory redundancies arising from a number of proposals outlined in the report that are subject to normal procedures; and
- 8) it be noted that the Cabinet had been made aware of the need to notify the Department of Business Innovation and Skills and Trade Unions to comply with statutory requirements regarding redundancies.

An **amendment** was moved by Councillor Booth, seconded by Councillor Brodie - Browne that resolution (5) of the Motion be amended to read as follows:

"approval be given to the proposals as described in Annex E of the report, subject to:

(a) the deferral of Option F1.2 (Grounds Maintenance – Recharging grounds maintenance / utility costs for adult football/sports users / bowlers) until the consultation process on Option F1.3 (Grounds Maintenance - Recharging grounds maintenance / utility costs for organised junior sports activities) is concluded and a report is submitted to the Council on the progress made by the Sefton Sports Connect Group; and

(b) the deferral of Option F1.4 (Cemeteries and Crematoria – Increase Burial and Cremation Charges) until further consultation can take place."

Councillor P. Dowd indicated that he **accepted** the amendment.

On a show of hands, the Mayor declared that the revised Motion was carried by 52 votes in support of the Motion and none against, with 12 abstentions and it was

RESOLVED: That

1) the work programme timetable contained in Annex A of the report be noted;

Annex B – Business efficiencies on which approval to progress immediately was sought

approval be given to the budget reductions, increased income targets and adjustments to the Medium Term Finances Plan as outlined in Annex B of the report and Officers be authorised to continue with engagement and implementation processes with partners, key stakeholders, employees and Trade Unions as appropriate with a view to achieving the agreed changes at the earliest opportunity;

Annex C – Internal consultation proposals on which approval to progress immediately was sought

 approval be given to the proposals as described in Annex C of the report;

Annex D – Integration proposals on which approval to progress immediately was sought

4) approval be given to the proposals as described in Annex D of the report;

Annex E – External consultation (information) proposals on which approval to progress as described was sought

- 5) approval be given to the proposals as described in Annex E of the report subject to:
 - (a) the deferral of Option F1.2 (Grounds Maintenance Recharging grounds maintenance / utility costs for adult football/sports users /bowlers) until the consultation process on Option F1.3 (Grounds Maintenance Recharging grounds maintenance / utility costs for organised junior sports activities) is concluded and a report is submitted to the

Council on the progress made by the Sefton Sports Connect Group; and

- (b) the deferral of Option F1.4 (Cemeteries and Crematoria Increase Burial and Cremation Charges) until further consultation can take place.
- 6) it be noted that the risks and mitigating actions outlined in Annexes C, D and E of the report had been taken into account;
- 7) it be noted that where changes and/or savings cannot be achieved through deletion of vacant posts, Voluntary Redundancy or Voluntary Early Retirement then there may be a need for compulsory redundancies arising from a number of proposals outlined in the report that are subject to normal procedures; and
- 8) it be noted that the Cabinet had been made aware of the need to notify the Department of Business Innovation and Skills and Trade Unions to comply with statutory requirements regarding redundancies

64. CAPITAL PROGRAMME - CONTAMINATED LAND CAPITAL PROJECT GRANT

Further to Minute No. 67 of the Cabinet meeting held on 11 October 2012, the Council considered the report of the Director of Built Environment on the award of grant funding of £30,803 from the Department for Environment, Food and Rural Affairs to undertake further investigations into potentially contaminated land within the Borough.

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

RESOLVED:

That approval be given to the inclusion of the grant funding of £30,803 in the Council's Capital Programme for 2012/13.

65. FINAL DRAFT REVISED STATEMENT OF GAMBLING LICENSING POLICY - GAMBLING ACT 2005

Further to Minute No. 20 of the meeting of the Licensing and Regulatory Committee held on 24 September 2012, the Council considered the report of the Director of Built Environment on the revised Statement of Gambling Licensing Policy which had been produced in accordance with Gambling Act 2005.

It was moved by Councillor Kerrigan, seconded by Councillor Robinson and

RESOLVED:

That the revised Statement of Gambling Licensing Policy be approved.

66. COUNCIL CONSTITUTION - URGENCY AND CALL-IN PROVISIONS

The Council considered the report of the Leader of the Council setting out the details of those matters dealt with in accordance with Rule 28 of the Access to Information Procedure Rules and Rule 46 of the Overview and Scrutiny Committee Procedure Rules set out in the Council Constitution.

The Leader of the Council, Councillor P. Dowd reported that the Cabinet meeting on 6 December 2012 had been cancelled and re-arranged to be held on 13 December 2012, commencing at 10.00 a.m. in Bootle Town Hall; and the venue for the Cabinet meeting on 17 January 2013 had been changed from Southport Town Hall to Bootle Town Hall. He also indicated that a future meeting of the Cabinet scheduled to be held at Bootle Town would be changed to Southport Town Hall in due course.

RESOLVED:

That the report and verbal report be noted.

67. MEMBERSHIP OF COMMITTEES 2012/13

It was proposed by Councillor Webster that the following changes be made to the Membership of the following Committees:

Overview and Scrutiny Committee (Health and Social Care)

Councillor Murphy to replace Councillor Killen as a Member of the Committee.

It was moved by Councillor Blackburn that the following change be made to the Membership of the following Committee

Overview and Scrutiny Committee (Performance and Corporate Services)

Councillor McGuire to replace Councillor Robertson as a Member of the Committee and Councillor Robertson to be the new Substitute Member for Councillor Ashton on the Committee

RESOLVED:

That the changes to the Membership of the Committees listed above be approved.

68. NOTICE OF MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON

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

"Sefton Council welcomes the clear commitment given by the Prime Minister not to introduce a Mansion Tax"

Following debate thereon, on a show of hands, the Mayor declared that the Motion was lost by 54 votes to 2 with 8 abstentions and it was

RESOLVED:

That no action be taken on the Motion.

69. NOTICE OF MOTION SUBMITTED BY COUNCILLOR WEAVERS

It was moved by Councillor Weavers, seconded by Councillor Maher and unanimously

RESOLVED:

The in accordance with Rule 84 of the Council and Committee Procedure Rules (Motions on Expenditure), the following Motion be referred to the Cabinet for consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision:

"This Council welcomes the appointment of consultants for a sustainable energy action plan for the Liverpool City Region.

The Council recognises that a sustainable energy action plan will be of immense importance for investment, businesses, jobs and the environment within Sefton.

This Council commits itself to implementing a sustainable energy action plan and notes that delaying the implementation of an action plan will cost jobs and money."

70. NOTICE OF MOTION FROM COUNCILLOR MCKINLEY

It was moved by Councillor McKinley, seconded by Councillor Gatherer: "Financial Malpractice:

This Council recognises that taxation is an investment that enables the public and private sectors ability to do business and that tax evasion and avoidance are dysfunctional for the workings of a healthy economy. We condemn unethical business practice such as tax evasion, tax avoidance through loopholes, the activities of the offshore secrecy industry and the international financial malpractice operated by multinational companies. These actions significantly contributed to the banking crisis and continue

to siphon millions of pounds in flight capital out of the UK economy each day. We believe such activities are immoral and little more than economic crimes against the citizens of the UK, furthermore, they contribute to the growing wealth of the undeserving rich at the expense of and the impoverishment of middle and lower income working people. The UK deficit could be significantly reduced if such financial malpractice could be controlled, this fact exposes the Coalition governments ideologically driven weapon of choice 'austerity' as little more than a convenient smokescreen to embed economic liberalism and reduce the size of the state. We call on national and local government to act to stop immoral financial malpractice.

We call on the National Government to:

Seek international agreement on cross border taxation and the control of multinational transfer pricing and support the European Union's initiatives to introduce a financial transactions tax;

Re- introduce legislation on Usury to prevent the charging of excessive rates of interest;

Introduce effective regulation of the financial services sector, including democratic control of the offshore industry and the activities of the City of London Corporation; and

Introduce an effective General Anti-Abuse Rule to prevent tax evasion and dysfunctional tax avoidance.

Sefton Council will:

Enhance /reaffirm its commitment to ethical business practice to include a more robust approach to the assessment of ethical business practice as part of the local implementation of social value/procurement legislation."

The Mayor indicated that the Motion in its current format, was one to which Rule 84 of the Council and Committee Procedure Rules (Motions on Expenditure) applied and if carried, it would need to be referred to the Cabinet for final consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision. If the Motion was amended and there are no financial implications arising from the Substantive Motion, it would not need to be referred to the Cabinet.

An **amendment** was moved by Councillor Papworth, seconded by Councillor Dutton that the Motion be amended by deleting the words "and support the European Union's initiatives to introduce a financial transactions tax" in the sub-paragraph following the statement headed: "we call on the National Government to."

On a show of hands, the Mayor declared that the amendment was **lost** by 50 votes to 9.

On a show of hands, the Mayor declared that the original Motion was carried by 32 votes to 8 with 18 abstentions and it was

RESOLVED:

The in accordance with Rule 84 of the Council and Committee Procedure Rules (Motions on Expenditure), the following Motion be referred to the Cabinet for consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision:

"Financial Malpractice:

This Council recognises that taxation is an investment that enables the public and private sectors ability to do business and that tax evasion and avoidance are dysfunctional for the workings of a healthy economy. We condemn unethical business practice such as tax evasion, tax avoidance through loopholes, the activities of the offshore secrecy industry and the international financial malpractice operated by multinational companies. These actions significantly contributed to the banking crisis and continue to siphon millions of pounds in flight capital out of the UK economy each day. We believe such activities are immoral and little more than economic crimes against the citizens of the UK, furthermore, they contribute to the growing wealth of the undeserving rich at the expense of and the impoverishment of middle and lower income working people. The UK deficit could be significantly reduced if such financial malpractice could be controlled, this fact exposes the Coalition governments ideologically driven weapon of choice 'austerity' as little more than a convenient smokescreen to embed economic liberalism and reduce the size of the state. We call on national and local government to act to stop immoral financial malpractice.

We call on the National Government to:

Seek international agreement on cross border taxation and the control of multinational transfer pricing and support the European Union's initiatives to introduce a financial transactions tax:

Re- introduce legislation on Usury to prevent the charging of excessive rates of interest;

Introduce effective regulation of the financial services sector, including democratic control of the offshore industry and the activities of the City of London Corporation; and

Introduce an effective General Anti-Abuse Rule to prevent tax evasion and dysfunctional tax avoidance.

Sefton Council will:

Enhance /reaffirm its commitment to ethical business practice to include a more robust approach to the assessment of ethical business practice as part of the local implementation of social value/procurement legislation."

71. NOTICE OF MOTION SUBMITTED BY COUNCILLOR PAPWORTH

It was moved by Councillor Papworth, seconded by Councillor Brodie – Browne and unanimously

RESOLVED:

The Council is pleased to note that a 'Military Covenant' for Sefton was signed on 18th May 2012, and that besides being among the first in the Country, our covenant successfully covers all the major points mentioned in the subsequent Royal British Legion publication on Best Practice in such matters.

The Council places on record its thanks to those whose efforts produced this encouraging start - Sefton Council for Voluntary Service and many others in the Voluntary Sector, numerous military officers, and of course, Sefton's own officers.

The Council recognises that the Covenant will always be a 'work-inprogress', needing up-dating to ensure that it meets current needs; in this connection the Council welcomes the Government's recent changes to Housing regulations, which will make it easier for demobilised Service people to gain priority access to local housing.

72. NOTICE OF MOTION SUBMITTED BY COUNCILLOR S. MCGUIRE

It was moved by Councillor S. McGuire, seconded by Councillor Preece:

"This Council notes the serious and damaging animal welfare and economic impact that Bovine TB has on British farming. This Council also notes with concern the considerable public and scientific opposition to the Government's proposals to pilot a badger cull.

The Council welcomes the decision to postpone the cull and urges the Government to re-evaluate the options - including vaccination.

The Council acknowledges scientific research that highlights the short-comings in the government's current proposals including a report by the Independent Scientific Group that concluded that, 'badger culling can make no meaningful contribution to cattle TB control in Britain."

Following a brief debate thereon, on a show of hands, the Mayor declared that the Motion was carried by 60 votes to 1 and it was

RESOLVED:

This Council notes the serious and damaging animal welfare and economic impact that Bovine TB has on British farming. This Council also notes with concern the considerable public and scientific opposition to the Government's proposals to pilot a badger cull.

The Council welcomes the decision to postpone the cull and urges the Government to re-evaluate the options - including vaccination.

The Council acknowledges scientific research that highlights the short-comings in the government's current proposals including a report by the Independent Scientific Group that concluded that, 'badger culling can make no meaningful contribution to cattle TB control in Britain.

73. NOTICE OF MOTION SUBMITTED BY COUNCILLOR BRODIE - BROWNE

It was moved by Councillor Brodie-Browne, seconded by Councillor Dawson:

"This Council notes

- (a) widespread media reports that Starbucks has paid no corporation tax in the UK, in the last three years despite last year having UK sales of £398m. Starbucks describe their UK business as "profitable" but paid nothing in corporation tax;
- (b) in comparison, the British company, Costa Coffee had sales of £377m and a corporation tax bill of £15m;
- (c) the widespread practice of multinational companies which minimise their exposure to UK taxation by manipulating their payments to subsidiaries located in tax havens; and
- (d) that many small, local, independent coffee shops pay their taxes in full.

The Council expresses support for the many local businesses which make full and fair tax payments every year and urges the Government to continue to extend its programme of measures designed to make all companies pay fair taxation based upon genuine profit levels

The Council urges citizens of the Borough of Sefton to support those enterprises which fulfil basic duties of corporate social responsibility and pay a proper level of tax."

Following debate thereon, on a show of hands, the Mayor declared that the Motion was carried by 50 votes to 10 with 1 abstention and it was

RESOLVED:

This Council notes

- (a) widespread media reports that Starbucks has paid no corporation tax in the UK, in the last three years despite last year having UK sales of £398m. Starbucks describe their UK business as "profitable" but paid nothing in corporation tax;
- (b) in comparison, the British company, Costa Coffee had sales of £377m and a corporation tax bill of £15m;

- (c) the widespread practice of multinational companies which minimise their exposure to UK taxation by manipulating their payments to subsidiaries located in tax havens; and
- (d) that many small, local, independent coffee shops pay their taxes in full.

The Council expresses support for the many local businesses which make full and fair tax payments every year and urges the Government to continue to extend its programme of measures designed to make all companies pay fair taxation based upon genuine profit levels

The Council urges citizens of the Borough of Sefton to support those enterprises which fulfil basic duties of corporate social responsibility and pay a proper level of tax.

74. NOTICE OF MOTION SUBMITTED BY COUNCILLOR ROBERTSON

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

"This Council congratulates Councillor Liam Robinson, Chair of Merseytravel, on establishing two Inquiries into concerns raised by Labour Party councillors and others about issues of governance at Merseytravel.

The Council notes that one Inquiry report has been published and one is about to be published.

The Council urges the Merseyside Integrated Transport Authority to carry out all the recommendations in the reports."

Following debate thereon, on a show of hands, the Mayor declared that the Motion was lost by 42 votes to 19.

RESOLVED:

That no action be taken on the Motion.