

**COUNCIL**

**MEETING HELD AT THE TOWN HALL, SOUTHPORT  
ON THURSDAY 21ST NOVEMBER, 2013**

PRESENT: The Mayor Councillor M. Fearn (in the Chair)  
The Deputy Chair, Councillor K. Cluskey, (Vice  
Chair)

Councillors Ashton, Atkinson, Ball, Bennett,  
Blackburn, Booth, Brennan, Brodie - Browne, Byrom,  
Carr, L. Cluskey, Crabtree, Cummins, Cuthbertson,  
Dawson, Dodd, P. Dowd, Fairclough, Lord Fearn,  
Friel, Gatherer, Hardy, Hands, Hartill, Hubbard,  
Jones, Keith, John Kelly, John Joseph Kelly,  
Kermode, Kerrigan, Killen, Lappin, P. Maguire,  
Maher, McGinnity, McIvor, McKinley, Moncur,  
Murphy, Page, Papworth, Preece, Rimmer, Roberts,  
Robertson, Robinson, Roche, Shaw, Sumner,  
Tweed, Veidman, Weavers and Webster

**52. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Booth, Bradshaw, Dorgan, M. Dowd, Dutton, Mahon, McGuire, Tonkiss, Sir Ron Watson and Welsh.

**53. DECLARATIONS OF INTEREST**

Councillor Killen declared a disclosable pecuniary interest in Minute No. 60 (Public Health Annual Report 2013) as she is employed by BreastStart and she left the Council Chamber during consideration of the item.

**54. MINUTES OF PREVIOUS MEETINGS**

RESOLVED:

That the minutes of the Ordinary Council meeting held on 5 September 2013 and the Extraordinary Council meeting held on 27 September 2013 be approved as a correct record.

**55. MAYOR'S COMMUNICATIONS**

Remembrance Sunday – 10 November 2013

The Mayor extended her thanks and appreciation to all the Members of the Council, officers, the Royal British Legion, Ex-Service Organisations and

members of the Public who attended the various Remembrance Sunday events held throughout the Borough, which were all extremely well-attended.

### Foodbanks

The Mayor stated that as we approached the joy of the Christmas period, we should also recognise that Christmas could be a very challenging time for families. These challenges had particularly been seen through the network of Foodbanks across Sefton. At this time of year the Foodbanks would be covering an extended period of support for families, so the Mayor asked Members to use the next few weeks to join with staff of the Council, as well as partners, in making a special effort through donations of food to ensure our Foodbanks had sufficient supply to support families in need over the current period, and particularly as we celebrate Christmas. All Members should have received an information leaflet on South Sefton Foodbank Festive Fridays; and whilst there were four Foodbanks covering the Borough, South Sefton Foodbank had seen the greatest demand giving out an average of one tonne of food per week. The Mayor encouraged every Member to support the Foodbank Festive Fridays appeal and in particular through donating UHT milk and juice as detailed in the information leaflet.

The Mayor also took the opportunity to say thank you at this time of year to the 250 volunteers who gave up their time to support the four Foodbanks and their many distribution points.

### Toy Appeal

The Mayor urged Members to make donations to her Christmas Toy Appeal for Sefton's children that would be launched on 25 November 2013. Donations could be left at Bootle and Southport Town Halls.

## **56. NOTICE OF MOTION SUBMITTED BY COUNCILLOR P. DOWD**

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

RESOLVED:

That the Council:

1. places on record its appreciation of the outstanding work of Sefton's Young Advisors in supporting the voice of young people across the Borough.
2. expresses its congratulations on their very many achievements, including their recognition through national awards for their innovative approaches to youth participation; and

3. wishes every success to the Young Advisors in their future ventures.

Following the above resolution, the Mayor presented representatives of the Young Advisors with a commemorative certificate, on behalf of the Council, in recognition of their services to young people in Sefton.

#### **57. MATTERS RAISED BY THE PUBLIC**

The Mayor reported that no matters had been raised by Members of the Public.

#### **58. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL**

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

- Councillor Sir Ron Watson, to the Cabinet Member – Regeneration and Tourism (Councillor Maher)
- Councillor Crabtree to the Leader of the Council – (Councillor P. Dowd)
- Councillor Papworth, to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Robertson to the Leader of the Council – (Councillor P. Dowd)
- Councillor Dawson, to the Cabinet Member – Performance and Corporate Services (Councillor Tweed)
- Councillor Dawson, to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Dawson, to the Cabinet Member – Communities and Environment (Councillor Hardy)
- Councillor Jones, to the Chair of the Planning Committee (Councillor Veidman)
- Councillor Jones to the Leader of the Council – (Councillor P. Dowd)

together with the responses given. Supplementary questions were asked and responded to by the Leader of the Council, the Cabinet Member – Performance and Corporate Services and the Chair of the Planning Committee.

**59. DERBY WARD BY - ELECTION RESULT**

The Council considered the report of the Chief Executive and Returning Officer on the results of the Derby Ward By - Election held on 7 November 2013 and the Mayor extended a welcome to Councillor Anne Thompson, who was attending her first Council meeting following her election to the Council.

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

RESOLVED:

That the report be noted.

**60. PUBLIC HEALTH ANNUAL REPORT 2013**

The Council considered the statutory annual report of the Director of Public Health which highlighted the progress made in improving health and the health issues facing the population of Sefton. The report provided details of the work that the Public Health Team was undertaking with colleagues across the Council and Partner Organisations linked to the four domains of the Public Health Outcomes Framework:

- Wider determinants
- Health improvement
- Health protection
- Healthcare

The report also indicated that in accordance with the Health and Social Care Act 2012, the Council had taken on the overall responsibility for protecting and improving the health of the population of Sefton with effect from 1 April 2013.

It was moved by Councillor Moncur, seconded by Councillor Cummins:

That the report be received and approval be given to its publication.

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

“and

2. approval be given for the Council to sign up to the Local Authorities' Mental Health Challenge run by the Centre for Mental Health, the Mental Health Foundation, Mind, Rethink Mental Illness, the Royal College of Psychiatrists and YoungMinds.”

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

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

RESOLVED:

That:

1. the report be received and approval be given to its publication; and
2. approval be given for the Council to sign up to the Local Authorities' Mental Health Challenge run by the Centre for Mental Health, the Mental Health Foundation, Mind, Rethink Mental Illness, the Royal College of Psychiatrists and YoungMinds.

#### **61. CAPITAL ALLOCATIONS 2013/14**

Further to Minute No.61 of the meeting of the Cabinet held on 7 November 2013, the Council considered the report of the Head of Corporate Finance and ICT which provided details of the latest capital projects that had been recommended for inclusion within the Capital Investment Plan for 2013/14 by the Strategic Capital Investment Group. The report also provided details of a proposal for the Council to grant delegated authority to the Cabinet to approve self financing schemes for inclusion in the Capital Investment Plan.

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

RESOLVED:

That:

- (1) approval be given the inclusion of the schemes detailed in paragraphs 2 to 6 of the report, within the Capital Investment Plan for 2013/14; and
- (2) the Cabinet be given delegated authority to approve self financing schemes for inclusion in the Capital Investment Plan as detailed in paragraph 9 of the report.

#### **62. FINAL DRAFT REVISED STATEMENT OF LICENSING POLICY - LICENSING ACT 2003**

Further to Minute No. 5 of the Licensing and Regulatory Committee held on 23 September 2013, the Council considered the report of the Director of Built Environment on the revised Statement of Licensing Policy which had been produced in accordance with the Licensing Act 2003.

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

RESOLVED:

That the revised Statement of Licensing Policy, as set out in Annex 1 of the report be approved.

**63. DESIGNATION OF FURTHER STREETS UNDER THE COUNTY OF MERSEYSIDE ACT 1980**

Further to Minute No. 8 of the meeting of the Licensing and Regulatory (Urgent Referrals) Committee held on 6 November 2013, the Council considered the report of the Director of Built Environment on a proposal for the designation of two additional areas at Ormskirk Road between Park Lane and Copy Lane; and Park Lane from its junction with Ormskirk Road to the railway bridge, where street trading should be prohibited under the County of Merseyside Act 1980 in order to address the problems of ticket touts at the Grand National Meetings in Aintree.

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

RESOLVED:

That:

- (1) approval be given to the designation of those areas referred to in Annex 1 of the report under Section 36 of the County of Merseyside Act 1980 for where street trading is prohibited; and
- (2) the Head of Corporate Legal Services be authorised to arrange for the publication of the Council's proposals and be appointed as the proper officer of the Council for the receipt of any objections received.

**64. RE-ADOPTION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Further to Minute No. 9 of the meeting of the Licensing and Regulatory (Urgent Referrals) Committee held on 6 November 2013 and Minute No. 62 of the Cabinet held on 7 November 2013, the Council considered the report of the Director of Built Environment which provided details of a proposal to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Sefton, with regard to the licensing of private hire and hackney carriages, drivers and operators.

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

RESOLVED:

That:

- (1) the Head of Corporate Legal Services be authorised to provide notice, in accordance with Section 45 of Part II of the Local Government (Miscellaneous Provisions) Act 1976, ('the Act') of the Council's intention to pass a resolution to re-adopt the provisions of Part II of the Act in relation to the Council's administrative area, with effect from 7 February 2014, subject to no adverse comments being received in relation to that notice; and
- (2) if such adverse comments are received, this matter be referred back to the Licensing and Regulatory Committee and the Council be advised accordingly.

**65. AMENDMENT TO CABINET MEMBER PORTFOLIOS**

The Council considered the report of the Director of Corporate Services which indicated that the Leader of the Council had made amendments to the delegated executive functions of the Cabinet Member for Communities and Environment and the Cabinet Member for Transportation by transferring the responsibility for security issues within the remit of the Head of Direct Services from the Cabinet Member for Transportation to the Cabinet Member for Communities and Environment.

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

RESOLVED:

That:

- (1) the changes to the portfolios of the Cabinet Member for Communities and Environment and the Cabinet Member for Transportation be noted; and
- (2) Chapter 5 of the Constitution be amended accordingly.

**66. MEMBERSHIP OF COMMITTEES 2013/14**

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

- Councillor Thompson to replace Councillor P. Maguire as a member of the Overview and Scrutiny Committee (Performance and Corporate Services)
- Councillor Thompson to replace Councillor McGinnity as the substitute member for Councillor P. Maguire on the Overview and Scrutiny Committee (Regeneration and Environmental Services)

It was then proposed by Councillor Blackburn that the following changes be made to the membership of Committees:

- Councillor Weavers to replace Councillor Dawson as the substitute member for Councillor Booth on the Planning Committee
- Councillor Dawson to replace Councillor Weavers as the substitute member for Councillor Dodd on the Planning Committee

RESOLVED:

That the changes to the membership of the Committees be approved.

**67. NOTICE OF MOTION SUBMITTED BY COUNCILLOR JONES**

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

“That the Council:

1. recognises the devastating effect the disgraceful and cowardly act of trolling can have on individuals or their close relatives;
2. notes the concerns of the public expressed in recent research conducted by Kantar where 85% of those surveyed believed there needs to be new legislation to deal with the issue of trolling and stronger rules be introduced to govern it; and
3. requests the Government to amend legislation to ensure that:
  - (i) someone who has been proved to have taken part in trolling not be allowed to stand for election as a councillor; and
  - (ii) an elected member be removed from their position if proved to have taken part in trolling.”

An Amendment was moved by Councillor Brodie-Browne, seconded by Councillor Weavers that the Motion be amended by:

1. In paragraph 1, the addition of the word "malicious" before "trolling" and after "trolling" the insertion of "/cyberbullying as defined by the Malicious Communications Act 1988";
2. In paragraph 2, the addition of the word "malicious" before "trolling" and after "trolling" the insertion of "/cyberbullying"; and
3. The deletion of paragraph 3.

Following debate thereon Councillor Brodie-Browne agreed to delete Paragraph 3 of his amendment, providing that Paragraph 3 of Councillor Jones's Motion was amended by the substitution of the word "trolling" in (i) and (ii) with the words "trolling/cyberbullying".



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

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

RESOLVED:

That the Council:

1. recognises the devastating effect the disgraceful and cowardly act of malicious trolling/cyberbullying, as defined by the Malicious Communications Act 1988 can have on individuals or their close relatives;
2. notes the concerns of the public expressed in recent research conducted by Kantar where 85% of those surveyed believed there needs to be new legislation to deal with the issue of malicious trolling/cyberbullying and stronger rules be introduced to govern it; and
3. requests the Government to amend legislation to ensure that:
  - (i) someone who has been proved to have taken part in trolling/cyberbullying not be allowed to stand for election as a Councillor; and
  - (ii) an elected member be removed from their position if proved to have taken part in trolling/cyberbullying.

#### **68. NOTICE OF MOTION SUBMITTED BY COUNCILLOR JONES**

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

“That this Council writes to the Government to request that:

1. The emphasis of the National Planning Policy Framework is amended so that there is not such a strong presumption in favour of development and that there is more emphasis on protecting residential amenity;
2. The Government reconsider the direction of travel with regard to control of development so that local planning authorities have a greater degree of control through formal consents; and
3. Councils have a greater degree of freedom to refuse those developments which have a detrimental effect on residential amenity.”

Following debate thereon, on a show of hands, the Mayor declared that the Motion was lost by 33 votes to 21.

RESOLVED:

That no action be taken on the Motion.

**69. NOTICE OF MOTION SUBMITTED BY COUNCILLOR ROCHE**

It was moved by Councillor Roche and seconded by Councillor Veidman and unanimously

RESOLVED:

That the Council instructs Sefton MBC Highways Department to do everything possible to ensure that for any future development in Sefton, the highway plan for “Shared-Space” schemes will include a clearly defined and raised pavement with no less than 60mm kerb and other mitigating measures to ensure the safety of pedestrians, especially those with disabilities and importantly for those with visual impairment.