

COUNCIL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON THURSDAY 24TH JULY, 2014**

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

Councillors Atkinson, Ball, David Barton,
Maria Bennett, Veronica Bennett, Booth, Bradshaw,
Brodie - Browne, Burns, Byrom, Carr, Crabtree,
Cummins, Dams, Dawson, Dodd, Mark Dowd,
Peter Dowd, Dutton, Lord Fearn, Friel, Gatherer,
Grace, Hands, Hardy, Hartill, Jones, Keith,
John Kelly, John Joseph Kelly, Kermode, Kerrigan,
Killen, Lappin, Lewis, P. Maguire, Mahon, McGinnity,
McKinley, O'Brien, Owens, Page, Papworth, Preece,
Roberts, Robertson, Robinson, Roche, Shaw,
Tweed, Veidman, Weavers, Webster and Welsh

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ashton, Jo Barton, Brennan, Cuthbertson, Fairclough, Maureen Fearn, Maher, Sue McGuire, Moncur, Murphy and Thompson.

22. DECLARATIONS OF INTEREST

No declarations of interest were received.

23. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the Minutes of the Annual Council Meeting held on 29 May 2014 and the Adjourned Annual Council Meeting held on 3 June 2014 be approved as a correct record.

24. MAYOR'S COMMUNICATIONS

Cian Brennan

The Mayor reported with great sadness that Councillor Brennan's grandson 'Cian' was born on Friday, 27 June 2014 but tragically died on Sunday, 29 June 2014. Cian's funeral had been held on Wednesday, 22 July 2014.

The Mayor commented that the Council's thoughts were with Councillor Brennan and his family at this difficult time and although no words can really help to ease the loss they bear, they were in our thoughts at this sad time. The Mayor also reported that he had sent a letter to Councillor Brennan on behalf of the Council extending deepest condolences.

Susan Ashton

The Mayor reported that Councillor Ashton's wife, Susan was recently admitted to the Walton Centre, Liverpool, but very pleasingly she had been discharged from hospital last Thursday and was now recovering at home under the supervision of the Community Neuro Team.

The Mayor reported that he had sent a letter to Councillor Ashton on behalf of the Council, extending best wishes to Susan for a speedy recovery.

Councillor Andy Dams

The Mayor reported that Councillor Andy Dams was elected to the Council at the Elections held in May 2014, but he had been on holiday when the last Council meeting was held. The Mayor extended a warm welcome to Councillor Dams and asked him to stand up in order to introduce himself to the other Members of the Council.

25. MATTERS RAISED BY THE PUBLIC

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

26. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

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

- Councillor Dawson to the Cabinet Member – Communities and Environment (Councillor Hardy) – 7 questions
- Councillor Dawson to the Cabinet Member – Regeneration and Tourism (Councillor Maher)
- Councillor Dawson to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Papworth to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Booth to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)

together with the responses given. One supplementary question was responded to by the Cabinet Member – Communities and Environment.

27. MEMBERSHIP OF COMMITTEES 2014/15

The Council considered the report of the Director of Corporate Services which indicated that Councillor Crabtree had given notice that he no longer wished to be a Member of the Conservative Group and he formally became a Member of the Labour Group from 19 June 2014. This had changed the political balance on the Council and following a request from Councillor P. Dowd, Leader of the Labour Group, a re-calculation of the entitlement to formal Committee places had been undertaken which resulted in the Labour Group gaining one place on the Planning Committee and the Conservative Group losing one place on that Committee.

Councillor Webster proposed that Councillor Crabtree be appointed on to the Planning Committee with Councillor Robinson as his Substitute Member; and Councillor Hartill reported that he would be relinquishing his place on the Planning Committee now that the Conservative Group had lost one place on that Committee.

Other Committee Changes

It was proposed by Councillor Webster that Councillor Dams replace Councillor Robinson as the Substitute Member for Councillor Gatherer on the Overview and Scrutiny Committee (Regeneration and Environmental Services).

It was proposed by Councillor Hartill that the following changes be made to the Committees indicated:

- Councillor Ball to replace Councillor Crabtree as a Substitute Member for Councillor David Barton on the Overview and Scrutiny Committee (Health and Social Care);
- Councillor Hartill to replace Councillor Dutton as a Member of the Overview and Scrutiny Committee (Regeneration and Environmental Services) and Councillor Jones to remain as the Substitute Member.
- Councillor Hartill to replace Councillor Crabtree as a Member of the Pay and Grading Committee; and
- Councillor Ball to replace Councillor Crabtree as a Member of the Joint Consultative Committee for Teaching Staffs and Councillor Dutton to be the Substitute Member.

It was proposed by Councillor Hands that the following changes be made to the Committees indicated:

- Councillor Hands to replace Councillor Ashton on the Licensing and Regulatory Committee;
- Councillor Weavers to replace Councillor Dawson as the Substitute Member for Councillor Maureen Fearn on the Planning Committee; and
- Councillor Preece to replace Councillor Shaw as the Substitute Member for Councillor Robertson on the Planning Committee.

Liverpool City Region Combined Authority Scrutiny Panel

Councillor Webster reported that Councillors Mark Dowd and Lappin would be appointed as the Council's two representatives on the Liverpool City Region Combined Authority Scrutiny Panel and Councillor Hands reported that Councillor Preece had been appointed to represent the Liberal Democrat Group collectively across the Liverpool City Region on the Combined Authority Scrutiny Panel.

RESOLVED:

That:

- (1) the changes to the Membership of Committees set out above be approved; and
- (2) the appointments to the Liverpool City Region on the Combined Authority Scrutiny Panel set out above be noted.

28. CAPITAL SCHEME APPROVALS 2014/15

Further to Minute No.10 of the Cabinet meeting held on 17 July 2014, 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 2014/15 by the Cabinet and the Strategic Capital Investment Group.

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

RESOLVED:

That:

- (1) approval be given to the scheme to relocate Air Quality Monitoring Equipment from the land at Hemans Street and Rimrose Road at a cost of £15,000 being funded from capital receipts as detailed in paragraph 2 of the report; and
- (2) approval be given to revenue trajectory funding of £549,000 being capitalised to undertake capital work to provide additional places for early education for 2 year olds as detailed in paragraph 3 of the report.

29. OVERVIEW AND SCRUTINY ANNUAL REPORT 2013/14

The Council considered the Overview and Scrutiny Annual Report for 2013/14 and Councillors McGinnity, Bradshaw, Page and McKinley highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2013/14.

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

RESOLVED:

That the Overview and Scrutiny Annual Report 2013/14 be noted.

30. NOTICE OF MOTION SUBMITTED BY COUNCILLOR HARTILL

It was moved by Councillor Hartill, seconded by Councillor Dutton:

“The Council understands that Fracking is the drilling technique where high pressure fluids are forced into the ground as a means of extracting fossil and geothermal fuels such as shale gas.

The Council is aware that:

- There are currently many environmental concerns associated with Fracking. These concerns include worries that the Fracking process can cause small earth tremors.
- There is believed to be a great deal of shale gas and oil under the Sefton Coastline and this will no doubt become a target area for drilling companies.
- At this time, the law of “Trespass” protects home owners from Fracking being carried out under built up areas. This is because people and businesses own the land under their properties from the surface down to the earth’s core.
- The Department of Energy and Climate Change are currently carrying out consultation with a view to introducing new legislation that will allow energy companies to carry out Fracking activities below 300 metres in built up areas, without the permission of the owners of the land above.

The Council believe that to suggest such a change in law is a huge breach of civil trust and may even contravene the Human Rights Act regarding the peaceful enjoyment of property and the right to a peaceful life.

The Council requests the Chief Executive to:

1. Write to the Department of Energy and Climate Change (DECC) and inform them that the Council does not support, and in fact strongly opposes, the proposed changes to the Trespass Law; and
2. Inform the DECC that the Council, as mineral planning authority, is likely to require any potential applicant, who is seeking planning permission to carry out Fracking operations within Sefton, to submit an Environmental Impact Assessment which assesses the potential risk to people, plants, animals, soil, water, climate, landscape, architectural and archaeological heritage.”

An Amendment was moved by Councillor Brodie – Browne, seconded by Councillor Shaw that the Motion be amended as follows:

“In line 6 (first bullet point), delete “currently.”

In line 7 (first bullet point), after “associated with Fracking”, insert “drawing mainly on the recent experience in the poorly-regulated deployment of this technology in shallow strata in the USA.”

In line 8 (first bullet point), delete “small.”

Lines 12 – 25: delete third and fourth bullet points and also the following paragraph i.e. “The Council believes ...”, and replace the text with:

The Council believes that, in relation to Fracking, the precautionary principle should apply, and accordingly that no Fracking should be undertaken until it has been shown that:

- (i) Regulations controlling pollution of water, methane gas emissions, sustainable use of water, monitoring of seismic activity and protecting local environmental quality are adequate and are strictly enforced.
- (ii) Methane emissions are properly monitored and accounted for in the UK’s carbon register so that the legal limits on greenhouse gas emissions in the UK’s carbon budgets are kept to.

Lines 27 – 30: delete point 1, so that final paragraph reads: “The Council requests the Chief Executive to inform the Department of Energy and Climate Change (DECC) that the Council, as mineral planning authority...”

During the debate on the amendment, the Leader of the Council, Councillor P. Dowd requested that the Motion and the Amendment be withdrawn and that an all-party Working Group be appointed to consider the implications set out in the Motion and Amendment in more detail and submit their findings to the Cabinet for consideration in due course and that the membership and terms of reference for the Working Group be determined in the near future.

Councillors Hartill and Brodie – Browne agreed to withdraw their Motion and Amendment respectively on the understanding that the Working Group be established.

31. NOTICE OF MOTION SUBMITTED BY COUNCILLOR ROBERTSON

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

“That the Council welcomes the publication of the Draft Liverpool City Region Long Term Rail Strategy but is concerned that the Southport - Wigan - Manchester line, which supports commuter travel for Sefton residents living in the north of the Borough, who work in Manchester and the tourist trade/economy in Formby/Southport/North Sefton, is omitted from the report.

The Council calls upon the Liverpool City Region Combined Authority to include this line, and the development and promotion of it, in the final draft of the strategy.

All options to upgrade this line need to be fully considered within the strategy and should include:

- Renewal of outdated/inappropriate rolling stock
- Increased passenger/train capacity
- A potential new park and ride station at Kew
- Electrification
- Adoption of Meols Cop Station by Merseytravel
- Connectivity with the Ormskirk - Preston line

The benefits that could flow from including this line within the final City Region Long Term Rail Strategy will support the north of the Borough and help sustain Sefton's tourist economy. It will also ensure that the north of the Liverpool City Region is well connected to West Lancashire, Preston and Manchester City Region by rail.”

An Amendment was moved by Councillor Friel, seconded by Councillor Kermode that the Motion be amended by the insertion of the following text after the second paragraph of the Motion:

“Equally the Council congratulates the Leader of this Council, Councillor Peter Dowd, for raising this issue at the meeting of the Combined Authority on 13 June 2014 and gaining assurances from Merseytravel representatives there, that the Southport - Wigan - Manchester line would be positively included in the final version of the Liverpool City Region Long Term Rail Strategy.”

The amendment was accepted by Councillor Robertson and on a show of hands, the Mayor declared that the amended Motion was carried unanimously and it was

RESOLVED:

That the Council welcomes the publication of the Draft Liverpool City Region Long Term Rail Strategy but is concerned that the Southport - Wigan - Manchester line, which supports commuter travel for Sefton residents living in the north of the Borough, who work in Manchester and the tourist trade/economy in Formby/Southport/North Sefton, is omitted from the report.

The Council calls upon the Liverpool City Region Combined Authority to include this line, and the development and promotion of it, in the final draft of the strategy.

Equally the Council congratulates the Leader of this Council, Councillor Peter Dowd, for raising this issue at the meeting of the Combined Authority on 13 June 2014 and gaining assurances from Merseytravel representatives there, that the Southport - Wigan - Manchester line would be positively included in the final version of the Liverpool City Region Long Term Rail Strategy.

All options to upgrade this line need to be fully considered within the strategy and should include:

- Renewal of outdated/inappropriate rolling stock
- Increased passenger/train capacity
- A potential new park and ride station at Kew
- Electrification
- Adoption of Meols Cop Station by Merseytravel
- Connectivity with the Ormskirk - Preston line

The benefits that could flow from including this line within the final City Region Long Term Rail Strategy will support the north of the Borough and help sustain Sefton's tourist economy. It will also ensure that the north of the Liverpool City Region is well connected to West Lancashire, Preston and Manchester City Region by rail.

32. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MARIA BENNETT

Councillor Maria Bennett indicated that she wished to withdraw the following Motion from consideration at the meeting:

“That the Council encourages all contractors, when working in the Borough of Sefton, to be aware of the needs of its neighbours and the environment and to respect these.”

33. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MAHON

It was moved by Councillor Mahon, seconded by Councillor Veidman and unanimously

RESOLVED:

That this Council:

Calls on the Secretary of State for Communities and Local Government, Mr. Eric Pickles M.P., to examine the changes the coalition Government has made to this country's planning system to see if they are working for the benefit of the communities. Some of the issues are detailed below.

The National Planning Policy Framework

There is a body of opinion that sees this as a 'Developers Charter' where the rules have shifted in favour of allowing much more development.

Prior Notifications

Several kinds of developments can now progress without the need for full application and full assessment of impacts. In most cases these don't include highway issues and ignore issues that many residents may be concerned about.

Types of development covered by these changes include large house extensions, changes between different uses, changes of agricultural buildings to many other uses like hotels etc. Councils still need to determine these prior notifications, in many instances with no fee and with reduced timescales for decision making.

Changes to the Use Classes Orders

Now a much wider range of uses than ever can change to another use without the need for planning permission.

These include shops to residential – what will this mean for our town centres? Restaurants to offices, shops to building societies or credit unions. These are only a small number of the changes of use that are now possible without needing planning permission.

Localism Act – Neighbourhood Planning and Community Right to Bid

Neighbourhood Planning could be a positive tool to support our own local plans. The process has been designed so that communities can help plan their local areas, but only if they accept the same, or more, development than our own Local Plan.

Community Right to Bid – this is in danger of becoming a tool to stall development proposals for many months when key assets come up for

sale. This does not provide certainty and speed for new developments – it provides the opposite.

Abolition of Regional Planning

This was intended to bring more effective local decision making through the removal of a whole regional tier of control and influence in strategic planning. This has resulted in each local authority now having to prepare their own evidence and their own estimates about how many houses they need to build in their area. This has, in effect, introduced a huge new area of controversy and uncertainty for councils.