

COUNCIL

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 25 SEPTEMBER 2014**

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

Councillors M. Fearn, Atkinson, Ball, David Barton, Jo Barton, Maria Bennett, Veronica Bennett, Bradshaw, Brodie - Browne, Burns, Byrom, Carr, Crabtree, Cummins, Cuthbertson, Dams, Dawson, Mark Dowd, Peter Dowd, Dutton, Fairclough, Lord Fearn, Gatherer, Grace, Hartill, Jones, Keith, John Kelly, John Joseph Kelly, Kermode, Killen, Lappin, Lewis, P. Maguire, Maher, Mahon, McGinnity, S. McGuire, McKinley, Moncur, Murphy, O'Brien, Owens, Page, Roberts, Robertson, Robinson, Roche, Shaw, Veidman, Weavers, Webster and Welsh

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ashton, Booth, Brennan, Dodd, Friel, Hands, Hardy, Kerrigan, Papworth, Preece, Thompson and Tweed.

35. DECLARATIONS OF INTEREST

No declarations of interest were received.

36. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meeting held on 24 July 2014 be approved as a correct record.

37. PRESENTATION OF LONG SERVICE AWARD TO SIR RON WATSON CBE

The Mayor presented a framed Long Service Award Certificate to Sir Ron Watson, CBE in recognition of his long and dedicated service to the Council, as a Member of Sefton Council for 40 years from 1973 to 1991 and 1992 to 2014.

Sir Ron Watson expressed his thanks to the Mayor for the award and his appreciation to Members of the Council and Officers for their support and friendship, during his long service on the Council.

38. MAYOR'S COMMUNICATIONS

The Mayor referred to the recent civic visit to the twin – town of Mons in Belgium to commemorate the 50th anniversary of twinning.

The Mayor also referred to the recent presentation of a cheque for £6,805 to the Mayoral Charity Fund by the Institute of Cemetery and Crematorium Management.

39. MATTERS RAISED BY THE PUBLIC

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

40. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

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

- Councillor Brodie – Browne to the Council's Spokesperson on the Liverpool City Region Combined Authority Merseytravel Committee (Councillor Friel)
- Councillor Weavers to the Leader of the Council (Councillor P. Dowd)
- Councillor Robertson to the Leader of the Council (Councillor P. Dowd)
- Councillor Hands to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Brodie – Browne to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)

together with the responses given. A supplementary question was responded to by the Cabinet Member – Children, Schools, Families and Leisure.

41. DEPARTMENT FOR TRANSPORT POTHOLE FUND

Further to Minute No. 20 of the meeting of the Cabinet held on 11 September 2014, the Council considered the report of the Director of Built Environment which sought approval to the inclusion of the £380,965 allocated to Sefton from the Department of Transport 'Pothole Fund', in the Councils 2014/15 Capital programme.

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

RESOLVED:

That approval be given to the Department for Transport Pothole Fund allocation of £380,965 being incorporated into the Council's Capital Programme for 2014/15.

42. PROPOSED AMENDMENTS TO THE CONSTITUTION

Further to Minute No. 24 of the meeting of the Overview and Scrutiny Committee (Health and Social Care) held on 2 September 2014 and Minute No's. 13 and 21 of the meeting of the Audit and Governance Committee held on 10 September 2014, the Council considered the report of the Director of Corporate Services on proposed amendments to the Constitution following the publication of Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and the Openness of Local Government Bodies Regulations 2014.

It was moved by Councillor Roberts, seconded by Councillor Mahon and

RESOLVED:

That approval be given to the following amendments being made to the Council's Constitution:

1. The text set out in Appendix A to the report to be added to the terms of reference for the Overview and Scrutiny Committee (Health and Social Care) in Chapter 6 of the Constitution.
2. The function to allow the full Council to formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals be added to Chapter 4 of the Constitution.
3. The text set out in paragraph 4.5 of the report to be added to Chapter 4 of the Constitution in light of the Openness of Local Government Bodies Regulations 2014/2095.

43. COUNCIL CONSTITUTION - CALL-IN AND URGENCY PROVISIONS

The Council considered the report of the Leader of the Council setting out the details of those urgent matters dealt with in accordance with Rule 46 of the Overview and Scrutiny Committee Procedure Rules and Rule 27 of the Access to Information Procedure Rules in Chapters 6 and 12 of the Council Constitution.

RESOLVED:

That the report be noted.

44. MEMBERSHIP OF COMMITTEES 2014/15

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

- Councillor Jones to replace Councillor Papworth as a Member of the Audit and Governance Committee and Councillor Dutton to be the Substitute Member.
- Councillor Hartill to replace Councillor Papworth as a Member of the Licensing and Regulatory Committee.
- Councillor Ball to replace Councillor Papworth as a Member of the Local Joint Consultative Committee and Councillor David Barton to be the Substitute Member.
- Councillor Papworth to be removed from the Central Sefton Area Committee
- Councillor Hartill to replace Councillor Jones as a Substitute Member for Councillor Dutton on the Planning Committee

RESOLVED:

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

45. NOTICE OF MOTION SUBMITTED BY COUNCILLOR LEWIS

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

“(1) The Council notes:

- It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.
- The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world’s tax havens in the British Overseas Territories and Crown Dependencies.
- The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.

(2) The Council believes:

- As a local authority we have a duty to provide the best possible public services.
 - Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
 - All who benefit from public spending should contribute their fair share; and
 - The UK must take a lead role in creating a fairer tax system and combatting tax dodging.
- (3) The Council resolves to support the Campaign for Tax Justice, supporting the following motion:

“While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK Government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.”

An amendment was moved by Councillor McKinley, seconded by Councillor Maher that the Motion be amended by the addition of the following text at the end of the Motion:

“(4) This Council:

- Welcomes the commitment from the Labour Party to reduce tax fraud by £1 billion to contribute to protecting and developing the NHS; and
- Calls on the Government to introduce a General Anti-Tax Avoidance Principle to expand the scope of the current General Anti-Abuse Rule to cover tax avoidance, whether domestic or international, and secondly, by providing an objective test for what is and is not within the scope of the measure, provide a principles based approach to tackling this issue to remove the deeply subjective elements of the Rule that in practice makes it almost impossible to use.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was carried by 35 votes to 18 with one abstention.

Thereafter, on a show of hands, the Mayor declared that the Substantive Motion was carried by 45 votes to none with seven abstentions and it was

RESOLVED:

That:

(1) The Council notes:

- It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.
- The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world's tax havens in the British Overseas Territories and Crown Dependencies.
- The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.

(2) The Council believes:

- As a local authority we have a duty to provide the best possible public services.
- Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
- All who benefit from public spending should contribute their fair share; and
- The UK must take a lead role in creating a fairer tax system and combatting tax dodging.

(3) The Council resolves to support the Campaign for Tax Justice, supporting the following motion:

“While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK Government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.

(4) The Council:

- Welcomes the commitment from the Labour Party to reduce tax fraud by £1 billion to contribute to protecting and developing the NHS; and
- Calls on the Government to introduce a General Anti-Tax Avoidance Principle to expand the scope of the current General Anti-Abuse Rule to cover tax avoidance, whether domestic or international, and secondly, by providing an objective test for what is and is not within the scope of the measure, provide a principles based approach to tackling this issue to remove the deeply subjective elements of the Rule that in practice makes it almost impossible to use.

46. NOTICE OF MOTION SUBMITTED BY COUNCILLOR KEITH

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

“(1) The Council notes that:

- In Sefton 41.5% of the population is over 50 and this number is projected to rise.
- There are 24,800 people over 75 in Sefton.
- Southport has successfully met the foundation criteria for dementia - friendly communities.
- Current national and local planning policies do not require developers of elderly friendly homes to carry out an assessment of how dementia friendly their new developments are.
- The Alzheimer's Society estimates that Dementia costs the UK £23 billion each year.

(2) The Council believes that:

- Developers of homes should consider the issues associated with an ageing population, including how dementia - friendly their developments are at all stages of those developments, and
- Officers of the Council with specific expertise in the area of older people can provide a useful source of information on dementia.

(3) The Council resolves to:

- Promote increased awareness of the needs of older people amongst those wishing to develop housing in the Borough, including the design and development of a dementia - friendly environment.
- Develop and publish its Housing Strategy For Older People to identify how best to address the housing needs of Sefton's ageing population; and
- Consider through the emerging Local Plan process, the making of a policy requiring developers to identify how best to address the housing needs of the ageing population.”

An amendment was moved by Councillor Cummins, seconded by Councillor P. Dowd that the Motion be amended by:

- (i) deleting the third bullet - point in Section (1) of the Motion and inserting the following text:
 - “Sefton Dementia Action Alliance will seek dementia - friendly community status for the whole Borough.”
- (ii) the addition of the following bullet – points at the end of Section (1) of the Motion:
 - “Consultation on the draft Dementia Strategy for Sefton has ended, and the Strategy will be launched in December along with the Carers Strategy and the Older People’s Strategy.
 - The Town and Countryside Planning Association is working with Public Health England to identify ways in which Planning and Public Health can work together and contribute to outcomes in both disciplines.
 - Two workshops have been held in Sefton by the Town and Countryside Planning Association with the Council and other partners.
 - National Planning Policy Framework (Paragraph 171) states that Planning and Health need to work together to consider health status and needs of local population both now and in the future.
 - In Sefton’s case this includes an increase in the older population and a need for environments supportive of those living with dementia.
 - Healthy weight, dementia friendly, and other concepts of “place” are best addressed collectively in trying to plan and develop places which are supportive of Sefton’s health needs now and in the future.
 - The Sefton Older People’s Housing Strategy also makes reference for the need to develop accommodation appropriate for our demographic now and in the future, and this provides an opportunity for different elements of the Authority to work collaboratively, for example, Housing, Public Health and Planning.”
- (iii) the deletion of the second bullet – point in Section (3) of the Motion.

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

A further amendment was moved by Councillor S. McGuire, seconded by Councillor Brodie – Browne that the Substantive Motion be amended by re-inserting the following text in to Section (1):

- Southport has successfully met the foundation criteria for dementia - friendly communities.

Following further debate, Councillors S. McGuire and Brodie – Browne agreed to withdraw their amendment and on a show of hands, the Mayor declared that the Substantive Motion was carried unanimously and it was

RESOLVED:

That:

- (1) The Council notes that:
 - In Sefton 41.5% of the population is over 50 and this number is projected to rise.
 - There are 24,800 people over 75 in Sefton.
 - Sefton Dementia Action Alliance will seek dementia - friendly community status for the whole Borough.
 - Current national and local planning policies do not require developers of elderly friendly homes to carry out an assessment of how dementia friendly their new developments are.
 - The Alzheimer's Society estimates that Dementia costs the UK £23 billion each year.
 - Consultation on the draft Dementia Strategy for Sefton has ended, and the Strategy will be launched in December along with the Carers Strategy and the Older People's Strategy.
 - The Town and Countryside Planning Association is working with Public Health England to identify ways in which Planning and Public Health can work together and contribute to outcomes in both disciplines.
 - Two workshops have been held in Sefton by the Town and Countryside Planning Association with the Council and other partners.
 - National Planning Policy Framework (Paragraph 171) states that Planning and Health need to work together to consider health status and needs of local population both now and in the future.
 - In Sefton's case this includes an increase in the older population and a need for environments supportive of those living with dementia.

- Healthy weight, dementia friendly, and other concepts of “place” are best addressed collectively in trying to plan and develop places which are supportive of Sefton’s health needs now and in the future.
 - The Sefton Older People’s Housing Strategy also makes reference for the need to develop accommodation appropriate for our demographic now and in the future, and this provides an opportunity for different elements of the Authority to work collaboratively, for example, Housing, Public Health and Planning.
- (2) The Council believes that:
- Developers of homes should consider the issues associated with an ageing population, including how dementia - friendly their developments are at all stages of those developments, and
 - Officers of the Council with specific expertise in the area of older people can provide a useful source of information on dementia.
- (3) The Council resolves to:
- Promote increased awareness of the needs of older people amongst those wishing to develop housing in the Borough, including the design and development of a dementia - friendly environment; and
 - Consider, through the emerging Local Plan process, the making of a policy requiring developers to identify how best to address the housing needs of the ageing population.

47. NOTICE OF MOTION SUBMITTED BY COUNCILLOR KILLEN

It was moved by Councillor Killen, seconded by Councillor Cummins and unanimously

RESOLVED:

That the Council:

- Wants Sefton mothers and babies to receive the highest standard of maternity care, which includes having a midwife with them throughout established labour as recommended by NHS England and accepted as best practice.
- Recognises that giving birth is the most common reason for being admitted to hospital in the UK.
- Wants to see high-quality, safe maternity care in the most appropriate setting for all Sefton women and babies.
- Requests the South Sefton Clinical Commissioning Group (CCG) and the Southport and Formby CCG to work with the West Lancashire CCG and Liverpool CCG in meeting with local maternity providers to discuss

an increase in funding for maternity care which reflects the actual cost of providing safe and appropriate care.

- Requests the South Sefton CCG and Southport and Formby CCG to investigate what cost savings could be made with investment in a midwife-led unit either in Sefton or alongside Ormskirk District General Hospital.
- Requests the Secretary of State for Health to:
 - (i) reassess the maternity tariff and provide evidence, if there is any, that safe, quality care can be provided via the maternity tariff alone without cross-subsidising maternity with other hospital services; and
 - (ii) follow the recommendations of the Public Accounts Committee report into maternity services in England, published in January 2014 which states that:

"The Department (of Health) should assess, through a detailed costing exercise, the affordability of meeting its policy objectives, and work with NHS England and Monitor to review whether the current tariffs for maternity care are set at the right level. The Department should ensure the financial incentives enable the best and most appropriate services to be developed at the lowest cost."

48. NOTICE OF MOTION SUBMITTED BY COUNCILLOR KILLEN

It was moved by Councillor Killen, seconded by Councillor Cummins and unanimously

RESOLVED:

That 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:

"The Council recognises that:

- Breastfeeding has been shown to improve health outcomes across the population.
- It is unlawful under the Equality Act 2010 to discriminate against a woman because she is breastfeeding.
- Wherever women and babies are allowed to be, women can breastfeed and it is discrimination to ask them to stop.

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- There have been a number of reports across the UK this summer of women being asked to stop breastfeeding in public, at swimming pools and cafes.
- All public places have a duty to train their staff effectively about issues surrounding discrimination.

The Council resolves that:

- (1) all shops, service providers and organisations across all sectors in Sefton should be contacted to ensure they understand their responsibilities towards breastfeeding mothers; and
- (2) all shops, service providers and organisations across all sectors in Sefton should be sent a 'Breastfeeding welcome here' sticker for them to display if they wish to, and they should be encouraged by Sefton Council to do so."