



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to

be held on **Thursday 21st November, 2019 at 6.30 pm at the Town Hall, Southport**
to

transact the business set out on the agenda overleaf.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Dwayne Harrison', with a horizontal line extending to the right.

Chief Executive

Town Hall,
Southport

Wednesday 13 November 2019

Please contact Ruth Harrison, Democratic Services Manager
on 0151 934 2046 or e-mail ruth.harrison@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

This page is intentionally left blank.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest** (Pages 7 - 8)
Members are requested to give notice of any disclosable pecuniary or personal interest.

An advice note on declarations of interests is attached.
3. **Minutes of Previous Meeting** (Pages 9 - 22)
Minutes of the meeting held on 19 September 2019.

4. **Mayor's Communications**

Public Session

5. **Matters Raised by the Public**
To deal with matters raised by members of the public resident within the Borough, of which notice has been given in accordance with the procedures relating to public questions, motions or petitions set out in Paragraph 36 to 47 of the Council and Committee Procedure Rules in Chapter 4 of the Council Constitution.

Council Business Session

6. **Questions Raised by Members of the Council**
To receive and consider questions to Cabinet Members, Chairs of Committees or Spokespersons for any of the Joint Authorities upon any matter within their portfolio/area of responsibility, of which notice has been given by Members of the Council in accordance with Paragraph 49 to 51 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.
7. **Making the Formby and Little Altcar Neighbourhood Plan** (Pages 23 - 28)
Report of the Chief Planning Officer
8. **Local Government Act 1972 – Section 85 - Attendance at Meetings – Councillor Richard Hands** (Pages 29 - 32)
Report of the Head of Corporate Resources
9. **Membership of Committees 2019/20**
To consider any changes to the Membership of any Committees etc.

- | | |
|--|-----------------|
| 10. Matters dealt with in accordance with Rule 46 of the Scrutiny Procedure Rules (Call-In and Urgency) of the Constitution | (Pages 33 - 34) |
| Report of the Leader of the Council. | |
| 11. Motion submitted by Councillor Pugh - Video Streaming at Meetings | (Pages 35 - 36) |
| 12. Motion submitted by Councillor Pugh - Flooding | (Pages 37 - 38) |
| 13. Motion submitted by Councillor Dawson - NHS Services in the North West | (Pages 39 - 40) |
| 14. Motion submitted by Councillor Dawson - Supporting the Retail Environment in Sefton | (Pages 41 - 42) |

This page is intentionally left blank

Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

This page is intentionally left blank

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

COUNCIL

MEETING HELD AT THE TOWN HALL, BOOTLE ON 19 SEPTEMBER 2019

PRESENT: The Mayor (Councillor Burns) in the Chair
The Deputy Mayor (Councillor Robinson)

Councillors Atkinson, Bennett, Blackburne, Bradshaw, Brennan, Brodie - Browne, Brough, Byrom, Carr, Carragher, Cluskey, Dawson, Dodd, Dowd, Doyle, Dutton, Evans, Fairclough, Grace, Halsall, Hardy, Howard, Irving, Jones, Keith, John Kelly, John Joseph Kelly, Killen, Lewis, Marshall, McCann, McKinley, Moncur, Murphy, Brenda O'Brien, Michael O'Brien, O'Hanlon, Pugh, Pullin, Roche, Roscoe, Sathiy, John Sayers, Yvonne Sayers, Shaw, Thomas, Anne Thompson, Lynne Thompson, Tweed, Veidman, Waterfield and Sir Ron Watson

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummins, Friel, Gannon, Hands, Lappin, McGinnity, Maher, Morris, Myers, Pitt, Spencer and Webster.

40. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

41. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council Meetings held on 18 July 2019 be approved as a correct record.

42. MAYOR'S COMMUNICATIONS

Visit to Gdansk

The Mayor reported on her recent visit to Gdansk with the Chief Executive and a delegation from Y-Kids from 31st Aug-2nd September. The visit was based around the commemorations of the start of World War 2 at Gdansk.

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

Southport Flower Show

The Mayor reported on her recent engagement to the Southport Flower Show, she highlighted that the event was extremely well attended and it was her pleasure to meet the organisers of this great event for Sefton.

Mayors Charity Nights

The Mayor gave Members advance notification that she had organised two Charity Nights, the first being a Motown Night on Friday 15 November at the Venue, Maghull Town Hall and the second a Burns Night on 25 January 2020 in Bootle Town Hall. The Mayor requested that Members who would like to purchase tickets should contact either herself or Shaun Pimblett the Civic and Mayoral Officer.

43. MATTERS RAISED BY THE PUBLIC

The Mayor reported that no matters had been raised by members of the public.

44. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

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

1. Question submitted by Councillor Irving to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
2. Question submitted by Councillor Roscoe to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
3. Question submitted by Councillor Watson to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
4. Question submitted by Councillor Watson to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
5. Question submitted by Councillor Watson to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
6. Question submitted by Councillor Watson to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
7. Question submitted by Councillor Watson to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)
8. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
9. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

10. Question submitted by Councillor Watson to the to the Leader of the Council (Councillor Maher)
11. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
12. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
13. Question submitted by Councillor Watson to the to the Leader of the Council (Councillor Maher)
14. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
15. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
16. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
17. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
18. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
19. Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)
20. Question submitted by Councillor Brough to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
21. Question submitted by Councillor Watson to the Cabinet Member for Communities and Housing (Councillor Hardy)
22. Question submitted by Councillor Dawson to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)
23. Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)
24. Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher)
25. Question submitted by Councillor Dawson to the Leader of the Council (Councillor Maher)

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

together with the responses given. Supplementary questions to questions 1, 2, 3, 4, 5, 6, 7, 20 and 21 were responded to by the Cabinet Members for Regeneration and Skills, Health and Wellbeing and Communities and Housing.

45. REVENUE AND CAPITAL BUDGET UPDATE - TREASURY MANAGEMENT OUTTURN 2018/19

The Council considered the report of the Head of Corporate Resources that detailed the treasury management activities undertaken to 31 March 2019. The report indicated that the Cabinet and Audit and Governance Committee had also considered the report.

It was moved by Councillor Fairclough, seconded by Councillor Hardy and

RESOLVED:

That the Revenue and Capital Update, Treasury Management Outturn 2018/19 be noted.

46. REVENUE AND CAPITAL BUDGET UPDATE 2019/20 - REVISED CAPITAL ALLOCATIONS

The Council considered the report of the Head of Corporate Resources that detailed additional and revised capital allocations to the 2019/20 Capital Programme, as set out in the report.

It was moved by Councillor Fairclough, seconded by Councillor Hardy and

RESOLVED: That:

- (1) the additional and revised transport allocations as set out in paragraph 2.1 to the report, be approved;
- (2) the additional Better Care Fund (BCF) grant allocation, as set out in paragraph 3.1 to the report, be approved;
- (3) the additional Special Educational Needs and Disabilities (SEND) allocations, as set out in paragraph 4.3 to the report, be approved;
and
- (4) the Town Centre Commission Fund grant, once final approval of grant had been confirmed by Liverpool City Region Combined Authority, be included in the capital programme, as set out in paragraph 4.3 to the report, be approved;

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

47. LOCAL GOVERNMENT ACT 1972 – SECTION 85 - ATTENDANCE AT MEETINGS

The Council considered the report of the Head of Corporate Resources which requested the Council to approve and authorise the absence of Councillor Paula Spencer from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972.

It was moved by Councillor Fairclough, seconded by Councillor Hardy and

RESOLVED: That:

- (1) the current absence from all Council and Committee Meetings of Councillor Paula Spencer due to ill-health be authorised and approved for the period until the scheduled meeting of the Council to take place on 27 February 2020, pursuant to Section 85 of the Local Government Act 1972; and
- (2) the Council sends its best wishes to Councillor Spencer for a speedy recovery.

48. MEMBERSHIP OF COMMITTEES 2019/20

The Labour Group requested that Councillor Spencer be replaced with Councillor Cluskey on the Overview and Scrutiny Committee (Children's Services and Safeguarding).

RESOLVED:

That the change to the membership of the Overview and Scrutiny Committee (Children's Services and Safeguarding) as set out above be approved.

49. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 29 (SPECIAL URGENCY) AND RULE 46 (WAIVING CALL-IN) OF THE ACCESS TO INFORMATION PROCEDURE RULES OF THE CONSTITUTION

The Council considered the report of the Leader of the Council setting out the details of an urgent matter dealt with in accordance with Rule 29 and Rule 46 of the Access to Information Procedure Rules of the Council Constitution.

It was moved by Councillor Fairclough, seconded by Councillor Grace and

RESOLVED:

That the report be noted.

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

50. MOTION SUBMITTED BY COUNCILLOR PUGH - BREXIT

It was moved by Councillor Pugh, seconded by Councillor Lewis:

Brexit

Given:

(a)	the proroguing of parliament and the reduction in parliamentary time available for the scrutiny of government plans for exiting the European Union; and
(b)	the service concerns and uncertainties illustrated in Council reports and in the reports of partner organisations

This Council agrees to issue an urgent invitation to Mr Damien Moore, Southport MP and PPS to Michael Gove to a stakeholder meeting prior to the exit date to clarify the implications for the wider community and answer questions submitted on the specifics of government policy.

Following debate, on a show of hands, the Mayor declared that the **Motion was lost** by 43 votes to 11.

51. MOTION SUBMITTED BY COUNCILLOR HALSALL - NJC PAY TO COUNCIL

It was moved by Councillor Halsall, seconded by Councillor Marshall:

NJC PAY TO COUNCIL STAFF

A fully funded, proper pay rise for council and school workers.

This council notes:

- Since 2010 councils across the country have endured central government funding cuts of an average of 50%.
- Between 2010 and 2020, councils will have lost 60p out of every £1 they receive from central government.
- The 2019 Local Government Association (LGA) survey of council finances found that 1 in 3 councils fear they will run out of funding to provide even their statutory, legal duties by 2022/23. This number rises to almost two thirds of councils by 2024/2025 or later.
- The LGA estimates councils will face a funding gap of £8 billion by 2025.
- Faced with these cuts from central government, the local government workforce has endured years of pay restraint with the majority of pay points losing 22 per cent of their value since 2009/10.

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

- At the same time as seeing their pay reduce in real terms, workers experience ever increasing workloads and persistent job insecurity. Across the UK, an estimated 876,000 jobs have been lost in local government since June 2010 - a reduction of 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.
- There has been a disproportionate impact on women, with women making up more than three quarters of the local government workforce.

This council believes:

- Our workers are public service heroes. They keep our communities clean, care for those in need, and keep our towns and cities running.
- Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.
- Government funding has been cut to the extent that a proper pay rise could result in a reduction in local government services.
- The Government needs to take responsibility and fully fund increases in pay; it should not put the burden on local authorities whose funding has been cut to the bone.

This council resolves to:

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage and a 10% uplift across all other pay points in 2020/21.
- Call on the Local Government Association to make urgent representations to central government to fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.
- Meet with local NJC union representatives to convey support for the pay claim.
- Ensure that all Sefton employees are provided with details of how to join a trade union as part of the induction process and that existing employees are reminded of the option, opportunity and benefits that being a member of a trade union can bring.

Following debate, on a show of hands, the Mayor declared that the **Motion was carried** by 39 votes to 4 with 11 abstentions and it was

RESOLVED: That:

NJC PAY TO COUNCIL STAFF

A fully funded, proper pay rise for council and school workers.

This council notes:

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

- Since 2010 councils across the country have endured central government funding cuts of an average of 50%.
- Between 2010 and 2020, councils will have lost 60p out of every £1 they receive from central government.
- The 2019 Local Government Association (LGA) survey of council finances found that 1 in 3 councils fear they will run out of funding to provide even their statutory, legal duties by 2022/23. This number rises to almost two thirds of councils by 2024/2025 or later.
- The LGA estimates councils will face a funding gap of £8 billion by 2025.
- Faced with these cuts from central government, the local government workforce has endured years of pay restraint with the majority of pay points losing 22 per cent of their value since 2009/10.
- At the same time as seeing their pay reduce in real terms, workers experience ever increasing workloads and persistent job insecurity. Across the UK, an estimated 876,000 jobs have been lost in local government since June 2010 - a reduction of 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.
- There has been a disproportionate impact on women, with women making up more than three quarters of the local government workforce.

This council believes:

- Our workers are public service heroes. They keep our communities clean, care for those in need, and keep our towns and cities running.
- Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.
- Government funding has been cut to the extent that a proper pay rise could result in a reduction in local government services.
- The Government needs to take responsibility and fully fund increases in pay; it should not put the burden on local authorities whose funding has been cut to the bone.

This council resolves to:

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage and a 10% uplift across all other pay points in 2020/21.
- Call on the Local Government Association to make urgent representations to central government to fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

- Meet with local NJC union representatives to convey support for the pay claim.
- Ensure that all Sefton employees are provided with details of how to join a trade union as part of the induction process and that existing employees are reminded of the option, opportunity and benefits that being a member of a trade union can bring.

52. MOTION SUBMITTED BY COUNCILLOR BYROM - MERSEYSIDE FIRE AND RESCUE AUTHORITY

It was moved by Councillor Byrom, seconded by Councillor Grace and following the debate it was unanimously

RESOLVED:

Merseyside Fire and Rescue Authority

This Council: -

1. Recognises and applauds Merseyside Fire and Rescue Authority (MFRA) following its very strong performance in the recent Inspection carried out by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

The Inspectorate assesses Merseyside Fire and Rescue Authority as GOOD when considering: -

- How effective they are in keeping people safe from fire and other risks
- How efficient they are in keeping people safe from fire and other risks
- How well they look after their people

but notably, OUTSTANDING in the areas of preventing fires and national resilience - the only Service in the Country to receive 2 Outstanding assessments for its work.

2. Notes that this is the highest 'performance' in the Country, from the first two rounds of inspection.
3. Congratulates the Chief Fire Officer for his leadership and his team for their hard work and tenacity, notably the Fire Fighters; Fire Prevention teams; Protection Officers; Support Services and the representative bodies, who along with the members of the MFRA have achieved this recognition.
4. Agrees that the political decision to support a model which only utilises professional full time firefighters; to partner with the Home Office as lead authority for national resilience; to maintain a 10 minute response standard (5 min 40 sec average attendance time);

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

to resource to demand; to increase the number of Fire Engines; to improve the diversity of the workforce; to invest in up to date fit for purpose Community Fire and Rescue Stations; whilst giving home fire prevention very high priority; has contributed to the result and findings of the inspectorate.

5. Believes that the results would have been even better if the Government had maintained the proper level of funding for MFRA, who have suffered some of the largest cuts to Government grant in the country, but have tenaciously hung on to full time firefighters whilst maintaining an emphasis on community fire prevention, in order to help keep Merseyside safe.

53. MOTION SUBMITTED BY COUNCILLOR CARRAGHER - DOG POOP - A PUBLIC HAZARD

It was moved by Councillor Carragher, seconded by Councillor Roscoe and following debate it was unanimously

RESOLVED:

Dog Poop - A Public Health Hazard

This Council notes:

1. Dog poop is a problem we deal with on a daily basis. But is it dangerous?
2. Pet waste is a dangerous pollutant in the same category as toxic chemicals and oil.
3. Unscooped poop is carried by overland water flow or is washed into drains, ending up in faraway streams, rivers and ground water.
4. Pet waste can spread parasites including hookworms, ringworms, tapeworms and Salmonella. When infected dog poop comes into contact with your lawn, the poop will eventually "disappear", but the parasite eggs can linger for years! When a human or animal comes into contact with that soil through everyday activities like walking barefoot, gardening or playing, they risk infection from those eggs ... even years after the poop is gone.
5. Pet waste is teeming with E. Coli and other harmful bacteria including faecal coliform bacteria, which causes serious kidney disorders, intestinal illness, cramps and diarrhoea in humans. (There are 23 million faecal coliform bacteria in a single gram of pet waste!)
6. Dog poop often contains roundworm larvae, which cause blindness. If a human ingests a roundworm larva, it can migrate through the body causing disease to the brain, lungs, kidneys, liver, heart or eyes. So, when people (especially children and or pregnant women) touch soil, dog toys or anything that has been in contact with dog faeces and then touch their mouths, they can become infected.

The Council Believes: -

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

1. Dog poop on our streets is a constant complaint that we receive from residents.
2. As a Council we are actively promoting the correct disposal of pet poop by the installation of bins in parks, public space protection orders and dog wardens.
3. The majority of Sefton dog owners are responsible owners and dispose of their doggy deposits in the correct manner.
4. However, the owners who do not clean up after their pooches may not be aware of the dangers they are creating for our children, pregnant women and vulnerable citizens.

I call upon this Council to support this motion and resolve that we:

1. Engage with schools, colleges, GP surgeries, pharmacies, community groups and voluntary organisations to create an educational programme of the dangers of undisposed of pet poop.
2. Work with Public Health to create a public campaign throughout Sefton to stamp out this behaviour.
3. Highlight the environmental damage, dog poop and also doggy wipes cause our community.
4. Finally, given the dangers this causes to humans, the courts should impose the maximum fines at all times.

Dog poop doesn't just "wash away" or disappear.
So, if you're not disposing of your dog's waste, you're putting
yourself, your family,
your dog, your community, your environment and your water supply
at risk.

NO EXCUSE, CLEAN UP THE POOP!

54. MOTION SUBMITTED BY COUNCILLOR BROUGH - QUESTIONS ON NOTICE AT FULL COUNCIL

It was moved by Councillor Brough, seconded by Councillor Sir Ron Watson CBE:

Questions on Notice at Full Council

That the Council's Constitution be amended so that if a Member of the Council asks a question(s) at Full Council to a Member of the Executive and that Member is unable to attend the Council Meeting, the Leader or Deputy Leader of the Council should reply on their behalf.

Following debate, on a show of hands, the Mayor declared that the **Motion was lost** by 33 votes to 19.

55. MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON CBE - DEMOCRATIC CHANGES TO COUNCIL PROCEDURES AND CONSTITUTION

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

It was moved by Councillor Sir Ron Watson CBE, seconded by Councillor Brough:

Democratic Changes to Council Procedures and Constitution

Council Procedures Public Involvement

Many Members of the Council are becoming increasingly concerned at what they consider to be a Democratic Deficit in the workings of the Council and believe that now is the appropriate time to bring forward suggestions as to how this can be addressed.

The Council Meetings

There is a significant gap between Council Meetings where this year there was a Full Council Meeting on 25 April with the Council not meeting again until 18 July.

There was an Adjourned Council Meeting reconvened for 16 May to agree the administration for the year but no questions or no Notice of Motion was allowed.

The latter two issues should be incorporated in the future into this meeting and recommendations brought forward as to how such a long gap can be avoided in the future.

Questions at the Full Council Meetings

Sefton should now adopt the policy that applies in many Councils whereby Councillors can ask questions of the Leader and Cabinet Members without notice at Full Council Meetings.

The period for this section should not exceed 30 minutes.

The Cabinet System

The experience of Members indicates that these meetings are very perfunctory and on average last between 5 and 10 minutes.

Members of the Council have confirmed however that Cabinet Members meet in private for up to 3 hours and take the decisions at this time.

A system that allows 10 minutes for Elected Members, the public and the press and media to attend when set against 3 hours for the same agenda discussed in private is clearly not Democratic.

The Membership of the Cabinet should include on an Ex Officio basis the Leaders of any Political Party with a Membership of more than 5 Councillors and they should be entitled to all the papers.

These Ex Officio Members would have the right to speak at the Cabinet but would not have a vote.

Overview and Scrutiny Committees

The policy of the current administration only to allow Members of their Party to act as Chair is clearly against the spirit of the O and S function.

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

Sefton should therefore follow the example of many other majority-controlled Councils and ensure that to bring about an enhanced and more independent role of O and S, the Chairmanship should be allocated on a proportionate basis to Members of the other Parties.

The Overview and Scrutiny Committee Members as a matter of course should have access to 'Exempt' reports on which Cabinet Members have subsequently made a decision.

Elected Member Database

Sefton has many Members with a wide range of experience in all areas. Councils should maintain a database of this valuable experience and use it as one of the criteria when appointing Members to Non-Political Outside Bodies who ask for the Council to be represented on their Boards and Committees.

Commercial Confidentiality

There remains very great concern over many aspects of certain decisions that are taken in secret using the above as the reason.

The Council should seek Legal advice to set up a Special Body based on the criteria adopted on a National Basis by the Privy Council in order that all Leading Members from all Parties are aware of the background to any decision made.

This should stress that the information given is to be held confidential and some consideration as to sanctions for those who deliberately break this criteria should be involved.

Training

The complex nature of some of the commercial transactions being entered into does mean that there is a need for training of Elected Members in an area that they will not be particularly familiar with and there are currently few Member who have a financial background that would enable them to claim to be in a position to make valued judgements on financial commitments that may be controversial.

As a consequence, the Council will embark upon a Structed Training Programme starting with Cabinet to enhance their knowledge in this critical area.

Press and Media

There should be no public announcements on policy issues taken in advance of Elected Members being informed except in most extreme cases.

The Council now acknowledges that issuing press statements when Elected Members are subsequently asked to comment by the Press/Media but on which they have no knowledge is counter-productive.

Agenda Item 3

COUNCIL- THURSDAY 19TH SEPTEMBER, 2019

Public Involvement and Consultation

The decision by the Council to introduce 'Community Chats' has clearly proved not to be a success.

The Council should, therefore, have the maturity to admit that a serious mistake was made in abolishing the Southport Area Committee which provided a well understood Forum enabling the public to raise matters both individually and collectively, receive updates from other bodies such as the Police, benefit from presentations by other organisations and be able to see directly the Decision-Making Process involving Councillors at the Meeting.

Southport Town Council

The decision not to allow a very preliminary start on a Consultation process to ascertain whether or not there was a public support for the formation in due course of a Town Council has not been well received. The Leader of the Council has conceded that Parish and Town Councils work well throughout the rest of Sefton but will offer no explanation as to why he has had his Members vote against what is no more than a preliminary investigation with no commitment.

The decision needs to be reversed and Sefton should now prepare the appropriate administrative process to start the consultation process with the public.

In accordance with Rule 79 of Chapter 4 (The Full Council) of the Constitution a Procedural Motion was moved by Councillor Pugh, seconded by Councillor Lewis:

"That the Motion be referred to the Audit and Governance Committee for it to consider the points raised in the Motion".

Following debate, on a show of hands, the Mayor declared the **Procedural Motion was lost** by 35 votes to 17.

Thereafter, on a show of hands, the Mayor declared the **Motion was lost** by 34 votes to 5 with 10 abstentions.

Agenda Item 7

Report to:	Cabinet Council	Date of Meeting:	7 November 2019 21 November 2019
Subject:	Making the Formby and Little Altcar Neighbourhood Plan		
Report of:	Chief Planning Officer	Wards Affected:	Harington; Ravenmeols;
Portfolio:	Cabinet Member: Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

Neighbourhood Plans can be prepared by a local community to guide development in their area. The Local Planning Authority has a legal duty to arrange an independent examination of any Plan submitted to the Council to make sure it meets the 'basic conditions' and determine whether it can go to referendum.

Following examination, the Examiner recommended that the Formby and Little Altcar Neighbourhood Plan proceed to referendum. This was held on 10th October 2019. As long as a simple majority of those who vote (50% + 1) are in favour of the Plan (i.e. agree with the proposals in the Plan), the Council has a legal duty to 'make' (i.e. adopt) it as part of the Development Plan for Sefton.

The purpose of this report is to seek the Council's formal approval to 'make' the Formby and Little Altcar Neighbourhood Plan part of the statutory Development Plan for Sefton as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This will mean that the plans will be used to determine planning applications in Formby and Little Altcar Parishes in addition to the Local Plan.

Recommendation to Cabinet:

That the Cabinet notes that the Formby and Little Altcar Neighbourhood Plan was passed at referendum and recommends that the Council be requested to 'make' the Formby and Little Altcar Neighbourhood Plan and that it becomes part of the Development Plan for Sefton.

Recommendation to Council:

That the Council be requested to 'make' the Formby and Little Altcar Neighbourhood Plan and that it become part of the Development Plan for Sefton.

Reasons for the Recommendation(s):

Agenda Item 7

The preparation of the Formby and Little Altcar Neighbourhood Plan has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has successfully undergone examination, has satisfied the basic conditions and is in conformity with the Sefton Local Plan. Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to 'make' the Neighbourhood Plan within 8 weeks of the referendum decision in accordance with Regulations. This will enable the Council to use the Formby and Little Altcar Neighbourhood Plan to determine planning applications in those parishes.

Alternative Options Considered and Rejected: (including any Risk Implications)

As set out in the various Neighbourhood Planning Regulations, the referendum and subsequent 'making' of Neighbourhood Plans following a successful referendum is part of the legal process for a community (Neighbourhood Forum or Town or Parish Council) to make a Neighbourhood Plan for its area. As such Sefton Council does not have any option other than to make the plan.

What will it cost and how will it be financed?

(A) Revenue Costs

The Neighbourhood Plan will be implemented by staffing within the Planning Service which are funded from existing budgets.

(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

Once 'made' implementing the plan will be from existing resources and not considered to be material.

Legal Implications:

The referendum is part of a legal process and the outcome has to be complied with.

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

N/A

Facilitate confident and resilient communities:

The Formby and Little Altcar Neighbourhood Plan establishes the community's aspiration for how its area should be developed in the future and enhance its role as a resilient and sustainable community.

Commission, broker and provide core services: N/A
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: The Plan contains policies that seek to support the development of local businesses, retain land in employment use and retain and enhance retail, office and business uses.
Greater income for social investment: The Plan contains a policy that seeks to support the delivery of infrastructure including to support social investment.
Cleaner Greener The Plan contains policies that seek to provide green infrastructure, support allotments, renewable energy and low energy consumption homes. Policies also seek to protect and enhance residential character, enhance rights of way and provision for pedestrians and cyclists. Further policies seek to avoid increased flooding and flood risk and reduce discharge.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD5821/19) and the Chief Legal and Democratic Officer (LD4045/19) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Consultation, carried out by Formby and Little Altcar Parish Councils, took place at various times during the preparation of the Plan, as required by the Neighbourhood Plan Regulations and national Planning Practice Guidance. Sefton Council also consulted on the Neighbourhood Plan following submission by the Parish Councils, in accordance with the Regulations.

Contact Officer:	Alison Jones, Ian Loughlin
Telephone Number:	
Email Address:	alison.jones@sefton.gov.uk, ian.loughlin@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

Agenda Item 7

1. Introduction/Background

- 1.1 The Localism Act 2011 gives local communities the right to prepare a Neighbourhood Plan to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Council has a statutory duty to support this activity.
- 1.2 The process for preparing a Neighbourhood Plan is set out by the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) ('The Regulations') and is subject to several key stages which include:
 - Designation of the neighbourhood plan area;
 - Pre-submission publicity and consultation (under Regulation 14);
 - Submission of the plan to the Local Planning Authority;
 - Consultation by the Local Planning Authority (under Regulation 16);
 - Independent Examination;
 - Referendum; and
 - Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Policies in Neighbourhood Plans are used when determining planning applications. It is a requirement that a Neighbourhood Plan contain policies which are broadly in accordance with the strategic policies in the Local Plan. If Neighbourhood Plan policies conflict with non-strategic policies in the Local Plan, the policies in the Plan that was approved most recently take precedence.
- 1.4 Neighbourhood Plans are already in place in Lydiate and Maghull.

2 Plan preparation

- 2.1 Application for the designation of the Formby and Little Altcar Parishes as a Neighbourhood Plan area was made in 2013. Following statutory publicity, the Neighbourhood Plan area was approved by Sefton Council on 12 September 2013.
- 2.2 The parish councils have completed the tasks set out in paragraph 1.2 above, necessary in preparing a neighbourhood plan. These included the preparing and gathering of evidence and undertaking various consultation exercises before drawing up a draft version of the plan, known as the Pre-submission Plan. The Pre-submission Plan underwent consultation (under Regulation 14 of the Regulations) from 31 October to 12 December 2016.
- 2.3 The Pre-submission Plan was amended in response to the comments made and formally submitted to Sefton Council. Sefton Council consulted on the submission version in accordance with Regulation 16 of the Regulations from 27 March to 15 May 2019.
- 2.4 The Plan and supporting documents were then sent to the Council's retained independent examiners, Intelligent Plans and Examinations (IPe) Ltd. Sefton appointed Andrew S Freeman, in agreement with the parish councils, to examine the Plan. The purpose of an examination is to determine whether the Plan meets

the 'Basic Conditions' and other legislative requirements and so proceed to referendum. The 'Basic Conditions' are that the submitted Plan must:

- Have regard to national planning policies
- Achieve sustainability
- Be in general conformity with the strategic policies of the development plan
- Be compatible with EU and European Convention on Human Rights (ECHR) obligations
- Be unlikely to have significant environmental effects

2.5 The [Examiner's Report](#) for the Formby and Little Altcar Neighbourhood Plan was formally received on 12 August 2019. It concluded that, subject to modification, the Plan may proceed to referendum on the basis that all the relevant legal requirements were met.

2.6 The Referendum Version of the Plan is available online together with other 'specified documents' required by the Regulations at www.sefton.gov.uk/neighbourhoodplanning.

2.7 The [decision](#) for the Formby and Little Altcar Neighbourhood Plan to proceed to referendum was made by Cabinet Member: Planning and Building Control on 9 September 2019.

3 Referendum outcome

3.1 The referendum for the Formby and Little Altcar Neighbourhood Plan was held on 10 October 2019. The purpose of the referendum is to confirm that the local community (those on the electoral roll living in the parishes of Formby and Little Altcar) agree with the proposals in the Plan. A simple majority (50%+1) voting 'yes' requires Sefton Council to 'make' (i.e. adopt) the Plan.

3.2 The rules covering all aspects of organising and conducting the poll can be found in the [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\)\(Amendment\) Regulations 2013](#) and [2014](#)) and the [Neighbourhood Planning \(General\) Regulations 2012](#).

3.3 The results were declared as follows:

- Formby and Little Altcar – votes 'yes' 2,601; votes 'no' 428 = 85.56% in favour

Further details are available at www.sefton.gov.uk/media/1613724/Declaration-of-Result.pdf

4 Next steps

4.1 As a majority of votes were in favour, the Council is required, in accordance with legislation, to formally 'make' the Formby and Little Altcar Neighbourhood Plan. This means it becomes part of the development plan for Sefton, along with the Local Plan (2017), the Waste Local Plan (2013), Lydiate Neighbourhood Plan (2019) and the Maghull Neighbourhood Plan (2019). It will be given full weight in determining planning applications in the Formby and Little Altcar area.

Agenda Item 7

- 4.2 The Council is required to 'make' the Plan within 8 weeks of a 'yes' vote at referendum, in accordance with Regulation 18A of the Regulations.

Agenda Item 8

Report to:	Council	Date of Meeting:	21 November 2019
Subject:	Local Government Act 1972 – Section 85 - Attendance at Meetings – Councillor Richard Hands		
Report of:	Head of Corporate Resources	Wards Affected:	Birkdale;
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

This report requests authority to approve and authorise the absence of Councillor Richard Hands from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972.

Recommendation(s):

That the current absence from all Council and Committee Meetings of Councillor Richard Hands due to ill health be authorised and approved for the period until 8 May 2020, pursuant to Section 85 of the Local Government Act 1972.

Reasons for the Recommendation(s):

To comply with the provisions of Section 85 of the Local Government Act 1972.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) **Revenue Costs** – Not applicable

(B) **Capital Costs** – Not applicable

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Not applicable
Legal Implications: The effect of the legislation is contained within the contents of the report.
Equality Implications: There are no equality implications.

Agenda Item 8

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD5850/19) and the Chief Legal and Democratic Officer (LD4084/19) have been consulted and any comments have been incorporated into the report.

(B) External Consultations Not applicable

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:	Ruth Harrison
Telephone Number:	0151 934 2046
Email Address:	ruth.harrison@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Section 85 of the Local Government Act 1972 provides that if an Elected Member fails to attend any Council or Committee Meeting for a period of six months, he or she ceases to be an Elected Member, unless the absence was approved by the Council before the expiry of the six-month period.
- 1.2 Unfortunately Councillor Richard Hands has not been able to attend any meetings for seventeen months due to ill health and he will need further time to recuperate. He last attended a Council Meeting on 6 June 2018.
- 1.3 Members are requested to approve the absence of Councillor Richard Hands from all Council or Committee Meetings for the period from the date of this meeting until 8 May 2020.

This page is intentionally left blank

COUNCIL – 21 NOVEMBER 2019

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – RULE 46 (WAIVING CALL-IN) PROVISIONS

I wish to report that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) gave her consent, under Rule 46, waiving Call In, of the Access to Information Procedure Rules set out in the Councils Constitution. The report was in relation to the disposal of former St. Wilfrid's School Site and it was not subject to call-in on the basis that the decision could not be reasonably deferred because of the urgency to conclude the legal position and the exchange of contracts, due to external contract and project plan commitments.

CABINET – 3 OCTOBER 2019

56. The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made:

That the exempt information be considered as part of the public report in relation to this matter, reference Minute No: 58 refers.

Reason for the Decision:

The exempt information is required to be considered with the information in the public report in order that an informed decision may be made.

Alternative Options Considered and Rejected:

None.

58. The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made: That the Cabinet:

- (1) notes that the proposal is a Key Decision that had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) has been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was

Agenda Item 10

impracticable to defer the decision until Cabinet in November due to the requirement to conclude the legal position and exchange contracts with Bellway Homes, arising from external contract and project plan commitments;

- (2) notes that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) has been consulted under Rule 46 of the Access to Information Procedure Rules of the Constitution, waiving call in due to the need to resolve on the basis that the decision cannot be reasonably deferred because of the urgency to conclude the legal position and exchange of contracts, arising from external contract and project plan commitments.
- (3) notes the progress of negotiations with Bellway Homes and the beneficiary of the restrictive covenant for its release and a further report on the sum required for such covenant release be submitted to the Cabinet Member - Regulatory Compliance and Corporate Services in conjunction with the Head of Corporate Resources for approval once the outstanding matters have been resolved;
- (4) confirms that there is no objection to exchanging conditional contracts with Bellway Homes to achieve best consideration;
- (5) notes the current strategy that officers are pursuing with the Education Funding and Skills Agency (EFSA) to secure Section 77 consent under the School Standards and Framework Act 1998; and
- (6) approves that the Chief Legal and Democratic Officer complete the necessary legal documentation for the disposal of the site subject to the resolution of the conditions of contract for sale.

Reasons for the Decision:

To ensure that the Council's interest in the land is disposed of in accordance with its legal obligations.

Alternative Options Considered and Rejected:

The Council could wait until August 2022 when the 10-year rule for disposal of playing fields under S77 no longer applies. This has been rejected because of the difficulty of then securing a comprehensive redevelopment of the site in partnership with the Archdiocese who are the owners of the school building footprint.

The Council could retain the site for a future disposal however this would be problematic for a variety of reasons including access. This has been rejected because of it fails to recognise the Council's aspirations for the site under the Local Plan

COUNCIL MOTION
21 NOVEMBER 2019

PROPOSED BY: Councillor Pugh

SECONDED BY: Councillor TBC

VIDEO-STREAMING COUNCIL MEETINGS

The council agrees in principle to the video-streaming of Full Council, Cabinet and Planning meetings in accordance with the drive towards more open and transparent government with recordings to be archived and made available on the Council's website.

This page is intentionally left blank

COUNCIL MOTION

21 NOVEMBER 2019

PROPOSED BY: Councillor Pugh

SECONDED BY: Councillor TBC

FLOODING IN SEFTON

This council:

- (1) recognises the serious problems of flooding across Sefton exacerbated by the effects of climate change.
- (2) notes that there is a significant problem in some areas with surface water severely overwhelming old and inadequate drainage systems.
- (3) notes to the reluctance of the Water Utility companies and suppliers to prioritise perennial trouble spots despite residents paying for surface drainage.
- (4) agrees to support and promote residents' applications for significant water rates reductions where there is clear evidence of persistent failure in the surface drainage system and to inform the utility companies accordingly.

This page is intentionally left blank

COUNCIL MOTION

21 NOVEMBER 2019

PROPOSED BY: Councillor Dawson

SECONDED BY: Councillor TBC

NHS SERVICES IN THE NORTH-WEST

This Council:

- 1) Notes that plans to restructure the provision of NHS services, particularly the siting of acute services throughout the North West Region, has been continuing for some time, with the process largely proceeding in secret and not involving either patients or the wider communities involved.
- 2) Commits itself to working with local communities to ensure that profound changes which significantly affect the manner in which the NHS is delivered and received in this area are not introduced into hospitals and clinics serving local communities, without the fullest genuine involvement of local residents and their elected representatives in any such decisions.

This page is intentionally left blank

COUNCIL MOTION
21 NOVEMBER 2019

PROPOSED BY: Councillor Dawson

SECONDED BY: Councillor TBC

SUPPORTING THE RETAIL ENVIRONMENT IN SEFTON

This Council,

Recognising the fundamental changes presently affecting the retail environment of Britain in general, and Southport in particular, commits itself to:

- (1) working actively with local residents, traders, the 'Southport Bid' and local councillors across party to identify and implement methods of addressing the issues affecting the centre of Southport particularly, actively rather than passively observing piecemeal decline.
- (2) applying itself similarly to the issues confronting other smaller retail centres located within the communities which are served by the Borough of Sefton.

This page is intentionally left blank