

COUNCIL

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON THURSDAY 15TH JANUARY, 2009**

PRESENT: The Mayor (Councillor Tweed) (in the Chair)

Councillors Barber, Bigley, Blackburn, Booth, Bradshaw, Brady, Byrne, Cluskey, Colbert, Connell, Cummins, Cuthbertson, Dodd, Doran, M Dowd, P Dowd, Fairclough, Lord Fearn, M Fearn, Friel, Gibson, Glover, Griffiths, Gustafson, Hands, P Hardy, Hill, Hough, Howe, Ibbs, D Jones, T Jones, Kerrigan, Larkin, Maher, Mahon, C Mainey, S Mainey, McGinnity, McGuire, Moncur, Parry, Pearson, Platt, Porter, Preston, B Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Veidman, Sir Ron Watson, Weavers and Webster

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brennan, Brodie - Browne, Byrom, Fenton, D Hardy and D Rimmer.

58. DECLARATIONS OF INTEREST

No declarations of interest were made.

59. MINUTES

RESOLVED:

That the Minutes of the Council Meeting held on 23 October 2008 be confirmed as a correct record.

60. MAYOR'S COMMUNICATIONS

Welcome to Members of the Council.

The Mayor extended best wishes for the New Year to Members of the Council.

Welcome to the New Chief Executive

The Mayor welcomed the new Chief Executive, Margaret Carney, to her first meeting of the Council and on behalf of the Council extended best wishes to her for the future.

Funeral of Ex Councillor Frank Pritchard

Councillor Parry thanked the Mayor for attending the recent funeral of Ex Councillor Frank Pritchard.

PUBLIC SESSION

61. MATTERS RAISED BY THE PUBLIC

The Mayor reported that members of the public had not submitted any petitions or questions.

COUNCIL BUSINESS SESSION

62. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a written question from Councillor Shaw relating to the area of responsibility of the Cabinet Member - Leisure and Tourism, which was responded to by the Cabinet Member. One supplementary question was put and answered as appropriate.

63. DECLARATION OF AIR QUALITY MANAGEMENT AREAS

Further to Minute No. 218 of the Cabinet meeting held on 8 January 2009, the Council considered the report of the Environmental Protection Director seeking approval to the formal declaration of three Air Quality Management Areas (AQMAs) in Sefton; and indicating that a decision on this matter was required as Local Authorities had a duty under Section 83(1) of the Environment Act 1995 to designate those areas where air quality objectives were unlikely to be met as AQMAs.

The report indicated that analysis of air pollution monitoring data undertaken had concluded that AQMAs should be declared for the following three sites:

- Crosby Road North, Crosby (A565) between the junctions with South Road and College Road;
- Princess Way, Seaforth (A5036) from the Ewart Road flyover up to and including the roundabout and flyover at the junction with Crosby Road South (A565); and
- The area around the junction of Millers Bridge (A5058) and Derby Road, Bootle (A565)

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

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED:

That approval be given to the formal declaration of the three Air Quality Management Areas in Sefton, as detailed in the Order attached to the report.

64. ENVIRONMENTAL PROTECTION – RESPONSIBILITY OF FUNCTIONS IN THE COUNCIL CONSTITUTION

Further to Minute No. 219 of the Cabinet meeting held on 8 January 2009, the Council considered the report of the Environmental Protection Director on the legal variation made to the Operating Permit for the Eon UK premises at Gladstone Dock, Bootle which had been issued under the provisions of the Pollution Prevention Control Act 1999 and the Pollution Prevention and Control (England and Wales) Regulations 2000.

The Cabinet Member - Environmental had recommended that the Environmental Protection Director be granted delegated authority to determine all future applications, in the interests of efficiency.

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED:

That approval be given to the Responsibility of Functions in Part 3 of the Council's Constitution being amended by the transfer of the following function from the Cabinet Member - Environmental to the Environmental Protection Director:

"Environmental

Cabinet Member

B. Delegations

2. The granting, refusal, variation and revocation of authorities/permits relating to those processes which by virtue of their scale or character or location could have a major impact on surrounding areas or uses. For avoidance of doubt they would include extraction and/or processing of oils or fats, animal feedstuffs, hide and skin processing and storage, handling or processing of bulk commodities or other raw materials such as coal."

65. THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 AND THE COUNCIL'S 'RESPONSIBILITY FOR FUNCTIONS'

Further to Minute No. 140 of the Cabinet meeting held on 30 October 2008, the Council considered the report of the Planning and Economic Regeneration Director, which sought delegated powers to apply the provisions of the Regulatory Reform (Fire Safety) Order 2005.

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED: That

- (1) approval be given to the inclusion of Articles 25, 26, 27, 29, 30 and 31 of the Regulatory Reform (Fire Safety) Order 2005 within the 'Responsibility for Functions' set out in Part 3 of the Council's Constitution; and
- (2) the Planning and Economic Regeneration Director be granted delegated powers to apply the provisions of Articles 25, 26, 27, 29 and 30 of the Regulatory Reform (Fire Safety) Order 2005 and that the serving of a Prohibition Notice under Article 31 of the said Order should require prior approval from the Licensing and Regulatory Committee.

66. AREA MANAGEMENT IMPLEMENTATION - CHANGES TO COUNCIL CONSTITUTION

Further to Minute No. 190 of the Cabinet meeting held on 11 December 2008, the Council considered the report of the Planning and Economic Regeneration Director which provided an update on area management and the key roles and responsibilities defined through consultation with elected Members from all of the Area Committees in the south and central areas of Sefton; the proposed changes to the Constitution to reflect the enhanced roles and responsibilities of the Area Committees in the south and central area of Sefton and the budgets identified by service departments that could be delegated or influenced at an area level for south and central Sefton and details of external funding budgets available for Area Committees to take decisions on.

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

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED: That

- (1) the report be noted; and
- (2) the changes to the Constitution as set out in Section 2.2 of the report be approved to take effect from 1 April 2009.

67. ENSURING CHOICE OF TRAVEL SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION

Further to Minute No. 166 of the Cabinet meeting held on 27 November 2008, the Council considered the report of the Planning and Economic Regeneration Director which sought approval to the adoption of the 'Ensuring Choice' of Travel Supplementary Planning Document (SPD) and provided details of the results of the formal public consultation on the SPD. The SPD would form one of the Local Development Documents within Sefton's Local Development Framework and replace the existing Ensuring Choice of Travel Supplementary Planning Guidance Note.

The SPD was identified in the Local Transport Plan for Merseyside (2006-11) as a critical element of the plan and it highlighted the importance of the document to make sure that sustainable transport issues were thoroughly considered in new developments. The aim of the SPD was to provide a consistent framework for assessing accessibility across Merseyside.

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

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED: That

- (1) the Ensuring Choice of Travel Supplementary Planning Guidance Note be revoked;
- (2) the Ensuing Choice of Travel Supplementary Planning Document be approved;
- (3) the Sustainability Appraisal Report be approved; and
- (4) the Appropriate Assessment Screening Statement for the SPD be approved.
- (5) the Planning and Economic Regeneration Director be given delegated authority to make minor editorial changes to the documents.

68. MEMBERS' SELF-MANAGED WEBSITES - IMPLEMENTATION AND ACCEPTABLE USE POLICY

Further to Minute No. 14 of the meeting of the Standards Committee held on 20 November 2008, the Council considered the report of the Legal Director which provided details of the proposals to provide Members of the Council with the facility to create and publish their own self-managed websites on the Council's website, via the 'Modern.gov' Committee Management System and sought approval to the implementation of an Acceptable User Policy for the use of the facility.

The report which had previously been considered by the Members ICT Steering Group indicated that the facility would enable the Council to meet IEG Democratic Renewal Priority Outcome R6: 'Provide every Councillor with the option to have an easy to manage set of public web pages (for community leadership purposes) that is either maintained for them or that they can maintain themselves'.

It was moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED:

That the Acceptable Use Policy be approved and included in Part 5 of the Council's Constitution as an appendix to the Protocol on the use of ICT by Members.

69. MEMBERSHIP OF COMMITTEES FOR 2008/09

There were no changes made to the membership of Committees.

70. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 16 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council received a report of the Leader of the Council setting out details of those matters dealt with in accordance with Rule 16 of the Access to Information Procedure Rules (Special Urgency).

71. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) OF THE CONSTITUTION

The Council considered a report of the Legal Director setting out details of those matters dealt with in accordance with Rule 17 of the Scrutiny Procedure Rules (Call-In and Urgency).

72. NOTICE OF MOTION FROM COUNCILLOR ROBERTSON - SUSTAINABLE COMMUNITIES ACT 2007

Further to Minute No. 170 of the Cabinet meeting held on 27 November 2008, the Council considered the report of the Chief Executive which incorporated a copy of a letter from the Secretary of State for Communities and Local Government inviting Council's to make proposals under the Sustainable Communities Act 2007 to promote the sustainability of local communities by encouraging the improvement of the economic, social or environmental wellbeing of the Council's area, including participation in civic and political activity.

It was then moved by Councillor Robertson, seconded by Councillor Blackburn and

RESOLVED:

That this Council:

- (1) welcomes and supports the process in the Sustainable Communities Act 2007 which provides a valuable opportunity for local authorities and communities to make proposals which they consider would encourage the improvement of the economic, social or environmental wellbeing of their areas, including participation in civic and political activity;
- (2) agrees to take part in this process, engage in discussions and work with the local panel to develop proposals which would promote sustainability; and
- (3) agrees to notify the local media, Sefton's Members of Parliament and Local Works of this decision.

73. NOTICE OF MOTION FROM COUNCILLOR WEAVERS

It was moved by Councillor Weavers, seconded by Councillor Tattersall and

RESOLVED:

That the following motion be approved and submitted to the Cabinet, in accordance with Rule 15.14 of the Council and Committee Procedure Rules for formal consideration by the financial implications, in advance of any budgetary commitment and prior to any action being taken to implement the decision:

- "1. The Council congratulates Jack Taylor, Sefton's young Eco Champion and Sefton's energy team on their National Energy Efficiency Awards.
2. It notes that since 2004 the Council's energy team has achieved combined annual savings of £876,000 through proactive monitoring and targeting, bill management and reconciliation work, for example with water rateable values.
3. The Council now requires that urgent consideration is given to establishing a realistic energy conservation financial budget in the 2009/10 Council budget, so that Sefton has the appropriate level of financial resources to deliver an effective "Invest to Save" energy and carbon reduction strategy.
4. More investment is needed to enable Sefton to become an energy efficient Council and show appropriate leadership in working towards becoming a carbon neutral borough for Jack Taylor's generation to inherit."