

COUNCIL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON THURSDAY 7TH JULY, 2011**

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

Councillors Ashton, Atkinson, Ball, Blackburn, Booth, Bradshaw, Brady, Brennan, Brodie - Browne, Byrom, Carr, K. Cluskey, L. Cluskey, Crabtree, Cuthbertson, Dodd, Doran, Dorgan, P. Dowd, Dutton, Fairclough, Lord Fearn, Fenton, Friel, Gibson, Griffiths, Glover, Gustafson, Hands, Hardy, Howe, Jones, Kelly, Kerrigan, Mahon, Mainey, McGinnity, McGuire, McIvor, McKinley, Moncur, Page, Papworth, Parry, Pearson, Porter, Rimmer, Roberts, Robertson, Robinson, Shaw, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Dowd, M. Fearn, Hill, Hubbard, Maher, Preece and Sumner.

26. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Minute	Reason	Action
Councillor Brennan	37 – Notice of Motion by Councillor P.Dowd	Personal – He is the Chair of the Overview and Scrutiny Committee (Children’s Services)	Took part in the consideration of the item and voted thereon
Councillor Brodie -Browne	37 – Notice of Motion by Councillor P.Dowd	Personal – His wife is employed by a school seeking academy status	Took part in the consideration of the item and voted thereon
Councillor Gibson	37 – Notice of Motion by Councillor P.Dowd	Personal – His children attend a school seeking academy status	Took part in the consideration of the item and voted thereon

COUNCIL- THURSDAY 7TH JULY, 2011

Councillor Howe	37 – Notice of Motion by Councillor P.Dowd	Personal – He is the Chair of the Governors of Maghull High School	Took part in the consideration of the item and voted thereon
Councillor Mainey	37 – Notice of Motion by Councillor P.Dowd	Personal – His Son –in-law works at Range High School which is seeking academy status	Took part in the consideration of the item and voted thereon
Councillor Moncur	37 – Notice of Motion by Councillor P.Dowd	Personal – His children attend a school seeking academy status	Took part in the consideration of the item and voted thereon
Councillor Shaw	32 – Birkdale Village Conservation Area Appraisal	Personal – He resides within the Birkdale Village Conservation Area	Took part in the consideration of the item and voted thereon

27. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the Annual Council meeting held on 12 May 2011 and the Extraordinary Council meeting and Adjourned Annual Council meeting held on 17 May 2011 be approved as a correct record.

28. MAYOR'S COMMUNICATIONS

Death of Ex Mayor of Sefton – Mr. Nicholas Fanning

The Mayor reported on the sad death of the former Mayor and Councillor, Mr. Nicholas Fanning on 29 May 2011 and indicated that he and the Mayoress had attended the funeral on behalf of the Borough at Our Lady of Walsingham Roman Catholic Church, Bootle on 8 June 2011.

The Mayor advised that Mr. Fanning served first as a Councillor on the Bootle County Borough Council after being elected to Mersey Ward in 1966. He continued to serve his community becoming the elected member for Netherton Ward in the then newly created Sefton Metropolitan Borough Council in 1974. He was re-elected to represent Church Ward in Waterloo before returning to represent Netherton Ward from where he retired from his Council duties in 2004. Mr. Fanning and his wife Mary

served the Borough as Mayor and Mayoress in the municipal year 1994/95.

Councillors Mahon, Parry, Pearson and Sir Ron Watson paid tribute to Mr. Fanning.

The Council then stood in silence for one minute as a mark of respect for Mr. Fanning.

Civic Service

The Mayor reported that his Civic Service had been held on Sunday 3 July 2011 at St. Thomas of Canterbury RC Church, Waterloo and was conducted by Father John Cullen. He expressed thanks to those who had attended and for the help and assistance from all at St. Thomas'.

Freedom of Entry to the Borough

The Mayor reported that he and the Mayoress had attended Royal Air Force Woodvale on Sunday 3 July 2011 where, on behalf of the Borough, he had formally presented the Commanding Officer with the Scroll bestowing upon that Unit the Freedom of Entry into the Borough.

The Mayor indicated that this year, Royal Air Force Woodvale celebrates its 70th year and, on behalf of the Council, he wished them continued success and fair skies.

PUBLIC SESSION

29. MATTERS RAISED BY THE PUBLIC

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

COUNCIL BUSINESS SESSION

30. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out a written question submitted by Councillor Brodie-Browne to the Leader of the Council and the response given. One supplementary question was put and responded to.

31. REQUEST FOR SUSPENSION OF COUNCIL PROCEDURE RULES

It was moved by Councillor Brodie-Browne and seconded by Councillor Parry:

That in accordance with Rule 23.1 of the Council and Committee Procedure Rules, the provisions of Rule 13.1 (Motions where notice

given/Issues for debate) be suspended only for this meeting, to enable the following motion to be considered on a matter which has arisen, following the deadline for the submission of motions to be debated with notice:

- (1) This Council notes with disappointment the decision made by the controlling Labour Group on the Merseyside Integrated Transport Authority to end immediately, without further reports, or the results of any business case study, the opportunity to take local control of the Merseyrail Electrics network from Network Rail.
- (2) Council notes that this process has been ongoing for many years, and that in 2005/06 a business case for Full Local Decision Making (FLDM) was prepared and submitted showing clear benefits for Merseyside. This was endorsed by the Merseyside Passenger Transport Authority and was a Key Policy in Local Transport Plan Two (LTP2).
- (3) Council further notes that FLDM was re-launched as Localism for Merseyrail (LFM) in 2010 and that the imperative for greater local control over the network infrastructure remains and the commitment to developing the case for this was reiterated in Local Transport Plan Three (LTP3).
- (4) Council also notes that LFM has the support of the Department for Transport, Network Rail, Office of the Rail Regulator and the Rail Freight Industry.
- (5) Council believes that a fully integrated Merseyrail network would be in the best interests of Merseyside's commuters and would enable local people and rail customers to have greater say in the decisions taken affecting the rail network in Merseyside.
- (6) Council notes that £1.5m was spent promoting this scheme.

Council therefore requests

- (1) That the Chief Executive write to the Chief Executive and Director General of Merseytravel, Neil Scales, and to the Chairman of the Merseyside Integrated Transport Authority (MITA), expressing our Council's disappointment at the decision made at the Authority's meeting on 27th June, 2011; and
- (2) That MITA reverse the decision made at its meeting of the 27th June and ask that Merseytravel Passenger Transport Executive commission a Business Case Study to determine benefits and risks of LFM. The results of that study are considered by a future MITA Authority meeting before a final decision is made on whether to move this matter forward to the next stage.

On a show of hands, 28 Members voted for the Motion and 26 Members voted against, with 1 abstention. The Mayor indicated that the provisions

of Rule 23.1 of the Council and Committee Procedure Rules, require that at least half of the whole number of Members of the Council are present and vote in favour thereof (33 Members) and in view of that, it was

RESOLVED:

That no action be taken on the Motion.

32. BIRKDALE VILLAGE CONSERVATION AREA APPRAISAL

Further to Minute No. 208 of the meeting of the Planning Committee held on 4 May 2011, the Council considered the report of the Director of Built Environment which sought approval to proposed amendments to the Birkdale Village Conservation Area's Appraisal and the Conservation Area's Boundaries.

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

RESOLVED: That

- (1) the Birkdale Village Conservation Area Appraisal be adopted as a material consideration in the determination of Planning applications; and
- (2) the proposed amendments to the Conservation Area's boundaries shown on the plan appended to the report be approved under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

33. SEFTON BOROUGH PARTNERSHIP

Further to Minute No. 20 of the Adjourned Annual Council meeting held on 17 May 2011, the Council considered the report of the Director of Corporate Commissioning on the proposed representation on a number of Partnership bodies of the Sefton Borough Partnership in 2011/12.

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

RESOLVED:

That the following Members set out below be appointed to serve on the Partnership bodies of the Sefton Borough Partnership in 2011/12:

<u>Partnership</u>	<u>Number of Representatives</u>	<u>Member</u>
Formby Area Partnership	3	2 Conservative ward members (Cllr Dutton and Griffiths 1 Labour ward member (Cllr Page)

Crosby Area Partnership	3	1 Labour ward member (Cllr Veidman) 1 Liberal Democrat ward member (Cllr Hill) 1 Conservative ward member (Cllr Dorgan)
Sefton East Area Partnership	3	Chair and Vice Chair of Sefton East Area Parishes Committee (Cllrs Howe and Blackburn) 1 Labour ward member (Cllr Carr)
Sefton Partnership for Older Citizens	1	Cabinet Member – Children, Schools and Families (Cllr Moncur)

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

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

RESOLVED:

That the report be noted.

35. MEMBERSHIP OF COMMITTEES 2011/12

It was proposed by Councillor Moncur that the following changes be made to the Membership of Committees:

Cabinet Member – Older People and Health

Councillor K. Cluskey to replace Councillor Friel as the Labour Spokesperson

It was proposed by Councillor Griffiths that the following changes be made to the Membership of Committees:

Cabinet Member – Children, Schools and Families

Councillor Crabtree to replace Councillor Jones as the Conservative Substitute for the Spokesperson, Councillor Dorgan

Cabinet Member – Performance, Governance and Commissioning

Councillor McIvor to replace Councillor Cuthbertson as the Conservative Spokesperson and Councillor Dutton to be the Substitute

Overview and Scrutiny Committee (Children's Services)

Councillor Jones to replace Councillor Cuthbertson as a Member of the Committee and Conservative Spokesperson; and Councillor Dutton to remain as the Substitute Member

Licensing and Regulatory Committee

Councillor Cuthbertson to replace Councillor Crabtree as a Member of the Committee

Public Engagement and Consultation Panel

Councillor McIvor to replace Councillor Cuthbertson as a Member of the Panel

RESOLVED:

That the changes to the Membership of Committees listed above be approved.

36. NOTICE OF MOTION BY COUNCILLOR SIR RON WATSON

It was moved by Councillor Sir Ron Watson and seconded by Councillor Pearson:

“The Council welcomes the Coalition Government’s decision in respect of the planned transfer of Public Health to the Council from the Local Primary Care Trust;

The Council welcomes the initiative taken by the Local Government Association in responding positively to this added responsibility which will involve elected Members in an important area of public health;

The Council recognises the major health problems and public expenditure associated with smoking and believes that these can be significantly reduced; and

Agrees that the Overview and Scrutiny Committee – Health and Social Care set up a Task Group to consider all relevant aspects of smoking and tobacco control in the Borough.”

An **amendment** was moved by Councillor Porter, seconded by Councillor Griffiths that the motion be amended by the deletion of all the text in Paragraph four and the substitution of the following text:

"The Council welcomes the excellent work already undertaken by the Public Health Partnership led by Dr Janet Atherton in reducing the number of smokers in the Borough by 17,000 and notes their intention to continue with this work under the newly formed Sefton Shadow Health and Wellbeing Board. The Council also supports the inclusion of alcohol and obesity within the planned programme."

Following debate, on a show of hands, the Mayor declared that the amendment was **carried** by 52 votes to 6.

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

RESOLVED:

"The Council welcomes the Coalition Government's decision in respect of the planned transfer of Public Health to the Council from the Local Primary Care Trust;

The Council welcomes the initiative taken by the Local Government Association in responding positively to this added responsibility which will involve elected Members in an important area of public health;

The Council recognises the major health problems and public expenditure associated with smoking and believes that these can be significantly reduced; and

The Council welcomes the excellent work already undertaken by the Public Health Partnership led by Dr Janet Atherton in reducing the number of smokers in the Borough by 17,000 and notes their intention to continue with this work under the newly formed Sefton Shadow Health and Wellbeing Board. The Council also supports the inclusion of alcohol and obesity within the planned programme.

37. NOTICE OF MOTION BY COUNCILLOR P. DOWD

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

"The Council notes that following its resolution on 24 March 2011 which recommended "that all schools considering Academy status should conduct a parental ballot as part of their consultation process", that only one school has followed this course of action. In order for the Council to be assured that appropriate consultation has taken place the Overview and Scrutiny Committee – Children's Services should, as a matter of urgency, consider the process followed by each school and report any concerns for action by the Council without delay".

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

“Some schools may be considering moving to academy status for financial savings and in view of this, a review be undertaken of the services delivered to schools with a view to bringing the costs in line with external providers.”

Following debate, on a show of hands, the Mayor declared that the amendment was **lost** by 40 votes to 17.

On a show of hands, the Mayor declared that the original Motion was carried by 42 votes to 14 and it was

RESOLVED:

The Council notes that following its resolution on 24 March 2011 which recommended “that all schools considering Academy status should conduct a parental ballot as part of their consultation process”, that only one school has followed this course of action. In order for the Council to be assured that appropriate consultation has taken place the Overview and Scrutiny Committee – Children’s Services should, as a matter of urgency, consider the process followed by each school and report any concerns for action by the Council without delay.