

COUNCIL

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON THURSDAY 1ST SEPTEMBER, 2011**

PRESENT: Councillor M. Fearn (Deputy Chair of Council) in the Chair

Councillors Ashton, Atkinson, Ball, Blackburn, Booth, Bradshaw, Brady, Byrom, Carr, K. Cluskey, L. Cluskey, Crabtree, Cuthbertson, Dodd, Doran, Dorgan, M. Dowd, P. Dowd, Dutton, Fairclough, Friel, Gibson, Griffiths, Gustafson, Hands, Hill, Howe, Hubbard, Jones, Kelly, Kerrigan, Maher, Mahon, Mainey, McGinnity, McGuire, Mclvor, McKinley, Moncur, Page, Papworth, Parry, Porter, Preece, Robertson, Robinson, Shaw, Sumner, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers, Webster and Welsh

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Mayor and Councillors Brennan, Brodie-Browne, Lord Fearn, Fenton, Glover, Hardy, Pearson, Rimmer and Roberts.

39. DECLARATIONS OF INTEREST

A number of Members indicated that it was their intention to declare a prejudicial interest in Minute No. 50 (Notice of Motion by Councillor Robertson) and Minute No. 55 (Notice of Motion by Councillor Tweed) and the Head of Corporate Legal Services gave advice on the definitions of a personal interest and prejudicial interest as prescribed by Standards of England and indicated that the content of the two Notices of Motion related to general policy and not individual issues.

It was moved by Councillor Parry, seconded by Councillor Porter and

RESOLVED:

That the meeting be adjourned for a short period of time to enable Members of the Council to receive individual advice from the Head of Corporate Legal Services on personal and prejudicial interests.

The meeting re-convened and Councillor Parry (Leader of the Conservative Group) indicated that Members of her political group would be making individual declarations of personal interests in Minute Nos 50 and 55 and would leave the Council Chamber during the consideration of those items.

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The following declarations of interest were received:-

<u>Member</u>	<u>Minute No.</u>	<u>Reason</u>	<u>Action</u>
Councillor Ball	50 – Notice of Motion by Councillor Robertson	Personal – Substitute Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Ball	55 – Notice of Motion by Councillor Tweed	Personal – Substitute Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor Crabtree	50 – Notice of Motion by Councillor Robertson	Personal –Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Crabtree	55 – Notice of Motion by Councillor Tweed	Personal – Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor Cuthbertson	51 – Notice of Motion by Councillor Cuthbertson	Personal – Associate Member of the Royal Naval Association – Crosby Branch	Took part in the consideration of the item and voted thereon.
Councillor Dodd	53 – Notice of Motion by Councillor Robertson	Personal – Sefton Council Representative on the Merseyside Integrated Transport Authority	Took part in the consideration of the item and voted thereon.

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Councillor Doran	51 – Notice of Motion by Councillor Cuthbertson	Personal – Patron of the Royal Naval Association – Crosby Branch	Took part in the consideration of the item and voted thereon.
Councillor Dorgan	50 – Notice of Motion by Councillor Robertson	Personal –Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Dorgan	55 – Notice of Motion by Councillor Tweed	Personal – Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor M. Dowd	53 – Notice of Motion by Councillor Robertson	Personal – Sefton Council Representative on the Merseyside Integrated Transport Authority	Took part in the consideration of the item and voted thereon.
Councillor Dutton	50 – Notice of Motion by Councillor Robertson	Personal – Substitute Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Dutton	55 – Notice of Motion by Councillor Tweed	Personal – Substitute Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor Friel	53 – Notice of Motion by Councillor Robertson	Personal – Sefton Council Representative on the Merseyside Integrated Transport Authority	Took part in the consideration of the item and voted thereon.

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Councillor Griffiths	50 – Notice of Motion by Councillor Robertson	Personal –Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Griffiths	55 – Notice of Motion by Councillor Tweed	Personal – Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor Griffiths	53 – Notice of Motion by Councillor Robertson	Personal – Sefton Council Representative on the Merseyside Integrated Transport Authority	Took part in the consideration of the item and voted thereon.
Councillor Jones	50 – Notice of Motion by Councillor Robertson	Personal – Substitute Member of the Planning Committee which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Jones	55 – Notice of Motion by Councillor Tweed	Personal – Substitute Member of the Planning Committee which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of the item.
Councillor Mclvor	50 – Notice of Motion by Councillor Robertson	Personal – Substitute Member of the Overview and Scrutiny Committee (Regeneration and Environmental Services), which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Mclvor	55 – Notice of Motion by Councillor Tweed	Personal – Substitute Member of the Overview and Scrutiny Committee (Regeneration and Environmental Services) which will have to work by the National Planning Framework and Core	Left the room during the consideration of the item.

Strategy

Councillor Papworth	50 – Notice of Motion by Councillor Robertson	Personal – Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) which will have to consider the Core Strategy at a later date.	Left the room during the consideration of part of the item.
Councillor Papworth	55 – Notice of Motion by Councillor Tweed	Personal – Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) which will have to work by the National Planning Framework and Core Strategy	Left the room during the consideration of part of the item.
Councillor Parry	50 – Notice of Motion by Councillor Robertson	Personal – Member of the Cabinet which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Parry	55 – Notice of Motion by Councillor Tweed	Personal – Member of the Cabinet which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Porter	50 – Notice of Motion by Councillor Robertson	Personal – Member of the Cabinet which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.
Councillor Porter	55 – Notice of Motion by Councillor Tweed	Personal – Member of the Cabinet which will have to consider the Core Strategy at a later date.	Left the room during the consideration of the item.

40. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council meeting held on 7 July 2011 be approved as a correct record.

41. MAYOR'S COMMUNICATIONS

The Chair reported that in the absence of the Mayor, there were no Mayoral Communications to report to the Council.

PUBLIC SESSION

42. MATTERS RAISED BY THE PUBLIC

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

COUNCIL BUSINESS SESSION

43. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by Councillor Byrom to the Chair of the Overview and Scrutiny Committee (Health and Social Care) and by Councillor Welsh to the Cabinet Member – Corporate Services and the responses given. In each case, one supplementary question was put and responded to.

44. OVERVIEW AND SCRUTINY ANNUAL REPORT 2010/11

The Council considered the Overview and Scrutiny Annual Report for 2010/11 and Councillors Hands, Hill and Papworth highlighted the key areas of work undertaken by the respective Committees and thanked Members and Officers for their support and assistance during 2010/11.

It was moved by Councillor Hands, seconded by Councillor Hill and

RESOLVED:

That the Overview and Scrutiny Annual Report 2010/11 be noted.

45. AMENDMENTS TO COUNCIL CONSTITUTION

The Council considered a report by the Director of Corporate Commissioning on proposed changes to the Council Constitution in respect of the revised title of the Cabinet Member – Transportation and the delegation of powers to the Cabinet with regard to the management and safeguarding of a Council shareholding in a company.

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

RESOLVED: That

- (1) it be noted that the Leader of the Council has amended the title of the "Street Scene and Transportation" Cabinet Portfolio to the "Transportation" Cabinet Portfolio;

- (2) the Cabinet be granted delegated authority to take all necessary steps to manage and safeguard any shareholding the Council owns in a company including among other things, granting permissions, giving consents, and selling the shareholding as appropriate, and where the Council is the sole shareholder, delegated authority be given to the Cabinet to grant permission for further shares in a company to be issued; and
- (3) the Director of Corporate Commissioning be granted delegated authority to make any consequential amendments to the Council Constitution as a result of the changes outlined in (1) and (2) above.

46. APPOINTMENT OF SUBSTITUTE MEMBERS ON THE PUBLIC ENGAGEMENT AND CONSULTATION PANEL

The Council considered a report by the Director of Corporate Commissioning seeking the appointment of Substitute Members to serve on the Public Engagement and Consultation Panel for the remainder of the 2011/12 Municipal Year.

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

RESOLVED:

That Councillors Shaw, Brady and Dutton be appointed as Substitute Members for Councillors Brodie-Browne, Friel and McIvor respectively on the Public Engagement and Consultation Panel.

47. LOCAL SUSTAINABLE TRANSPORT FUND

Further to Minute No. 32 of the Cabinet meeting held on 21 July 2011, the Cabinet considered the report of the Director of Built Environment on the award of funding by the Department of Transport under the Local Sustainable Transport Fund for schemes to be implemented by the Council in partnership with Merseyside Integrated Transport Authority and West Lancashire District Council.

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

RESOLVED:

That approval be given to the inclusion of £575,000 in the Capital Programme, to be phased as indicated in paragraph 3.2 of the report, to enable the relevant schemes to be implemented.

48. MERSEYSIDE LOCAL SUSTAINABLE TRANSPORT FUND PROJECT - FACILITATING SUSTAINABLE ACCESS TO EMPLOYMENT IN MERSEYSIDE

Further to Minute No. 39 of the Cabinet meeting held on 18 August 2011, the Council considered the report of the Director of Built Environment

which provided details of Sefton's role in the Merseyside Local Sustainable Transport Fund (MLSF) project - Facilitating Sustainable Access to Employment in Merseyside and seeking authority to commit to and to allocate funds associated with the project.

Paragraph 2.5 of the report outlined the spend profile for all of Sefton's elements of the MLSF project relating to working with employers, travel solutions and sustainable transport infrastructure.

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

RESOLVED:

That approval be given to the inclusion of £260,000 in the Capital Programme to be phased as indicated in paragraph 2.5 of the report, to enable the project to be implemented.

49. MEMBERSHIP OF COMMITTEES 2011/12

- (1) It was proposed by Councillor Griffiths that the following changes be made to the Membership of the following Committees/Outside Bodies:

Cabinet Member – Environmental

Councillor Ball to replace Councillor Cuthbertson as the Substitute Member for Councillor Dutton

Cabinet Member – Safer Communities and Neighbourhoods

Councillor Crabtree to replace Councillor Cuthbertson as the Substitute Member for Councillor Papworth

Overview and Scrutiny Committee (Regeneration and Environmental Services)

Councillor McIvor to replace Councillor Dorgan as the Substitute Member for Councillor Jones

Licensing and Regulatory Committee

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

Planning Committee

Councillor Crabtree to replace Councillor Ball as a Member of the Committee and Councillor Ball to replace Councillor Cuthbertson as the Substitute Member for Councillor Crabtree

Joint Consultative Committee for Teaching Staffs

Councillor Ball to replace Councillor Cuthbertson as the Substitute Member for Councillor Dutton

Merseyside Pension Fund Pensions Committee

Councillor Papworth to replace Councillor Cuthbertson as the Substitute Member for Councillor McIvor

- (2) It was proposed by Councillor Blackburn that the following change be made to the Membership of the following Committee/Outside Bodies:

Audit and Governance Committee

Councillor Shaw to replace Councillor Brodie-Browne as the Substitute Member for Councillor Robertson

Mersey Port Health Committee

Councillor Dodd to replace Councillor Sumner as a Member of the Committee

Merseytravel Advisory Panel (Sefton Division)

Councillor Tonkiss to replace Councillor Sumner as a Member of the Committee

- (3) It was proposed by Councillor Moncur that the following change be made to the Membership of the following Committee:

Overview and Scrutiny Committee (Performance and Corporate Services)

Councillor Robinson to replace Councillor Roberts as a Member of the Committee and Councillor Roberts to be the Substitute Member for Councillor Robinson

RESOLVED:

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

50. NOTICE OF MOTION BY COUNCILLOR ROBERTSON

The Mayor reported that a guidance note produced by the Head of Corporate Legal Services had been circulated around the Council Chamber on the current legal position on pre-determination and pre-disposition to assist Members during the debate on the motion submitted by Councillor Robertson.

She also referred to the current timetable for the adoption of the Core Strategy by late 2014, produced by the Head of Planning Services, which had been circulated to Members of the Council on the previous evening for information and indicated that reports on the Core Strategy would be submitted to future meetings of the Council.

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

“This Council:

- (1) congratulates the Government on abandoning the artificial targets for housing imposed in the Regional Spatial Strategy by the previous administration;
- (2) recognises the fact that Sefton MBC can currently identify sites that will meet identified housing demand for the next ten years without encroachment on green belt land;
- (3) notes the present Council policy against green belt development;
- (4) acknowledges that Sefton MBC is required to present a broad indication of housing supply for the years beyond 2021 and, in connection with this, instructs the officers to quantify:
 - a- the increase in the number of households which would be obtained by reducing the number of empty properties in Sefton to the national average
 - b- the potential increase in accommodation achievable through progressing ‘homes above shops’ and contraction in retail space with re-designation of property to housing
 - c- the potential impact of further windfall ‘brownfield’ or derelict sites and possible impact of variations in household and dwelling mix per hectare. “

An **amendment** was moved by Councillor Sir Ron Watson, seconded by Councillor Doran, that the content of the motion be noted and not formally approved

Following debate, on a show of hands, the Chair declared that the amendment was **lost** by 19 votes to 3.

Following further debate, on a show of hands, the Chair declared that the original Motion was **lost** by 26 votes to 19 and it was

RESOLVED:

That no action be taken on the Motion.

51. NOTICE OF MOTION BY COUNCILLOR CUTHBERTSON

It was moved by Councillor Cuthbertson, seconded by Councillor Doran and following debate, it was

Unanimously RESOLVED:

That this Council calls upon the Coalition Government to issue a small Maltese Cross, to be pinned to the ribbon of the Africa Star, for personnel involved with the defence of Malta, in recognition of their valiant efforts.

52. NOTICE OF MOTION BY COUNCILLOR BRODIE-BROWNE

In the absence of Councillor Brodie-Browne, it was moved by Councillor Hubbard, seconded by Councillor Hill and it was

Unanimously RESOLVED:

That this Council calls on the Government to release the information regarding the Hillsborough Disaster in line with the Information Commissioner's Decision.

53. NOTICE OF MOTION BY COUNCILLOR ROBERTSON

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

- “(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."

An **amendment** was moved by Councillor Sir Ron Watson seconded by Councillor Doran, that:

- "(1) the motion be deferred for further consideration at the next Council Meeting, and the Chair of the Merseyside Integrated Transport Authority (MITA) be requested to submit further information on the issues referred to in the motion to enable all Members of the Council to make an informed decision on the content of the Motion; and*
- (2) the further information requested from the Chair of MITA be initially considered by the Leaders Group prior to the next Council Meeting."*

Following debate, on a show of hands, the Mayor declared that the amendment was **carried** by 28 votes to 26.

On a show of hands, the Chair declared that the Substantive Motion was carried by 28 votes to 26 and it was

RESOLVED: That:

- (1) the motion be deferred for further consideration at the next Council Meeting, and the Chair of the Merseyside Integrated Transport Authority (MITA) be requested to submit further information on the issues referred to in the motion to enable all Members of the Council to make an informed decision on the content of the Motion; and
- (2) the further information requested from the Chair of MITA be initially considered by the Leaders Group prior to the next Council Meeting.

54. ADJOURNMENT OF MEETING

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

RESOLVED:

That the meeting be adjourned for a period of ten minutes to enable Members to have a refreshment break.

Following the break, the meeting reconvened.

55. NOTICE OF MOTION BY COUNCILLOR TWEED

It was moved by Councillor Tweed, seconded by Councillor Maher :

“Firstly, this Council is concerned with the overall negative effect that the National Planning Framework, currently under consultation, will have on the Planning decision making processes.

Secondly the “presumption” of planning permission set out in the proposals are likely to lead to development on greenbelt and green space at an increased rate, to the extent that would be unacceptable to the people of Sefton.

Thirdly in addition the Government’s attempt to “streamline” the planning processes will simply open the door to developments without appropriate or due consideration.

The Council calls on the Government to radically reconsider its proposals.”

An **amendment** was moved by Councillor Hands, seconded by Councillor Shaw, that the motion be amended as follows:

In paragraph one:

- (a) delete the text *‘is concerned with the overall’* and insert *‘recognises the public concerns about the potential’*
- (b) add the word *‘draft’* before *‘National Planning Framework’*
- (c) change the word *‘will’* to *‘could’*

Amend paragraphs two, three and four to:

‘Secondly, it notes the proposal to introduce a ‘presumption in favour of sustainable development’, and believes that the final version of the National Planning Framework must clarify that this does not involve a threat to green belt and other green spaces.

Thirdly, it notes the widespread support for the proposals to 'streamline' the planning processes, but considers it essential that care is taken in 'streamlining' so as to ensure that no developments are approved without appropriate or due consideration.

The Council welcomes the fact that the Planning Committee is due to be presented with a detailed report on the draft National Planning Framework at its 21 September meeting with a view to making representations as part of the Government's consultation on the draft Framework'.

Following debate, on a show of hands, the Chair declared that the amendment was **lost** by 26 votes to 19.

A further **amendment** was moved by Councillor P. Dowd seconded by Councillor Moncur, that the motion be amended as follows:

After paragraph three, insert:

"The Council condemns the Conservative / LibDem Coalition capitulation to the vested interests of developers in relation to unbridled building on the green belt land and urban green space."

At the end of paragraph four, insert the text:

"and representations be sent to the Secretary of State for Communities and Local Government and to the three MP's for the Borough." and

Add a final paragraph to read as follows:

"The Council notes the present Council policy against green belt development."

Following debate, on a show of hands, the Chair declared that the amendment was **carried** by 24 votes to 21.

On a show of hands, the Chair declared that the Substantive Motion was carried by 24 votes to 19 and it was

RESOLVED:

Firstly, this Council is concerned with the overall negative effect that the National Planning Framework, currently under consultation, will have on the Planning decision making processes.

Secondly the "presumption" of planning permission set out in the proposals are likely to lead to development on greenbelt and green space at an increased rate, to the extent that would be unacceptable to the people of Sefton.

Thirdly in addition the Government's attempt to "streamline" the planning processes will simply open the door to developments without appropriate or due consideration.

The Council condemns the Conservative / LibDem Coalition capitulation to the vested interests of developers in relation to unbridled building on the green belt land and urban green space.

The Council calls on the Government to radically reconsider its proposals and representations be sent to the Secretary of State for Communities and Local Government and to the three MP's for the Borough.

The Council notes the present Council policy against green belt development.

56. NOTICE OF MOTION BY COUNCILLOR P. DOWD

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

Unanimously RESOLVED :

That this Council is appalled at the decision of the Government to close the Crosby Coastguard Station. The Station is a vital safety service and at a time of Port expansion the decision is both short-sighted and dangerous. The Council calls upon the Government to reconsider its decision and in addition it asks Sefton's Members of Parliament to lobby the Government accordingly.