

**COUNCIL**

**MEETING HELD AT THE TOWN HALL, BOOTLE  
ON THURSDAY 6TH SEPTEMBER, 2012**

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

Councillors Ashton, Atkinson, Ball, Bennett,  
Blackburn, Brodie - Browne, Byrom, Carr,  
L. Cluskey, Crabtree, Cummins, Dawson, Dodd,  
Dorgan, M. Dowd, P. Dowd, Dutton, Fairclough,  
Lord Fearn, Friel, Gatherer, Gustafson, Hubbard,  
Jones, Keith, John Kelly, Kermode, Kerrigan, Killen,  
Maguire, Maher, Mahon, McGinnity, McGuire,  
McIvor, McKinley, Moncur, Murphy, Page, Papworth,  
Preece, Rimmer, Roberts, Robertson, Robinson,  
Roche, Shaw, Sumner, Tonkiss, Tweed, Veidman,  
Weavers, Webster and Welsh

**38. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Booth, Bradshaw, Brennan, Cuthbertson, Hands, Hardy, Hartill, Keith, J.J. Kelly and Sir Ron Watson.

**39. DECLARATIONS OF INTEREST**

The following declaration of pecuniary interest was made and the Member concerned who stayed in the room but took no part in the consideration of the item indicated:

<u>Member</u>	<u>Minute</u>
Councillor Friel	46 – Merseyside Local Sustainable Transport Fund Major Project

**40. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the Minutes of the Council Meeting held on 5 July 2012 be approved as a correct record.

#### **41. MAYOR'S COMMUNICATIONS**

##### London Olympics 2012

The Mayor congratulated the Sefton Olympians, in particular Dan Purvis, the Team Gymnastics, Bronze Olympic Medal Winner and Fran Halsall and Michael Rimmer on taking part in this year's London Olympic Games, which were a tremendous success and a proud moment for Great Britain.

The Great Britain medals table was very impressive with 29 Gold Medals, 17 Silver Medals and 19 Bronze Medals, which gave us third place in the Olympics' medals table and a total of 65 medals awarded.

The Mayor also indicated that he looked forward to announcing at the next Council Meeting, how well Great Britain had performed in the Paralympics currently taking place and extended best wishes to the local Sefton athlete, Jamie Burdekin who would be taking part in the Tennis event.

##### Mayoral Engagements

The Mayor reported that he had attended 38 Engagements during July and 15 Engagements in August, 2012.

##### Southport Air Show

The Mayor indicated he was delighted to announce that his Charity, The Mayor of Sefton's Charity Fund would be raising money for the charity at the Air Show for the first time, with all money raised going to local organisations and individuals within Sefton.

#### **PUBLIC SESSION**

#### **42. MATTERS RAISED BY THE PUBLIC**

The Mayor 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 Papworth to the Leader of the Council (Councillor P. Dowd)
- Councillor Dawson to the Cabinet Member – Regeneration and Tourism (Councillor Maher)

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- Councillor Dawson to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)
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- Councillor Dawson to the Leader of the Council (Councillor P. Dowd)
- Councillor Preece to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Byrom to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Brodie-Browne to the Leader of the Council (Councillor P. Dowd)
- Councillor Brodie-Browne to the Cabinet Member – Older People and Health (Councillor Cummins)
- Councillor Crabtree to the Leader of the Council (Councillor P. Dowd)

together with the responses given. Supplementary questions were asked and responded to by the Cabinet Member – Children, Schools, Families and Leisure, Cabinet Member – Older People and Health and Cabinet Member – Transportation.

#### **44. COUNCIL TAX REDUCTION SCHEME**

Further to Minute No. 27 of the Cabinet meeting held on 19 July 2012, the Council considered the report of the Head of Corporate Finance and ICT on the proposals in the Local Government Finance Bill for the national Council Tax Benefit system to be replaced by a Local Council Tax Reduction Scheme from 2013-14, which would reduce expenditure by 10 per cent as part of a wider policy of decentralisation and welfare reform.

The report also set out the details of 'Localising Support for Council Statement of Intent' published by the Department for Communities and Local Government in May 2012 on the specific proposals for local authorities to produce a Local Council Tax Reduction Scheme and hold consultations with interested parties.

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

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

RESOLVED: That

- (1) the report be noted; and
- (2) approval be given to the re-scheduling of the Council meeting from 7 February 2013 to 24 January 2013 to enable the Council Tax Reduction Scheme to be approved by the required deadline.

**45. MERSEYSIDE AND HALTON WASTE LOCAL PLAN -  
MODIFICATIONS ARISING FROM PUBLIC EXAMINATION**

Further to Minute No. 38 of the Cabinet meeting held on 16 August 2012, the Council considered the report of the Director of Built Environment which provided an update on the progress and outcomes of the public examination process for the Merseyside and Halton Waste Local Plan, the proposed modification to the Plan, the consultation process on the modifications and the final stages to adoption.

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

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

RESOLVED:

That approval be given to:

- (1) the modifications (both main and additional) to the Waste Local Plan;
- (2) public consultation being undertaken on the modifications to the Waste Local Plan; and
- (3) District officers within the Waste Local Plan Steering Group being delegated to make necessary further minor and typographical changes to the Waste Local Plan prior to Council approval being sought for its adoption.

**46. MERSEYSIDE LOCAL SUSTAINABLE TRANSPORT FUND  
MAJOR PROJECT**

Further to Minute No. 39 of the Cabinet meeting held on 16 August 2012, the Council considered the report of the Director of Built Environment which provided an update on the Council's role in the Merseyside Local Sustainable Transport Fund major project which had been awarded funding by the Department for Transport.

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

RESOLVED: That

- (1) approval be given to the inclusion of £646,000 in the Capital Programme to be phased as indicated in paragraph 2.5 of the report;
- (2) approval be given to the inclusion of £300,000 grant funding from Sustrans in the Capital Programme towards the delivery of the Hightown to Formby Coastal Path Improvements; and
- (3) it be placed on record the appreciation of the work undertaken by Councillor Mark Dowd in his role as Chair of the Merseyside Integrated Transport Authority during the previous financial year.

#### **47. STEPCLEVER LEGACY FUND PROJECT**

Further to Minute No. 46 of the Cabinet meeting held on 16 August 2012, the Council considered the report of the Director of Built Environment on the award of the Stepclever Legacy grant for the Stepclever Legacy Fund Project to support new and existing businesses in South Sefton and North Liverpool.

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

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

RESOLVED: That

- (1) the award of Stepclever Legacy grant to the Council for the delivery of the Stepclever Legacy Fund Project be noted; and
- (2) approval be given to the inclusion of the Stepclever Legacy Fund Project within the Council's Capital Programme for 2012/13 and 2013/14 (subject to the receipt of a written offer of grant), at a cost of £1,847,749 to be fully funded from the Stepclever Legacy Grant. (£563,020 of this sum is residual funding from the Stepclever Property Project and is already included in the current Regeneration Capital Programme).

#### **48. RIVER MERSEY CHANNEL DREDGING PROJECT**

Further to Minute No. 47 of the Cabinet meeting held on 16 August 2012, the Cabinet considered the report of the Director of Built Environment on the current position relating to the Regional Growth Fund Bid for the River Mersey Dredging Project and the negotiations with the Mersey Docks and Harbour Company on the legal agreement for the project.

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

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

RESOLVED: That

- (1) the report be noted; and
- (2) approval be given to the inclusion of the River Mersey Channel Dredging Project in the Capital Programme, subject to the receipt of the grant from the Regional Growth Fund.

**49. VEHICLE REPLACEMENTS - REFUSE COLLECTION FLEET AND SPECIALIST TRANSPORT VEHICLES**

Further to Minute No. 43 of the Cabinet meeting held on 16 August 2012, the Council considered the report of the Director of Street Scene on the results of two recent tendering exercises in respect of the purchase of new refuse collection vehicles for the Cleansing Section and ten new coach-built welfare vehicles for the Specialist Transport Section, using a Prudential Borrowing facility arranged by the Finance Department.

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

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

RESOLVED:

That approval be given to the inclusion of the sum of £4,384,175 in the Capital Programme for the purchase of the vehicles, to be financed by a Prudential Borrowing facility.

**50. REVIEW OF COUNCIL'S CONSTITUTION**

Further to Minute No. 42 of the Cabinet meeting held on 16 August 2012, the Cabinet considered the report of the Director of Corporate Support Services and the Director of Corporate Commissioning on proposed changes to the Council's Constitution.

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

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

RESOLVED:

That the newly revised Council Constitution be adopted with immediate effect.

**51. APPOINTMENTS TO OUTSIDE BODIES 2012/13**

- (1) The Mayor indicated that the Council had agreed on 5 July 2012 (Minute 31(2) refers) that Councillor Kerrigan be appointed as one of the Council's representatives on to the Merseyside Police and Crime Panel for 2012/13, and requested the Council to appoint one Liberal Democrat Group Member as the Council's second representative on to the Merseyside Police and Crime Panel for 2012/13.

It was moved by Councillor McGuire, seconded by Councillor Brodie-Browne and

RESOLVED:

That Councillor Shaw be appointed as the Council's second representative on the Merseyside Police and Crime Panel for 2012/13.

- (2) Further to Minute No. 31(1) of the meeting held on 5 July 2012, it was moved by Councillor P. Dowd, seconded by Councillor Maher and

RESOLVED:

That Councillor Carr be appointed as one of the Council's representatives on the Merseyside Integrated Transport Authority for 2012/13 following the resignation of Councillor M. Dowd from that Authority.

**52. MEMBERSHIP OF COMMITTEES 2012/13**

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

Audit and Governance Committee

Councillor Roberts to replace Councillor Carr as a Member of the Committee and be appointed as the new Chair of the Committee.

Planning Committee

Councillor Roberts to replace Councillor Kerrigan as the Substitute Member for Councillor L. Cluskey.

RESOLVED:

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

**53. NOTICE OF MOTION SUBMITTED BY COUNCILLOR JONES**

It was moved by Councillor Jones, seconded by Councillor Dutton

“The Council:

- (1) Recognises the many concerns raised by a significant number of Southport residents, regarding the management of the Ainsdale and Birkdale Nature Reserve and Dunes. In particular, the recent and further application for a felling licence to fell a further substantial amount of English broadleaf trees in this protected natural environment.
- (2) Recognises that these works have progressed without recognition of the public interest, offering little public consultation.
- (3) Recognises that further concerns have been raised by Southport residents regarding the state of Southport beaches and foreshore. There are significant concerns amongst residents with the grass encroachment north of the pier and the deposits of disgraceful sludge covering Birkdale beach.
- (4) Notes that at the recent Southport Area Committee meeting held on 18 July 2012, these concerns were recognised by eleven of the twenty-two questions and a petition presented to the meeting, being related to the Ainsdale and Birkdale Nature Reserve and the foreshore areas.
- (5) Notes that at the same Southport Area Committee meeting, the Liberal Democrat Members finally agreed with Southport Conservatives that these significant public concerns and their questions needed to be addressed and we therefore request that the works ongoing to the Ainsdale and Birkdale Nature Reserve are curtailed pending the completion and outcome of full public consultation being submitted to the Council to enable Members and the public to be informed and gain the answers our residents deserve.
- (6) Realises that a buoyant and prosperous coastal resort like Southport is not only good for the economy of Southport but the whole of Sefton and relies upon the co-operation of our local residents.
- (7) Requests that an urgent review is undertaken of our current coast management programme in order to protect Southport’s Dune system, foreshore and the many habitats within it. Our ambition is to understand the ‘coastal processes’ and work to restore our beaches to their former condition. It is in this understanding that we may be able to encourage our beaches to be used and enjoyed by many people. This will encourage much needed revenue to Southport and Sefton”.



The Mayor indicated that the Motion in its current format, is one to which Rule 15.14 of the Council and Committee Procedure Rules (Motions on Expenditure) applies and if carried, it would need to be referred to the Cabinet for final consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision. If the Motion was amended and there are no financial implications arising from the Substantive Motion, it would not need to be referred to the Cabinet.

Following debate thereon, on a show of hands, the Mayor declared that the Motion was lost by 47 votes to 7.

RESOLVED:

That no action be taken on the Motion.

**54. NOTICE OF MOTION SUBMITTED BY COUNCILLOR P. DOWD**

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

RESOLVED

That the Council has difficult decisions to face, and will continue to face, in relation to its finance and provision of services.

Local Government has been harder hit than any other area of government spending. The figures provided by the present Government at the outset of the post emergency budget in June 2010 were misleading and grossly understated and whilst the Government promised fairness it has been lamentable in its delivery on this promise. Contrary to its claims, we are not "all in it together" and the most deprived areas have fared worse. The Council has had and will have to continue to make deep cuts to comply with the Government's funding regime. The Council will have to consider the impact that such cuts may have on the most vulnerable, as a large proportion of our spending is on adult social care.

The all-Party Local Government Association paints a bleaker picture for the future if the Government continues on this path of financial retrenchment.

Whilst the Council acknowledges that public finances are strained, in no small measure as a result of the Government's policies, nevertheless the Council will be lacking in its responsibilities not to inform the people of Sefton why it is having to make these difficult decisions, many of which are as a result of Government demands.

Given this, the Council agrees to ensure that as part of the public budget consultation process, it ensures that in its communications the public are aware of the size and nature of the cuts imposed by the Government on Sefton funding.

(On a show of hands, the Mayor declared that the Motion was carried by 31 votes to 22)

**55. NOTICE OF MOTION SUBMITTED BY COUNCILLOR DAWSON**

The Mayor announced that the undermentioned Notice of Motion had been withdrawn by Councillor Dawson:

“This Council, noting the proposed election of a Police Commissioner for the Merseyside area, believes that it is inappropriate for the residents’ interests over this substantial area to be represented by a single paid politician.”

(The Mayor agreed that the following item be considered as an urgent item under Section 100 B (4) (b) of the Local Government Act 1972 (as amended by the Local Government (Access to Information) Act 1985)

**56. LOCAL GOVERNMENT ACT 1972 - SECTION 85 - ATTENDANCE AT MEETINGS**

The Council considered the report of the Director of Corporate Commissioning which requested the Council to approve and authorise the absence of Councillor Hands from attendance at Council and Committee Meetings pursuant to Section 85 of the Local Government Act 1972 due to his current ill health.

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

RESOLVED:

That the current absence from all Council and Committee Meetings of Councillor Hands due to ill health be authorised and approved for a further six month period from the date of this meeting until 5 March 2013 pursuant to the provisions of Section 85 of the Local Government Act 1972.