

**COUNCIL**

**MEETING HELD AT THE TOWN HALL, SOUTHPORT  
ON THURSDAY 24TH JANUARY, 2013**

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

Councillors Ashton, Atkinson, Ball, Bennett,  
Blackburn, Booth, Bradshaw, Brennan, Brodie -  
Browne, Byrom, Carr, L. Cluskey, Crabtree,  
Cummins, Cuthbertson, Dawson, Dodd, Dorgan,  
M. Dowd, P. Dowd, Dutton, Fairclough, Lord Fearn,  
Friel, Gatherer, Hardy, Gustafson, Hands, Hartill,  
Jones, Keith, John Kelly, John Joseph Kelly,  
Kermode, Kerrigan, Killen, Lappin, P. Maguire,  
Maher, Mahon, McGinnity, S. McGuire, Mclvor,  
McKinley, Moncur, Murphy, Papworth, Preece,  
Rimmer, Roberts, Robertson, Robinson, Shaw,  
Sumner, Tonkiss, Tweed, Veidman, Sir Ron Watson,  
Weavers, Webster and Welsh

**75. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hubbard, Page and Roche.

**76. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**77. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the Minutes of the Council meeting held on 22 November 2012 be approved as a correct record.

**78. MAYOR'S COMMUNICATIONS**

Mrs. Beryl Kennedy

The Mayor reported on the death of former Councillor and Mayoress Mrs. Beryl Kennedy on 31 December 2012.

Mrs. Kennedy served Manor Ward from 1991 to 1995. Mrs. Kennedy was also Mayoress during her husband's period in Office in 1988 and following his untimely death, she was Mayoress to Councillor Miss Jenny Kemp for the remaining part of the mayoral year.

The Mayor indicated that he had attended Mrs. Kennedy's funeral in St. Peter's Church, Formby on behalf of the Borough on 11 January 2013.

#### Mayoral Charity Dinner 2013

The Mayor reported that his Charity Dinner would be held on 1 March 2013 in the Southport Theatre and Convention Centre and the proceeds from the event would be distributed to Mayoral Charities. Tickets were on sale from the Mayor's Office at a cost of £40.

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

The Mayor reported that in accordance with the Council's Petition Scheme, three petitions had been submitted for consideration, requesting the Council to keep the Ainsdale, Aintree and Birkdale Libraries open and each petition would be considered separately.

1. The Mayor reported that the first petition with 3,968 signatures, had been submitted by Mrs. Pauline Collier of Ainsdale on behalf of the residents of Ainsdale requesting the Council to keep the Ainsdale Library open following the Review of the Library Service.

In accordance with the Council's Petition Scheme, Mrs. Collier the Lead Petitioner, made a statement in support of the petition.

The Leader of the Council, Councillor P. Dowd and Members of the Council thanked Mrs. Collier for submitting the petition.

A debate then took place on the content of the petition and it was moved by Councillor P. Dowd, seconded by Councillor Maher and

#### **RESOLVED:**

That the petition be noted and the representations made be taken into account during the consideration of the report on the Review of the Library Service at the meeting of the Cabinet to be held on 14 February 2013 and the meeting of the Council on 28 February 2013, when the Council Budget for 2013/14 will be determined.

2. The Mayor reported that the second petition with 3,277 signatures, had been submitted by Parish Councillor Peter Gill of Aintree Village Parish Council on behalf of the residents of Aintree Village and Melling requesting the Council to keep the Aintree Library open following the Review of the Library Service.

In accordance with the Council's Petition Scheme, Parish Councillor Gill the Lead Petitioner, made a statement in support of the petition.

The Leader of the Council, Councillor P. Dowd and Members of the Council thanked Parish Councillor Gill for submitting the petition.

A debate then took place on the content of the petition and it was moved by Councillor P. Dowd, seconded by Councillor Maher and

**RESOLVED:**

That the petition be noted and the representations made be taken into account during the consideration of the report on the Review of the Library Service at the meeting of the Cabinet to be held on 14 February 2013 and the meeting of the Council on 28 February 2013, when the Council Budget for 2013/14 will be determined.

3. The Mayor reported that the third petition with 3,515 signatures, had been submitted by Mr. Terry Durrance of Birkdale on behalf of the residents of Birkdale requesting the Council to keep the Birkdale Library open following the Review of the Library Service.

In accordance with the Council's Petition Scheme, Mr. Durrance the Lead Petitioner, made a statement in support of the petition.

The Leader of the Council, Councillor P. Dowd and Members of the Council thanked Mr. Durrance for submitting the petition.

A debate then took place on the content of the petition and it was moved by Councillor P. Dowd, seconded by Councillor Maher and

**RESOLVED:**

That the petition be noted and the representations made be taken into account during the consideration of the report on the Review of the Library Service at the meeting of the Cabinet to be held on 14 February 2013 and the meeting of the Council on 28 February 2013, when the Council Budget for 2013/14 will be determined.

**80. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL**

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

- Councillor Killen to the Leader of the Council (Councillor P. Dowd)
- Councillor Preece to the Leader of the Council (Councillor P. Dowd)
- Councillor Robertson to the Leader of the Council (Councillor P. Dowd)
- Councillor Robertson to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)

- Councillor Dawson to the Leader of the Council (Councillor P. Dowd)
- Councillor Dawson to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Dawson to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Dawson to the Cabinet Member – Regeneration and Tourism (Councillor Maher)

together with the responses given. Supplementary questions were asked and responded to by the Leader of the Council and the Cabinet Members for Children, Schools, Families and Leisure, and Regeneration and Tourism.

#### **81. LOCAL COUNCIL TAX REDUCTION SCHEME 2013/14 AND CHANGES TO COUNCIL TAX DISCOUNTS AND EXEMPTIONS FOR UNOCCUPIED PROPERTIES**

Further to Minute No. 83 of the Cabinet meeting held on 13 December 2012, the Council considered the report of the Head of Corporate Finance and ICT which outlined the results of the consultation relating to the Council Tax Reduction Scheme including the Equality Analysis Report, and the results of consultation relating to the removal of Council Tax discounts and exemptions for unoccupied properties, together with an update on Government changes to proposed legislation, including the Equality Analysis Report.

The report also set out a proposed Council Tax Reduction Scheme and a range of Council Tax discounts and exemption changes; provided an update on the latest Government announcement regarding transitional funding being made available to Local Authorities for the Council Tax Reduction scheme, together with the impact of the proposed grant on Sefton Council; and identified ways in which the Council proposes to help those most financially affected by the change through a hardship fund in order to meet its objective of protecting the most vulnerable residents of Sefton.

The report contained the following annexes:

- Annex A: Council Tax Reduction Scheme options – with financial implications
- Annex B: Council Tax Technical changes with financial implications
- Annex C: Consultation and Engagement relating to the Council Tax Reduction Scheme and Council Tax Technical Changes
- Annex D: Equality Analysis Report – Council Tax Reduction Scheme
- Annex E: Equality Analysis Report – Council Tax Technical changes relating to discount and exemptions for vacant unoccupied properties

Annex F: Local Council Tax Reduction Scheme

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

RESOLVED: That

- (1) the Council Tax Reduction Scheme for 2013/14, as summarised in paragraph 14 and set out in Annex F of the report, be approved and adopted to take effect from 1 April 2013;
- (2) approval be given to the changes to discounts and exemptions for empty and unoccupied properties to take effect from 1 April 2013 in order to minimise the impact for non pensioner claimants, as summarised in paragraph 14, and set out in Annex B of the report;
- (3) approval be given to the introduction of an empty homes premium to take effect from 1 April 2013, as summarised in paragraph 14, and set out in Annex B of the report;
- (4) the Government transitional grant be not accepted; and
- (5) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had been requested to give their consent under Rule 46 of the Overview and Scrutiny Procedure Rules, for the decision to be taken by the Cabinet at its meeting on 31 January 2013 on the Council Tax Base to be treated as urgent and not subject to "call in", because legislation requires local authorities to notify the Department for Communities and Local Government and precepting bodies of the Council Tax Base by no later than 31 January 2013. This would necessitate the Cabinet decision being actioned on the same day.

**82. CAPITAL MAINTENANCE GRANT 2012/13 - ADDITIONAL SCHEMES**

Further to Minute No. 89 of the Cabinet meeting held on 13 December 2012, the Council considered the report of the Director of Young People and Families which sought approval to an increase in the Children's Services funding provision from the Government Capital Allocation of £3,198,000 received for 2012/13.

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

RESOLVED:

That approval be given to the addition of the identified schemes totalling £536,250 into the Capital Programme, as set out in the report.

**83. NEIGHBOURHOOD PLANNING SCHEME OF DELEGATION**

Further to Minute No. 34 of the meeting of the Audit and Governance Committee held on 12 December 2012, the Council considered the report of the Director of Built Environment on the provisions within the Localism Act 2011 relating to Neighbourhood Planning which enables communities to have a bigger and more formal involvement in the local planning policies to be operated within their local area. The report set out a proposed scheme of delegation for the Neighbourhood Planning process.

It was moved by Councillor McGinnity, seconded by Councillor Roberts and

RESOLVED: That

- (1) all Ward Councillors, together with Members of any ward whose boundary abuts or is likely to be affected by proposals in a proposed Neighbourhood Plan area, should be notified in writing when an application to establish a Neighbourhood Plan area or a Neighbourhood Forum is submitted to the Local Planning Authority;
- (2) all relevant Members be notified when key stages of the Neighbourhood Plan-making process is reached by email and at the first available Area Committee meeting;
- (3) the Planning Committee be asked if they have any views on a proposal to designate a Neighbourhood Plan area, as a 'Business' Neighbourhood Plan area;
- (4) the Cabinet Member – Regeneration and Tourism be given delegated authority to determine applications relating to the area to be covered by a proposed Neighbourhood Plan when it is not likely to impact on a significant number of people in two or more wards; and the Cabinet be given delegated authority to determine applications relating to neighbourhood planning applications relating to the extent of the area to be covered by a proposed Neighbourhood Plan when it is likely to impact on a significant number of people in two or more wards (i.e. is likely to be a Key Decision);
- (5) the Cabinet Member – Communities and Environment be given delegated authority to determine whether a proposed Neighbourhood Forum adequately represents the local community and that they are properly constituted;
- (6) the Planning Committee be given delegated authority to determine whether the appropriate legal requirements have been met i.e. that the Neighbourhood Plan is in general conformity with the Development Plan; and the requirements of the Habitats Regulations and the Environmental Impact Assessment Regulations have been met;

- (7) the Head of Planning Services be given delegated authority to identify and appoint an appropriate person to examine the Neighbourhood Plan. Such an appointment to be made in conjunction with the Neighbourhood Forum or Parish Council who submitted the plan, and the decision being reported to the Planning Committee and the Cabinet Member – Regeneration and Tourism;
- (8) the Cabinet should determine the area(s) within which the referendum/a on a proposed Neighbourhood Plan should be held, after taking into account the views of the Planning Committee and the Cabinet Member – Regeneration and Tourism;
- (9) the same scheme of delegation should apply to decisions relating to the making of Neighbourhood Development Orders and Community Right to Build Orders as to Neighbourhood Plans i.e. that these decisions are delegated to the Cabinet taking into account the views of the Cabinet Member – Regeneration and Tourism and the Planning Committee;
- (10) any decision relating to the modification or revocation of a Neighbourhood Plan, Neighbourhood Development Order or Community Right to Build Order should be made by the Cabinet, except where the change is being made to correct an error, in which case the decision should be delegated to the Head of Planning Services;
- (11) any decision relating to the de-designation of a Neighbourhood Plan Forum be delegated to the Cabinet; and
- (12) the Council Constitution be amended to take into account all of the resolutions set out above.

#### **84. REVIEW OF STANDARDS REGIME**

Further to Minute No. 36 of the meeting of the Audit and Governance Committee held on 12 December 2012, the Committee considered the joint report of the Director of Corporate Commissioning and the Director of Corporate Support Services which provided details of the recommendations of the Member Working Group, appointed to undertake the review of the administration of standards in Sefton; the feedback from Parish Councils on the content of the current Members' Code of Conduct and set out the revised Members' Code of Conduct for approval by the Council.

It was moved by Councillor McGinnity, seconded by Councillor Roberts and

RESOLVED:

That the revised Members' Code of Conduct set out in Appendix A to the report be adopted.

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

No changes were made to the Membership of Committees.

**86. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 46 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 the details of those urgent matters dealt with in accordance with Rule 46 of the Overview and Scrutiny Committee Procedure Rules set out in the Council Constitution.

RESOLVED:

That the report noted.

**87. NOTICE OF MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON**

The Mayor reported that the undermentioned Notice of Motion had been withdrawn by Councillor Sir Ron Watson:

"The Council:

1. Welcomes the principle that a referendum is required for an increase in Council Tax;
2. Believes, however that those participating in such a referendum should be Council Tax Payers only; and
3. Seeks the support of the Local Government Association in introducing such a proposal."

**88. NOTICE OF MOTION SUBMITTED BY COUNCILLOR WEAVERS**

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

RESOLVED:

This Council appreciates the problems caused by fuel poverty, which affects the most vulnerable in our community, and strives to do whatever is possible within existing resources to minimise the problem. This includes using our planning policy to reduce the suffering whenever and wherever it is possible.



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

It was moved by Councillor Dawson, seconded by Councillor Shaw

“The Council notes:

1. the erosion of the value of the State Retirement Pension over many years;
2. that since 2010, in a time of relative austerity, the Government has increased the State Retirement Pension above the prevailing inflation rate;
3. the announcement of Government proposals to introduce a new state pension system which will, from 2017, guarantee a pension ‘of right’ to all those who have been in employment of approximately £160.00 per week;
4. the particular benefits in the new proposals for those, disproportionately women whose employment record has been broken by periods of full-time or part-time childcare; and
5. the proposed new pension system will encourage people to save to add to their pension income without being penalised by a means test which has acted as a disincentive, to many, to claiming their full entitlement.

On behalf of the future pensioners living within the communities served by Sefton Metropolitan Borough Council, the Council welcomes, in principle, the announced basis of the new State Retirement Pension proposals.”

Following debate thereon, on a show of hands, the Mayor declared that the Motion was lost by 34 votes to 19, with 9 abstentions.

RESOLVED

That no action be taken on the Motion.