

**COUNCIL**

**MEETING HELD AT THE TOWN HALL, SOUTHPORT  
ON THURSDAY 18TH APRIL, 2013**

PRESENT: Councillor K. Cluskey (in the Chair)  
Councillors M. Fearn, Ashton, Atkinson, Ball,  
Bennett, Blackburn, Booth, Brodie - Browne, Byrom,  
Carr, L. Cluskey, Crabtree, Cuthbertson, Dawson,  
Dodd, M. Dowd, P. Dowd, Dutton, Fairclough,  
Lord Fearn, Friel, Gatherer, Hardy, Gustafson,  
Hands, Hartill, Hubbard, Jones, Keith, John Kelly,  
John Joseph Kelly, Kermode, Kerrigan, Killen,  
Lappin, P. Maguire, Maher, McGinnity, S. McGuire,  
McIvor, McKinley, Moncur, Murphy, Page, Papworth,  
Preece, Rimmer, Roberts, Roche, Shaw, Sumner,  
Tonkiss, Tweed, Veidman, Weavers and Webster

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bradshaw, Brennan, Cummins, Dorgan, Mahon, Robertson, Sir Ron Watson and Welsh.

**109. DECLARATIONS OF INTEREST**

No declarations of interest were received.

**110. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the Council meeting held on 28 February 2013 be approved as a correct record.

**111. MAYOR'S COMMUNICATION**

Death of Mrs Renee Brown

The Mayor reported on the recent sad death of the former Chairperson and Honorary President of the Mayor of Sefton's Southport Charity Committee, Mrs Renee Brown, on 11 April 2013.

Mrs Brown had served on the Charity Committee for 39 years before stepping down to be made Honorary President and she had worked for

several of Sefton's Mayors over the years and raised a large amount for the Mayoral Charity.

Mrs Brown's funeral would be held at Southport Crematorium on Tuesday 23 April 2013 at 2.00 p.m.

#### Visit of the Duchess of Gloucester

The Mayor reported that he had the great honour and privilege of meeting the Duchess of Gloucester on 11 April 2013 as part of her visit to open a sensory garden at All Saints Primary School, Bootle which had been a marvellous occasion.

The Mayor had met the teachers and pupils of the school during the event and was shown around the beautiful garden they had created.

#### Nomination for Office of Mayor Elect 2013/14

At the invitation of the Mayor, Councillor P. Dowd advised the Council that Councillor M. Fearn would be nominated for the Office of Mayor Elect 2013/14, to be considered at the Cabinet meeting on 25 April 2013 and the Annual Council on 9 May 2013.

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

The Mayor reported that no items had been raised by Members of the Public.

### **113. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL**

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

- Councillor Robertson, to the Cabinet Member – Regeneration and Tourism (Councillor Maher)
- Councillor Dawson, to the Cabinet Member – Communities and Environment (Councillor Hardy)
- Councillor Dawson, to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Papworth, to the Cabinet Member – Children, Schools, Families and Leisure (Councillor Moncur)
- Councillor Papworth, to the Cabinet Member – Corporate Services and Performance (Councillor Tweed)

- Councillor Papworth, to the Cabinet Member – Communities and Environment (Councillor Hardy)

together with the responses given. One supplementary question was asked and responded to by the Cabinet Member – Communities and Environment.

#### **114. DENUNCIATION OF TOBACCO INDUSTRY CORPORATE SOCIAL RESPONSIBILITY FUNDING**

Further to Minute No. 35 of the meeting of the Audit and Governance Committee held on 12 December 2012 and Minute No. 41 of the meeting of the Overview and Scrutiny Committee (Health and Social Care) held on 8 January 2013, the Council considered the report of the Director of Public Health on proposals for the adoption of current conflict of interests statements to include the denunciation of corporate social responsibility funding from the Tobacco Industry.

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

RESOLVED:

That payments, gifts and services, monetary or in-kind or research funding offered by the Tobacco Industry to all officials and Sefton Council employees be not endorsed, in order to ensure that the Council avoids any conflicts of interest that could undermine local Public Health policy and that it be noted that this excludes Local Authority Pension investments, which are co-ordinated by external Investment Banks and Companies and frequently change in line with the Stock Market Share-Index.

#### **115. SEFTON HEALTH AND WELLBEING STRATEGY 2013-2018 AND BOARD GOVERNANCE**

Further to Minute No. 134 of the Cabinet meeting held on 28 March 2013, the Council considered the report of the Head of Business Intelligence and Performance on the proposed governance structure for the Health and Wellbeing Board. The report also incorporated a copy of the draft Health and Wellbeing Strategy for Sefton 2013-2018 and the Equality Analysis report on the findings of the draft Strategy which had previously been considered by the Shadow Health and Wellbeing Board.

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:

That

- (1) subject to the delegation set out in resolution (2) below, the Health and Wellbeing Strategy for Sefton be approved and the findings within the Equality Analysis report be noted;
- (2) authority be delegated to the Deputy Chief Executive, in consultation with the Chair of the Shadow Health and Wellbeing Board (Cabinet Member - Children, Schools, Families and Leisure), to agree the next iteration of the Strategy which shall be submitted to the Council for approval;
- (3) having due regard to the views expressed by the Shadow Board, the membership of the Board shall comprise of the following:
  - Councillors Cummins, J.J.Kelly and Moncur (as determined by the Leader of the Council);
  - One representative of the local Healthwatch organisation;
  - One clinical representative of the NHS Southport and Formby Clinical Commissioning Group;
  - One clinical representative of the NHS South Sefton Clinical Commissioning Group;
  - The statutory director for adult social care;
  - The statutory director for children's services;
  - The statutory director of public health;
  - The Chief Officer of the NHS Southport and Formby and the NHS South Sefton Clinical Commissioning Groups; and
  - One representative of the NHS England
- (4) the criteria for determining future membership of the Board beyond that listed in resolution (3) above, be approved, so as to enable a process to operate whereby future membership could be increased, provided that the tests set out in paragraph 4.6 of the report are met and the request from the Merseyside Police and Crime Commissioner be considered in the light of these criteria;
- (5) substitution should not apply to Board Members;
- (6) all members of the Board shall have the right to vote, but that this vote would only be exercised in exceptional circumstances: The convention that shall apply is that the Board would have an open debate and would reach decisions based on consensus. Should a vote be required, then it would be based on a simple majority of those present and voting at the meeting;
- (7) it be noted that the Board does not favour the creation of sub-committees at this time and that the requirements relating to the Code of Conduct and declaration of interests applies to Board members;and

- (8) the principal functions of the Board be approved for inclusion within the Council's Constitution as set out in paragraph 4.6 of the report.

An amendment was moved by Councillor S. McGuire, seconded by Councillor Brodie – Browne that the Motion be amended by the addition of the following text after resolution (4) and the subsequent resolutions be re-numbered:

- “(5) this Council notes that there are two Clinical Commissioning Groups serving Southport and Formby, and South Sefton, but that all 3 elected members on the Board are representatives of South Sefton; accordingly the Council recommends that the Leader of the Council give consideration to nominating an elected member from Southport and Formby on the Board, so as to ensure that this “identified gap” referred to in paragraph 4.6 of the report is bridged.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was lost by 31 votes to 26.

On a show of hands, the Mayor declared that the Motion was carried by 31 votes to 14 with 12 abstentions and it was

RESOLVED: That

- (1) subject to the delegation set out in resolution (2) below, the Health and Wellbeing Strategy for Sefton be approved and the findings within the Equality Analysis report be noted;
- (2) authority be delegated to the Deputy Chief Executive, in consultation with the Chair of the Shadow Health and Wellbeing Board (Cabinet Member - Children, Schools, Families and Leisure), to agree the next iteration of the Strategy which shall be submitted to the Council for approval;
- (3) having due regard to the views expressed by the Shadow Board, the membership of the Board shall comprise of the following:
  - Councillors Cummins, J.J.Kelly and Moncur (as determined by the Leader of the Council);
  - One representative of the local Healthwatch organisation;
  - One clinical representative of the NHS Southport and Formby Clinical Commissioning Group;
  - One clinical representative of the NHS South Sefton Clinical Commissioning Group;
  - The statutory director for adult social care;
  - The statutory director for children's services;
  - The statutory director of public health;
  - The Chief Officer of the NHS Southport and Formby and the NHS South Sefton Clinical Commissioning Groups; and
  - One representative of the NHS England

- (4) the criteria for determining future membership of the Board beyond that listed in resolution (3) above, be approved, so as to enable a process to operate whereby future membership could be increased, provided that the tests set out in paragraph 4.6 of the report are met and the request from the Merseyside Police and Crime Commissioner be considered in the light of these criteria;
- (5) substitution should not apply to Board Members;
- (6) all members of the Board shall have the right to vote, but that this vote would only be exercised in exceptional circumstances: The convention that shall apply is that the Board would have an open debate and would reach decisions based on consensus. Should a vote be required, then it would be based on a simple majority of those present and voting at the meeting;
- (7) it be noted that the Board does not favour the creation of sub-committees at this time and that the requirements relating to the Code of Conduct and declaration of interests applies to Board members;and
- (8) the principal functions of the Board be approved for inclusion within the Council's Constitution as set out in paragraph 4.6 of the report.

#### **116. UPDATE OF THE COUNCIL CONSTITUTION**

Further to Minute No. 44 of the meeting of the Audit and Governance Committee held on 27 March 2013, the Council considered the report of the Director of Corporate Services which provided details of the model constitution produced by the Association of Council Solicitors and Secretaries (ACSeS); the review of the Member Officer Protocol undertaken by a Member Working Group; updates to the Contract Procedure Rules; other legislative issues which would need to be incorporated in to the Council Constitution; and issues relating to the submission of Members' questions for a response at Council meetings.

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

RESOLVED: That

- (1) the revised Member/Officer protocol as set out in paragraph 2 and Appendix A of the report, be approved;
- (2) the technical amendments to the Constitution with respect to the following items be approved:
  - Contract Procedure Rules
  - Inclusion of requirements as a result of the Health and Social Care Act 2012; and

- The miscellaneous items set out in paragraph 5 of the report;
- (3) the brief analysis of member questions and avenues available be noted and approval be given to the inclusion of the relevant statutory provisions as set out in paragraph 6 of the report; and
- (4) the changes required to the Constitution as highlighted in paragraph 7 of the report, in relation to the management hierarchy for officers of the Council be noted.

#### **117. PROGRAMME OF MEETINGS 2013/14**

Further to Minute No. 138 of the Cabinet meeting held on 28 March 2013, the Council considered the report of the Director of Corporate Services which provided details of the proposed Programme of Meetings for the 2013/14 Municipal Year.

The report indicated that the Council, at its Budget Meeting held on 28 February 2013, had approved budget savings options to reduce the frequency of meetings generally and to reduce the number of Area Committees from 7 to 3 and the details of the consultation responses to the options were set out in the report.

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

That

- (1) the Programme of Meetings for the Council, Member Briefing Sessions and Regulatory Committees, Overview and Scrutiny Committees and Area Committees for 2013/14, as set out in Annexes B, C and D of the report, be approved;
- (2) it be noted that if the Council Elections are not combined with the European Parliamentary Elections in May/June 2014, then a further report would be submitted to the Council to recommend fresh dates for the Annual and Adjourned meetings of the Council in May/June 2014;
- (3) the Programme of Meetings for the Cabinet, Strategic Leadership Team, Public Engagement and Consultation Panel, Sefton Borough Partnership Operations Board, Sefton Safer Communities Partnership and the Health and Wellbeing Board for 2013/14, as set out in Annexes A and E of the report, be noted; and
4. the configuration of Area Committees be agreed as set out in paragraph 2.1 of the report.

An amendment was moved by Councillor Tonkiss, seconded by Councillor Hubbard that the Motion be amended by the addition of the following text at the end of resolution (4):

“except with regard to the Central Sefton area, where the present 3 Area Committees of Formby, Crosby and Sefton East Parishes be retained due to the diverse and geographically widespread nature of the communities in that part of the Borough.”

Following debate thereon, on a show of hands, the Mayor declared that the amendment was lost by 31 votes to 26.

On a show of hands, the Mayor declared that the Motion was carried by 31 votes to 26 and it was

RESOLVED: That

- (1) the Programme of Meetings for the Council, Member Briefing Sessions and Regulatory Committees, Overview and Scrutiny Committees and Area Committees for 2013/14, as set out in Annexes B, C and D of the report, be approved;
- (2) it be noted that if the Council Elections are not combined with the European Parliamentary Elections in May/June 2014, then a further report would be submitted to the Council to recommend fresh dates for the Annual and Adjourned meetings of the Council in May/June 2014;
- (3) the Programme of Meetings for the Cabinet, Strategic Leadership Team, Public Engagement and Consultation Panel, Sefton Borough Partnership Operations Board, Sefton Safer Communities Partnership and the Health and Wellbeing Board for 2013/14, as set out in Annexes A and E of the report, be noted; and
- (4) the configuration of Area Committees be agreed as set out in paragraph 2.1 of the report.

#### **118. MEMBERSHIP OF COMMITTEES 2012/13**

No changes were made to the Membership of Committees.