

COUNCIL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON THURSDAY 22ND OCTOBER, 2009**

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

Councillors Barber, Bigley, Blackburn, Bradshaw, Brady, Brodie - Browne, Byrne, Byrom, Cluskey, Connell, Cummins, Cuthbertson, Dodd, P Dowd, Fairclough, Lord Fearn, Fenton, Friel, Gibson, Glover, Gustafson, Hands, D Hardy, P Hardy, Hill, Hough, Howe, Ibbs, D Jones, T Jones, Maher, C Mainey, S Mainey, McGuire, Moncur, Papworth, Parry, Pearson, Porter, Preston, B Rimmer, D Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Tweed, Veidman, Sir Ron Watson, Weavers and Webster

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Deputy Mayor, Councillor M. Fearn and Councillors Booth, Brennan, Colbert, M Dowd, Griffiths, Kerrigan, Larkin, Mahon and Platt.

33. DECLARATIONS OF INTEREST

No declarations of interest were made.

34. MINUTES

RESOLVED:

That the Minutes of the Council meeting held on 3 September 2009 be confirmed as a correct record.

35. MAYOR'S COMMUNICATIONS

Funerals

The Mayor reported that it was his sad duty to attend two funerals recently of persons closely connected to our Borough.

On 23 September 2009, on behalf of the Borough, he attended the service at St. Anne's Church, Formby for Colonel Mary Creagh OBE, TD, JP, DL who served as Lord Lieutenant of Merseyside in 1987/88; and on 25 September 2009, he attended the service for the Reverend Canon Colin Pope at Emmanuel Parish Church, Southport. Colin was the Mayoral Chaplain to Mr. Tommy Mann during his term of office and was a notable figure in Sefton through his work as Area Dean of North Meols and as Vicar of the Parish of Emmanuel, Southport. He was also an active

participant in the Sefton Borough Partnership, the Children and Young People's Thematic Group and Sefton Faith Network.

The Mayor expressed sympathy to the families and friends of two very prominent members of our Borough. Councillors Storey and Hill paid tribute to Colonel Creagh and Councillors Glover, P. Dowd and Hill paid tribute to Canon Pope.

The Council then stood in silence for one minute as a mark of respect to the memory of Colonel Mary Creagh and the Reverend Canon Colin Pope.

Commodore John Madgwick OBE RN

The Mayor reported that on 7 October 2009, the Mayoress and himself were privileged on behalf of the Borough, to bid farewell to Commodore John Madgwick on the occasion of his retirement. The Commodore had served as the Royal Navy's representative in the North West (Naval Regional Officer, Northern England) since March 2000 and would retire from the Service in November this year. The Commodore had been a great supporter of the region and in particular Sefton. During his time in post some 1,500 warships had visited the area and many of their Commanding Officers had continued the tradition of calling into the Town Hall to pay their respects to the Mayor. The Commodore had always striven to maintain the traditional links the Royal Navy has in the region and had supported many receptions and civic events over the years.

Remembrance Sunday

The Mayor reported that the Annual Act of Remembrance would take place across the Borough of Sefton on Sunday, 8 November. All Members have received a copy of the Remembrance Locations in the internal mail and a further copy was available at the Reception Desk.

Mayoral Charity Event

The Mayor reported that Members of the Council would receive in the next few weeks the advertisement for the Mayor of Sefton's Annual Charity Night to be held on 12 February 2010 at the Floral Hall, Southport. He indicated that advance notification was being given as tickets had not gone on sale as yet but 15 tables had already been reserved. Members could reserve a table by contacting the Head of Civic and Mayoral Services and individual tickets would go on sale from 15 November 2009.

Help for Heroes Event

The Mayor reported that Councillor Weavers would be undertaking a unicycle ride in aid of Help For Heroes on Saturday, 24 October 2009, commencing at 1.00 p.m. from Southport Town Hall. All support and contributions would be very welcome. Further information on the event and how to contribute could be obtained online at www.justgiving.com/Frederick-Weavers."

PUBLIC SESSION

36. MATTERS RAISED BY THE PUBLIC

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

COUNCIL BUSINESS SESSION

37. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Mayor reported that Members of the Council had not submitted any questions.

38. REVIEW OF THE MORATORIUM ON SITING MOBILE PHONE MASTS ON COUNCIL LAND

Further to Minute No. 28 of the meeting held on 3 September 2009, the Council considered a further report of the Strategic Director of Regeneration and Environmental Services on the results of the consultation exercise held with all Area Committees and Parish Councils on proposals to revise the moratorium on the siting of mobile phone masts on Council owned land.

It was moved by Councillor Robertson and seconded by Councillor Shaw:

"That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and*
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phones on Council land and report this back to the Cabinet for approval."*

An amendment was then moved by Councillor P. Dowd and seconded by Councillor Byrom that the Motion be amended by the deletion of all the words and the substitution of the following text:

"That

- (1) in the light of the serious public concern about the siting of telecommunication masts in various locations across the Borough, the Council has a responsibility to ensure that it takes the views of the public fully into account in reviewing its moratorium policy in relation to the placement of mobile communication masts on Council owned property.*
- (2) to ensure openness and transparency the Council agrees to set up an ad-hoc Working Group comprising of Elected Members and*

appropriate others, to consider all aspects related to telecommunication mast concerns.

- (3) *the Working Group will be charged with proactively seeking views from community organisations, individuals and any other interested bodies before making a recommendation to the Council about whether to lift its moratorium.*
- (4) *the Terms of Reference for the Working Group should include planning and legal issues, written and oral submissions, the nature of discussions with representatives from the mobile phone industry, interest groups, public consultation meetings, appropriate site visits, discussions with regulatory bodies, expert testimony and other research.*
- (5) *the Panel report back no later than 6 months after today's Council meeting."*

The requisite number of Members having signified their wish that the voting on the amendment should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

AGAINST THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Tonkiss, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor Doran

The amendment was lost by 38 votes to 15 with one abstention.

A further amendment was then moved by Councillor P. Dowd and seconded by Councillor Maher that the Motion be amended by the deletion of all the words and the substitution of the following text:

"That the moratorium be not revised until such time as the whole of the protocol is approved by the Council"

The requisite number of Members having signified their wish that the voting on the amendment should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

AGAINST THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Sir Ron Watson and Weavers.

ABSTENTION:

Councillor Doran

The amendment was lost by 37 votes to 15 with one abstention.

Following further debate, the requisite number of Members having signified their wish that the voting on the Substantive Motion should be recorded in accordance with Rule 18.4 of the Council and Committee Procedure Rules, the voting was duly recorded and the Members of the Council present at the time, voted as follows:

FOR THE MOTION:

Councillors Barber, Bigley, Blackburn, Brodie-Browne, Byrne, Connell, Cuthbertson, Dodd, Lord Fearn, Fenton, Gibson, Glover, Hands, Hill, Hough, Howe, Ibbs, D. Jones, T. Jones, McGuire, C. Mainey, S. Mainey, Papworth, Parry, Pearson, Porter, Preston, B. Rimmer, D. Rimmer, Roberts, Robertson, Shaw, Storey, Sumner, Tattersall, Sir Ron Watson and Weavers.

AGAINST THE MOTION:

Councillors Bradshaw, Brady, Byrom, Cluskey, Cummins, P. Dowd, Fairclough, Gustafson, D. Hardy, P. Hardy, Maher, Moncur, Tweed, Veidman and Webster.

ABSTENTION:

Councillor Doran

The Substantive Motion was carried by 37 votes to 15 with one abstention and it was

RESOLVED: That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phones on Council land and report this back to the Cabinet for approval.

39. CHANGES TO EXECUTIVE ARRANGEMENTS - LEADER OR ELECTED MAYOR FOR SEFTON

Further to Minute No. 142 of the meeting of the Cabinet held on 1 October 2009, the Council considered the report of the Legal Director on the proposed changes to the Council's Constitution as a result of the formal decision to adopt the new style Leader and Cabinet model.

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

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

RESOLVED: That

- (1) approval be given to the changes to the Constitution as set out in Annex A of the report;
- (2) the new arrangements take effect from May 2010; and
- (3) the Legal Director be authorised to advertise the Council's proposals for its new Governance arrangements.

40. ELECTED MEMBER MEDIA GUIDELINES

Further to Minute No. 144 of the meeting of the Cabinet held on 1 October 2009, the Council considered the joint report of the Assistant Chief Executive (Communications) and Legal Director seeking approval for a set of guidelines governing the ways in which the Elected Members' media relations should operate.

It was moved by Councillor Robertson, seconded by Councillor Papworth and

RESOLVED:

That the Elected Member Media Guidelines be approved.

41. GAMBLING ACT 2005 - REVISED STATEMENT OF GAMBLING LICENSING POLICY

Further to Minute No. 31 of the meeting of the Licensing and Regulatory Committee held on 28 September 2009, the Council considered the report of the Environmental Protection Director seeking approval to the revised Statement of Gambling Licensing Policy following the statutory consultation period. The Licensing Policy would last for a maximum of three years, but could be reviewed and revised by the Authority at any time.

It was moved by Councillor Bigley, seconded by Councillor Papworth and

RESOLVED:

That the revised Statement of Gambling Licensing Policy be approved.

42. THE ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) REGULATIONS 2009

Further to Minute No. 162 of the meeting of the Cabinet on 1 October 2009, the Council considered the report of the Environmental Protection Director on the new enforcement duties placed on the Local Authority under the Environmental Damage (Prevention and Remediation) Regulations 2009 and the implications for Sefton.

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

RESOLVED:

That Part 3 of the Council Constitution (Responsibility for Functions) be amended by the inclusion of the following delegation to the Environmental Protection Director:

"Environmental
Cabinet Member
C Environmental Protection Director

19 - Power to authorise officers to take all necessary action under the Environmental Damage (Prevention and Remediation) Regulations 2009."

43. ATTENDANCE AT MEETINGS - SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972

The Council considered the report of the Legal Director which requested the Council to approve and authorise the absence of Councillor V. Platt

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 Robertson, seconded by Councillor P. Dowd and

RESOLVED:

That the current absence from all Council and Committee Meetings of Councillor Platt due to ill health be authorised and approved for a further six month period from the date of this meeting until 21 April 2010 pursuant to the provisions of Section 85 of the Local Government Act 1972.

44. MEMBERSHIP OF COMMITTEES 2009/10

Councillor Parry proposed the following change:

- Councillor Ibbs to replace Councillor Platt as a Trustee of the Consolidated Charities of Thomas Brown and Marsh Dole of Formby

RESOLVED:

That the proposed change detailed above be approved.

45. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 16 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council received a report of the Leader of the Council setting out details of those matters dealt with in accordance with Rule 16 of the Access to Information Procedure Rules (Special Urgency).

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

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