

Minutes of the Full Council Meeting Held Wednesday 02 February 2022 at 6:30 PM

Those present :

Mayor : Cllr J Sayers

Councillors : Cllr Ju Burns, Cllr Jo Burns, Cllr C Carlsen, Cllr A Carr, Cllr C Carragher, Cllr J Desmond, Cllr R Ferguson, Cllr K Hughes, Cllr A Lloyd, Cllr P Mc Kinley, Cllr Y Sayers, Cllr F Sharp

In attendance : Ms P Landor, Mr E Landor

Officers : P Dillon, D Healey, S Lawrence, A Mc Intyre, A Spencer

1 Apologies For Absence

Apologies were received from Cllr T Hughes.

2 Declarations of Interest

All Cllrs (apart from Cllr Carr) live in a property in Maghull and pay precept, therefore is a general dispensation to allow Cllrs to decide the forthcoming budget.

3 Public Participation.

Mr K Pheysey from Scrummies informed the Council he felt it was unfair to be served a 3 month notice to vacate the premises. As the notice put his business at risk, this will cause a loss of revenue and puts future bookings within Maghull in jeopardy.

Mr K Pheysey previously forwarded Questions below to The Town Clerk:

1. Regarding your letter dated the 19th Jan 2022 – it is stated “Although heads of terms are in place, the absence of a signed lease between both parties, has caused confusion on how the pavilion should be used and what roles and responsibilities each party has” It is clear from council minutes dated the 16th May 2018 that the Pavilion (section 3 – subsection b) states “That as part of the leasehold agreement, the “top” bowls pavilion is only used for the purposes of storing and preparing food as part of the catering arm of Scrummies Ltd; Please explain the confusion?

Town Clerk: The confusion spoken of relates to the maintenance of the building i.e. who is responsible for maintaining the fabric of the building not what activity takes place within the building.

2. In the same agreed minutes, it is stated “Should Members approve the recommendations of officers, Sefton Council’s Legal Department will be requested to draft a lease between Maghull Town Council and Scrummies Ltd. Upon receipt of this lease, this will be presented to Full Council for approval at the next available meeting” Despites numerous repeated requests and after nearly 4 years no lease has been issued. I have discussed this with Angela on numerous occasions and the answer was always “Sefton Council do take their time” 4 years! – How many times has a request been made to Sefton Council for a draft lease agreement?

Town Clerk: The Council is disappointed that a lease has not been signed. I have contacted Sefton Legal Services several times regarding the lease. However, Covid 19 has meant that their services have been reduced as they have focussed on more immediate legal issues e.g. child endangerment. Following on from the Amenities Committee request for an independent commercial valuation, any discussion of the lease was put on hold until this valuation was completed.

3. In your letter it is stated “We have received a report back from this contractor that the soak-away has reached the end of its life and requires replacement. These works will result in significant cost to council” A number of questions arise from this from our point of view. We have not been presented with the alleged report! We have not been invited to discussion around cost to rectify! Why?

J.A. 

Town Clerk: The contractor has stated that the soak away, which should be for freshwater run off not foul water, is completed blocked with grease. The soak away comprises a large pit full of stones. All of the stones and sides of the pit are covered in grease. The two options are to replace or clean out. The pavilion cannot be connected to the mains drains as the fall is too shallow and would mean a pipe running over the bowling green and the Council losing this asset. Following discussions with our pest controller the cheaper option of digging a new soak away has been rejected as the grease in the "old" soak away would attract vermin to the pavilion and naturally bring them closer to the main building. It is not usual for the Council to share internal documents or commercially sensitive information with third parties.

4. How much has the contractor quoted to attach the Pavilion to the main drainage system? And how many quotations have been sourced?

Town Clerk: No quotes have been sourced as we have been told that the drop is too shallow to allow the drains at the pavilion to be connected to the main drains. A previous quote for works like this has given an average of £100 per meter. A guesstimate of the distance from the pavilion to the main drains is 100 – 150 meters.

5. Simply put - why did you (Angela) not have the decency to discuss the issues with us so we could possibly agree an amicable way forward? With respect to Council, as outlined in our email dated the 23rd January 2022- the Town Clerks decision could have a devastating impact on the reputation of our business – what levels of authority are provided to a Town Clerk as this decision has cost over £5k lost to budget.

Town Clerk: The matter of the issues with the grease in the soak away has been discussed several times with you by Siobhan, Phil, Alex and myself. The decision to terminate the tenancy was taken under emergency powers after discussion with the Leader of the Council. This was because there was a public health issue with the continuing discharge of grease to the soak away despite requests that this cease, the issues around pest control in the area and the public liability issue to the Council of a public footpath being covered in greasy water which would be a significant health hazard to any member of the public. Barriers have gone up today to ensure the safety of the public who use the park. However, this plainly cannot continue as it is, and a permanent solution must be found. The public are very sensitive to any restrictions on their movement in a public park. The loss of revenue to the Council is £4200 p.a. which is 0.059% of the precept. The cost of works to ensure the pavilion is suitable for a commercial catering operation is considerably more than that.

6. I would suggest this question also relates to verbal (lack of) discussions to find amicable solutions. On the 18th Oct 2021 we were informed that the lease of the "Venue" had been passed over and the new tenant wished to cancel the lease. As a catering company in need of a working kitchen (and aware of the issues around the ongoing suitability of the Pavilion) In 2020 – 2021 budget this function room raised £28,090 towards the precept-why was this not put to Public tender prior to awarding a new contract and also why has it only just been announced (over 3 months later at over a possible loss pro rata cost of £7k) to the budget? We as a business may have been looking to secure this lease.

Town Clerk: The lease for the Venue is still open. Packs detailing the heads of terms and conditions of tenancy will be ready to be issued early next week with a window to apply for the tenancy of 4 weeks. The Council will then decide to whom the lease will be awarded. The offer to apply is open to Scrummies.

7. Some minor questions – On agreement of the lease we were advised access could be obtained via the bottom gate on occasion. We attempted this and we were told this was not allowed – who authorised the leisure centre staff to "spy" on us and then lied to in emails saying a member of the public said,, Why has the Town Hall not fulfilled its obligations to arrange maintenance to the Pavilion? Soffits/Facia/drains etc ?



Town Clerk: No one has authorised anyone to spy on anyone else. The park is open to members of the public who have complained that the grassy areas are damaged when the van is driven over them. If they spot this on a weekend they go the Leisure Centre who pass this on to the Town Hall. The Council has also received complaints from MOPs who aren't happy about the damage inflicted by the van's tyres. These complaints have been discussed with you and you have been asked to park on the car park not on the grass verges and use the path around the bowling green to access the pavilion. You have been asked to use the path way because the bowling green surface can be damaged if it is walked on when it is being chemically treated particularly during the winter months.

The Council has spent a considerable amount of money dealing with the drain's issues and has responded promptly when notified of the overflowing soak away. The lease offered would have been a full repairing lease which meant that Scrummies would have been responsible for the fabric of the building.

Cllrs comments:

- The bowling hut is not fit to run a catering company from.
- Issues with the soak away could be dangerous to the public.
- The Lease should have been completed sooner.
- Good communication between Scrummies and MTC is a must.

This issue to be added to the amenities meeting on 9th February 2022 for the committee to make a decision.

Mr K Pheysey left the meeting.

All Members agreed to move item 8 before item 4.

8 Recreation Mitigation Strategy Consultation


Edward Landor Informed members Sefton MBC are consulting on a draft information note relating to an additional charge for developers of residential estates to mitigate the impact on the coast that increased numbers of visitors means. This has resulted in a two tier system in coastal zone and outer zone with a levy on each zone which could be detrimental to Maghull.

Members discussed the impact that the proposed strategy would have on Maghull which included:

- Developers taking advantage of the cheaper levy in the eastern parishes
- A preferential levy for the use of brown field sites not being proposed
- SANGs being too far away to be a useful decoy to the coast e.g. Arrowe Park
- The zones being calculated by distance rather than travel time
- The top slicing of monies away from Maghull despite development taking place within the area.

Cllr McKinley proposed:

- Disseminate the technical feedback produced by Landor Planning Consultants as our feedback to the consultation to be used as the basis for the Council's response to the consultation.
- Organise and lead a town-wide fair deal campaign for Maghull, and instruct the town clerk to identify a budget to engage the community in the campaign and write to



the leader of Sefton Council and formally request that;

a) There should be no top slicing of S.106 monies from Maghull based developments to fund activities outside of the area. To allocate any funding to support Maghull based diversionary activities already outlined within Maghull's Neighbourhood Plan.

b) Allocate a fair share of the new homes bonus to Maghull as we are taking a large percentage of Sefton's housing needs.

c) Reintroduce double-rating from Sefton Council.

d) Any "community" S.106 funding arising from Maghull based development, should be used for the strategic priorities within Maghull's Neighbourhood Plan.

A Recorded Vote was requested.

FOR - Cllr June Burns, Cllr Carlsen, Cllr Carr, Cllr Ferguson, Cllr Ken Hughes, Cllr Lloyd, Cllr McKinley, Cllr John Sayers, Cllr Yvonne Sayers, Cllr Sharp.

AGAINST - Cllr Carragher.

ABSTAIN - Cllr Desmond.

Therefore the motion was carried.

RESOLVED that:-

- 1. Agreed to disseminate the technical feedback produced by Landor Planning Consultants as our feedback to the consultation together with the additional points raised during the debate;**
- 2. The analysis provided by the technical feedback be used to lead a town-wide fair deal campaign for Maghull;**
- 3. The Town Clerk be authorised to allocate the budget for the campaign from agreed resources;**
- 4. That the report be noted.**

Cllr Josh Burns left the meeting.

Edward and Philippa Landor left the meeting.

4 To Confirm the Minutes of the Last Meeting

RESOLVED that the Minutes from Full Council on 3rd November 2021 were approved as a correct record.

5 Budget Report 2022-23

The Finance Officer provided a summary of the budget report. MTC is committed to making efficiency savings wherever they can, sought to maximise additional income by using external funding to make up the gap between core business responsibilities and the burden on the tax payer. However, the precept has had to be raised in the last 2 years to ensure that services continue to be provided. Although this precept level is the highest in Sefton it is not the highest within Merseyside.

The recommendation is that the precept demand for 2022-23 be raised to cover the increased running costs of MTC and to cover some, if not all, of the proposed works.



This would mean a precept increase of £15.57 to £122.21 per Band D property, a 30p per week increase if all the works in the Asset Maintenance Plan were funded. This would give an overall precept level of £830,916 or 76p per week per resident. This is a 12.75% increase in the precept.

The Cllrs debated the proposal to charge Sefton MBC for the use of Town Hall car park. This was agreed to not pursue at this time and revise this in the future.

RESOLVED that:-

- 1. Agreed the level of precept to be requested for the financial year 2022-23 is 12.75%;**
- 2. Agreed the budget for the forthcoming financial year 2022-23;**
- 3. Agreed the charging schedule and the fees/rent for the financial year 2022-23;**
- 4. That the report be noted.**

6 Hillsborough Law

Cllr Carlsen informed members that the Hillsborough Law has come from a review of the experiences of the Hillsborough families by former Bishop of Liverpool the Right Reverend James Jones - 'The Patronising Disposition of Unaccountable Power'.

Cllr Carlsen asked MTC to formally support the Hillsborough Law and ensure that the correct representations are made to the appropriate ministers in getting this bill through the House and made into law.

RESOLVED that all members agreed to support The Hillsborough Law.

7 Vexatious Complainant Policy

The Town Clerk informed Members that a Vexatious Complaints Policy be drafted to enable the Council do deal with those matters which fall under its remit. The appropriate way to deal with constant complaints from the same person or group is to have a policy which clearly sets out how MTC will approach the matter and how any subsequent complaints will be dealt with.

The draft policy sets out the method by which the Council will deal with such Complaints. The F&GP Committee scrutinised the policy to determine whether the measures outlined in the policy are sufficient or whether they need to be more robust. They decided to recommend the policy to Full Council for adoption.

RESOLVED that:-

- 1. All Members agreed the proposed Vexatious Complaints Policy;**
- 2. That the report be noted.**

9 Town Hall Rewire

The Town Clerk informed Members the rewire of the Town Hall was a overall success and was under budget, there is a couple of issues that still need to be rectified. However was satisfied with the quality of work.

Cllr Carlsen left the meeting.

10 Minutes for Noting

RESOLVED that the minutes of Finance and General Purposes on 6th October



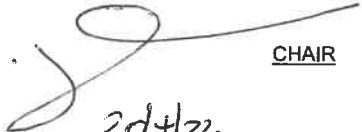
2021, Amenities Committee 6th October 2021, Community Services Committee on 13th October 2021 be noted.

11 Report on Sefton Borough Council Matters

No Report was received.

12 Chairman's Closing Comments

The Mayor Thanked all Member for the meeting. Also congratulated Alex Spencer on his new Job and wishes him well on the behalf of MTC.

J.A.  CHAIR
29/1/22