

COUNCIL

Monday, 14 July 2014

Present: The Civic Mayor (Councillor Steve Foulkes) in the Chair
Deputy Civic Mayor (Councillor Les Rowlands)

Councillors	RL Abbey	R Gregson	D Realey
	T Anderson	P Hackett	L Reecejones
	B Berry	J Hale	L Rennie
	C Blakeley	P Hayes	J Salter
	E Boulton	A Hodson	H Smith
	A Brighthouse	K Hodson	Tony Smith
	P Brightmore	M Hornby	Tracey Smith
	C Carubia	T Johnson	W Smith
	P Cleary	AER Jones	C Spriggs
	J Crabtree	C Jones	J Stapleton
	M Daniel	S Kelly	M Sullivan
	G Davies	A Leech	A Sykes
	P Davies	AR McLachlan	J Walsh
	WJ Davies	M McLaughlin	G Watt
	P Doughty	D Mitchell	S Whittingham
	D Elderton	B Mooney	J Williamson
	G Ellis	C Muspratt	I Williams
	L Fraser	S Niblock	KJ Williams
	P Gilchrist	T Norbury	P Williams
	JE Green	M Patrick	S Williams

Apologies Councillors W Clements C Povall
C Meaden D Roberts

14 DECLARATIONS OF INTEREST

Members of the Council were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

By virtue of their being Directors of Overton Nursery, Councillors Tony Smith, Stuart Whittingham and Tom Anderson declared their personal interest in agenda item 6 – ‘Leader’s, Executive Members and Chairs’ Reports’ (see minute 22 post) in respect of the Cabinet Member for Children and Family Services’ report insofar as it referred to Early Years and Children’s Centres.

Councillor Bill Davies declared his personal interest in agenda item 11 (ii) – ‘Notices of Motion – The Lyndale School’ (see minute 18 post) by virtue of him having a family member attending Foxfield School.

Councillors Lesley Rennie and Steve Williams declared a personal interest in agenda item 11 (ii) – ‘Notices of Motion – The Lyndale School’ (see minute 18 post) by virtue of them being governors at Elleray Park and Foxfield Schools, respectively.

Councillor Stuart Whittingham declared a personal interest in agenda item 8, ‘Matters for Noting’ and the Cabinet minute 30 (7/7/14), ‘Provision of Children and Adult Transport Services’ (see minute 29 post) by virtue of him being acquainted with someone who provides transport.

Councillor Tony Norbury declared a personal interest by virtue of his employment in agenda item 6 – ‘Leader’s, Executive Members and Chairs’ Reports’ (see minute 22 post) in respect of the Cabinet Member for Highways and Transport’s report.

Councillor Geoffrey Watt declared a personal interest in agenda item 11 (iv) – ‘Notices of Motion – Private Rented Sector Reform’ (see minute 17 post) by virtue of him being a private landlord.

15 **CIVIC MAYOR'S ANNOUNCEMENTS**

Order The Mayor referred to the forthcoming Open Golf tournament, which would generate a great deal of good publicity for the borough and that the borough would be welcoming visitors from all over the world.

He referred to the fact that that day he had welcomed groups of Spanish and French students to the Town Hall.

The Mayor also introduced Councillor Norman Hewer from Wanneroo in Western Australia, a city north of Perth with a population of 160,000. Norman was born in Bebington and an exchange of gifts was made between himself and the Mayor.

The Mayor noted that apologies were received from Councillors Wendy Clements, Chris Meaden, Cherry Povall and Denise Roberts.

16 **ORDER OF BUSINESS**

The Mayor informed the Council that he would take the Notice of Motion on the Lyndale School as the next item of business, in view of the presence of members of the public specifically for this item.

17 NOTICES OF MOTION

Notices of motion submitted in accordance with Standing Order 7(1) were reported to the Council. The Mayor, having considered each motion, in accordance with Standing Order 7(4) had decided that they would be dealt with as follows:

(i). Becoming a 'Dementia Friendly' Council

To be referred to the Families and Wellbeing Policy and Performance Committee

(ii). The Lyndale School

To be debated

(iii). Underground Coal Gasification

To be referred to the Regeneration and Environment Policy and Performance Committee

(iv). Private Rented Sector Reform

To be referred to the Regeneration and Environment Policy and Performance Committee

(v). A Fair Deal for Wirral

To be debated

(vi). Investing in Wirral's Infrastructure

To be debated

(vii). The Brown Bin Tax and the Digital Divide

To be referred to the Cabinet

18 MOTION - THE LYNDALE SCHOOL

Proposed by Councillor Paul Hayes

Seconded by Councillor Jeff Green

Council, having regard to the support given to the campaign to keep the Lyndale School open by the public of Wirral, resolves that:

1. It is the firm belief of Council that the Lyndale School should remain open, and in order to bring to an end the anguish and uncertainty suffered by pupils and their parents and carers, calls upon Cabinet to confirm that the school will remain open when Cabinet next meets.
2. Council recognises the unique and caring environment provided by the Lyndale School to children with profound and multiple learning difficulties. Council acknowledges the value of this provision and

affirms its belief that such provision should remain at the Lyndale School.

3. Council instructs officers to work with the Wirral School's Forum in order to investigate how the funding of Wirral's Special Schools can more closely reflect the will of Wirral's residents, as expressed by the huge support given to the Lyndale School: that the quality and scale of provision for children requiring the services of special schools in Wirral should continually strive to improve and be in no way diminished.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Phil Davies
Seconded by Councillor Tony Smith

*"Delete paragraph 1.
Retain first sentence of paragraph 2.
Delete remainder of paragraphs 2 and 3.*

Insert the following:

Council believes that it would be premature to take a view on the future of Lyndale School without taking into account the outcome of the comprehensive consultation process which took place recently. Any statements in favour of a particular outcome run the risk of predetermination.

Council therefore notes the views contained in this motion and agrees to refer it to the special meeting of Cabinet on the 4th September. Cabinet will consider all options relating to Lyndale School together with the outcome of the consultation exercise at that special meeting."

Prior to the debate, Councillor Kelly queried whether the amendment had the effect of negating the motion in contravention of Standing Order 9 (1).

The Head of Legal and Member Services responded that the amendment referred the motion to the special meeting of Cabinet which was consistent with the underlying proposition of the substantive motion. The amendment was suggesting an alternative rationale but the underlying proposition remained unchanged and was therefore lawful.

Following a debate and Councillor Paul Hayes having replied, Councillor Phil Davies and five Labour Members asked that a 'card vote' be recorded in respect of the Labour amendment. The Council then divided as follows:

For the amendment (35) Councillors RL Abbey, P Brightmore, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, A Leech, ARC McLachlan, M McLaughlin, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

Against the amendment (26) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighthouse, C Carubia, P Cleary, DM Elderton, G Ellis, L Fraser, PN Gilchrist, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, SE Kelly, D Mitchell, Mrs L Rennie, SL Rowlands, T Smith, A Sykes, GCJ Watt, Mrs P Williams and S Williams.

One abstention – Councillor S Foulkes.

The Labour amendment was therefore put and carried (35:26) (One abstention).

The substantive motion, as amended, was then put to a ‘card vote’, Councillor Green and five Conservative Members having requested such, and the Council divided as follows:

For the motion (35) Councillors RL Abbey, P Brightmore, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, A Leech, ARC McLachlan, M McLaughlin, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

Against the motion (26) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighthouse, C Carubia, P Cleary, DM Elderton, G Ellis, L Fraser, PN Gilchrist, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, SE Kelly, D Mitchell, Mrs L Rennie, SL Rowlands, T Smith, A Sykes, GCJ Watt, Mrs P Williams and S Williams.

One abstention – Councillor S Foulkes.

Resolved (36:26) (One abstention) -

Council recognises the unique and caring environment provided by the Lyndale School to children with profound and multiple learning difficulties. Council believes that it would be premature to take a view on the future of Lyndale School without taking into account the outcome of the comprehensive consultation process which took place recently. Any statements in favour of a particular outcome run the risk of predetermination.

Council therefore notes the views contained in this motion and agrees to refer it to the special meeting of Cabinet on the 4th September. Cabinet will consider all options relating to Lyndale School together with the outcome of the consultation exercise at that special meeting.

The Mayor then adjourned the meeting at 7.15pm.

The meeting resumed at 7.25pm.

19 **PETITIONS**

A. In accordance with Standing Order 21, the Mayor received petitions submitted by –

Councillor Steve Williams on behalf of 145 signatories objecting to Planning Application APP/14/00706 – Demolition of the Millhouse Public House.

Councillor Stuart Kelly on behalf of 160 signatories requesting the replacement of uneven and broken paving in Waverton Avenue, Oxton

Councillor Janette Williamson on behalf of 786 signatories requesting the Council to reconsider parking charges in Seaview Road Car Park, Wallasey.

Councillor Jean Stapleton on behalf of 36 signatories objecting to the construction of flats in Halcyon Road, Birkenhead.

Councillor Phil Davies on behalf of 1417 signatories objecting to any fracking taking place on Wirral or around the coast of Wirral.

Councillor Adrian Jones on behalf of 58 signatories requesting the restoration of the grass park land at the end of The Grove, Seacombe to be freely available for the public to use by removing the locks on the gates.

Councillor Adrian Jones on behalf of 67 signatories, residents of The Grove / Stourton Street, requesting that the gates be kept permanently locked on The Grove entrance to the football field and swings.

Resolved – That the petitions be noted and referred to the appropriate Chief Officer in accordance with Standing Order 34.

B. In accordance with the Petition Scheme (when petitions with a threshold of 3000 signatures triggered a Council debate) the Council received a petition of some 4029 signatures, with a further 650 signatures approximately, presented at the meeting, submitted by Councillor Andrew Hodson, requesting that car parking charges in Heswall be reduced.

The petition organiser, Mr A Hussain, addressed the Council on behalf of the petitioners.

Following a debate, it was moved by Councillor Phil Davies, duly seconded and –

Resolved – That the petition be referred to the Task and Finish Group, which was currently completing its scrutiny review into car parking charges, in advance of any decision being taken upon the scrutiny review's recommendations.

20 PUBLIC QUESTIONS

Mr J Brace, having given the appropriate notice in accordance with Standing Order 11, submitted a question on the use of regulations in respect of the use of an eviction notice

Councillor Adrian Jones (Cabinet Member – Support Services) responded that he would supply Mr Brace with a written response.

21 MINUTES

The minutes of the Annual Council meeting held on 2 and 9 June, 2014 had been circulated to Members and, it was –

Resolved – That the minutes be approved and adopted as a correct record, subject to those amendments in respect of appendices A and C to the minutes, referred to in the summons and on the supplementary papers.

22 LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS REPORTS

The Leader of the Council presented his summary report upon matters relevant to his portfolio. He responded to questions from Councillors Green, Blakeley and Stapleton and made a number of comments including –

- It was a privilege to be confirmed as Chair of the Combined Authority and he was pleased that all the Leaders of the Merseyside authorities were working in harmony.
- He welcomed the additional City Region funding which would be used for a whole range of projects including improving access to the region with a freight and logistics hub on the SuperPort.
- A City Region Investment Fund would be created.
- He could not agree that the economy was booming, improvements were being seen in the south of England and London, there was still record youth unemployment in the region.

- He agreed that more stations were needed in the region and not just at Town Lane, Moreton. The Chief Executive of Merseytravel had informed a recent meeting of the Combined Authority that a transport plan to improve public transport across the region included proposals a number of new stations.

Questions were then invited for Councillor Ann McLachlan on her Governance, Commissioning and Improvement Portfolio Report and responses to a question from Councillor Chris Blakeley included the following comments:

- The Freedom of Information Scrutiny Review was a commendable piece of work which had made some important recommendations including having dedicated officer champions in each department.
- All FoI requests should be dealt with in a timely manner and it was not acceptable for any Members to have to probe to get information.

Questions were then invited for Councillor George Davies on the Neighbourhoods, Housing and Engagement Portfolio Report and his responses to questions from Councillors Tom Anderson, Stuart Kelly and Matt Daniel included the following comments:

- There was a need to improve poor housing through the Healthy Homes project as the cost of not improving properties would be borne by the health service in treating vulnerable residents.
- Healthy Homes should be a main priority and he would be endeavouring to get more funding for this project.
- In respect of selective licensing for private landlords, officers had been involved in developing a business case following Department for Communities and Local Government guidance. An evidence base was now nearing completion with the Public Health intelligence team helping with data analysis. Recommendations for key areas were being finalised and these would be put to Cabinet before going out to full consultation.

Questions were invited for Councillor Pat Hackett on his Economy Portfolio Report and responses to questions from Councillors Rob Gregson and Andrew Hodson included the following comments:

- He expanded upon the work of the Mersey Dee Alliance and the work of the North Wales Economic Ambition Board in facilitating cross border growth.
- Two of its main priorities were the upgrade of the Bidston – Wrexham Borderlands link and the re-opening of the Halton Curve, a direct rail link between North Wales and Liverpool.
- It was proposed that the Chair of the MDA be in post for two years if not longer. Wirral was taking an influential role and he would shortly be meeting with the Secretary of State for Wales.

- He would be supporting the Retail Action Plans and looking at funding opportunities to develop these. All aspects of parking charges would be looked at.

Questions were invited for Councillor Adrian Jones on the Support Services Portfolio Report and his responses to questions from Councillors Steve Williams, Leah Fraser, Paul Doughty and Chris Carubia included the following comments:

- The Council would be upgrading to Windows 7 at the same time and work on this was progressing well.
- The previous Conservative administration had made 1,100 people redundant on worse terms (which was disputed by Councillor Green). The current administration was trying to allow the Council to function as best it could under restriction of funds that the Government had taken away.
- As a consequence of excellent leadership the Merseyside Pension Fund was acknowledged as one of the best in the UK.
- Government enforced redundancies in Wirral and similar funding reductions to other Merseyside Authorities would have an effect on cash flow to the Pension fund and the future stability of the fund.
- The Council also had to meet the costs itself of those retiring at 55 years of age.
- It had been felt that Office 2010 software was the best and most efficient system for the Council to upgrade to.

At the conclusion of Councillor Jones' comments, Councillor Fraser approached the Mayor to request that her question be answered, 'How many people will the Labour administration be making compulsorily redundant?'

Cllr Jones responded that the Council was not making people redundant, the Government was.

Questions were invited for Councillor Chris Jones on the Adult Social Care and Public Health Report and her response to a question from Councillor Lesley Rennie included the following comments:

- The Department of Adult Social Services was at risk of having a £3m overspend because of Government cuts, a budget update was provided to the Policy and Performance Committee and to Cabinet, though she would be happy to bring an update next time.
- Good progress was being made on the transformation of day services.

Moving on to the Leisure, Sport and Culture Portfolio Report, questions were invited to Councillor Phil Davies, in the absence of Councillor Chris Meaden. His responses to questions from Councillors Chris Blakeley, Stuart Kelly and Alan Brighthouse included the following comments:

- There were no plans to close any libraries, one stop shops or leisure centres, although he did not believe that any Council could guarantee not to close any Council building
- In spite of the withdrawal of public health funding, the Forest Schools project would continue and schools would be asked to help fund these. There was now a Forest Schools shop in Birkenhead Park and a range of activities were to be delivered over the summer.
- With regard to the Williamson Art Gallery, the Strategic Shadow Board continued to meet and an alternative business plan would be discussed with the Council.

Questions were invited for Councillor Bernie Mooney on the Environment and Sustainability Portfolio Report and her responses to questions from Councillors Chris Blakeley, John Hale, Paul Hayes, Stuart Kelly and Pat Cleary included the following comments:

- Garden waste could be placed in green bins in sensible amounts.
- She had understood that there had been a minimal amount of missed bin collections but would look into the situation raised by Councillor Hale with regard to missed collections in Hoylake and provide a written response.
- The takeaway project had been a success, although she could not answer for what was happening with planning regulations she would look in to any proposals for collaborative working and provide a written response.
- As of today 36,400 residents had signed up to the garden waste subscription service, the digital divide would be discussed with the Cabinet.
- She would provide a written response as to how many of the 28 fixed penalty notices for alleyway dumping had been paid.

Questions were then invited for Councillor Tony Smith on the Children and Family Services Portfolio Report and his response to a question from Councillor Leah Fraser included the following comments:

- The Consultation period timeline for The Lyndale School he had referred to in the debate.
- Although three locality events had been held to understand what early help means for Wirral, work would be undertaken across the four constituency areas.

Questions were then invited for Councillor Stuart Whittingham on the Highways and Transport Portfolio Report and his responses to questions from Councillors Lesley Rennie, Andrew Hodson, Dave Mitchell, Phil Gilchrist and Mike Sullivan included the following comments:

- The Council was within the top quartile of Councils in England for the condition of its roads.

- With regard to the claims against the Council for pavement trips, he would provide a written response.
- A written response would also be provided in respect of whether or not money collected in car parking charges was being spent in contravention of the Road Traffic Regulation Act 1984.
- He had every confidence that the scheme for replacement dock bridges would be well planned out and cause as least disruption as possible.

During this item of business it was agreed that Standing Order 9 be suspended and that for the remaining debates only the movers and seconders of the motions be invited to speak before the motions were put to the vote.

Resolved –

(1) That each of the Cabinet Portfolio Summary reports be noted.

(2) That the Scrutiny Annual Report of the Strategic Director of Transformation and Resources be noted.

23 MATTERS REQUIRING APPROVAL BY THE COUNCIL

In accordance with Standing Order 5(2), five matters were submitted for approval by the Council (see minutes 24 to 28 post).

24 DRAFT STATEMENT OF LICENSING POLICY

The first matter requiring approval was the Draft Statement of Licensing Policy as the Council's Statement of Licensing Policy under the Licensing Act 2003.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved - That the Draft Statement of Licensing Policy be approved as the Council's Statement of Licensing Policy under the Licensing Act 2003.

25 AUDIT AND RISK MANAGEMENT COMMITTEE - TERMS OF REFERENCE

The second matter requiring approval was in relation to the Audit and Risk Management Committee's Terms of Reference insofar as they related to the frequency of meetings and compliance with CIPFA best practice guidance.

On a motion by Councillor Jim Crabtree, seconded by Councillor Phil Davies, it was –

Resolved – That the terms of reference for the Audit and Risk Management Committee be revised to incorporate the following wording

–

“The Audit and Risk Management Committee should meet five times in each municipal year unless otherwise determined by Council in the calendar of meetings and at such times as determined by the Chair of the Audit and Risk Management Committee.”

26 LIVERPOOL CITY REGION COMBINED AUTHORITY SCRUTINY PANEL

The third matter requiring approval was in relation to the Liverpool City Region Combined Authority Scrutiny Panel, and the request for the Council to appoint two Members, one of whom should be appointed as the ‘Authority Scrutiny Link’.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved – That Councillors Mike Sullivan and Anita Leech be appointed to the Liverpool City Region Combined Authority Scrutiny Panel, with Councillor Mike Sullivan appointed as the ‘Authority Scrutiny Link’.

Councillor Jeff Green informed the Council that City Region opposition leaders had met and had nominated Councillor John Hale as one of the two opposition appointees to the Scrutiny Panel.

27 STATUTORY SCRUTINY OFFICER

The fourth matter requiring approval was for the appointment of a Statutory Scrutiny officer in place of the Director of Public Health / Head of Policy and Performance.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved – That the Strategic Director of Transformation and Resources, or his nominee, be appointed as the Council’s Statutory Scrutiny Officer.

28 DESIGNATION OF A NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD AREA FOR LEASOWE

The fifth matter requiring approval was in relation to the designation of a Neighbourhood Forum and Neighbourhood Area for Leasowe.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved - That Unity in our Community be formally designated as the statutory neighbourhood planning forum for the neighbourhood area of Leasowe shown on the plan in the report; and that the designation and associated documents are published in accordance with Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012.

29 **MATTERS FOR NOTING**

Responding to a comment from Councillor Jeff Green, the Leader of the Council referred to the waiver of call-in on the Children and Adult Transport Services minute because of the need to ensure there was no break in the contract. He acknowledged that contracts such as this should come before the Cabinet in plenty of time.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved – That the following matters be noted -

Minute 162 (Cabinet – 13 March 2014) – Financial Monitoring 2013/2014 (Month 10)

Minute 30 (Cabinet – 7 July 2014) – Provision of Children and Adult Transport Services (Reason – Waiving of call-in)

30 **MEMBERS' QUESTIONS**

Councillor Phil Gilchrist, having given the appropriate notice in accordance with Standing Order 10 (2) (b), submitted a question addressed to Councillor Tony Smith (Cabinet Member for Children and Family Services), in respect of the public consultation meetings on the proposed closure of Lyndale School.

Councillor Smith responded accordingly.

Councillor Stuart Kelly, having given the appropriate notice in accordance with Standing Order 10 (2) (b), submitted a question addressed to Councillor Tony Smith (Cabinet Member for Children and Family Services), in respect of the introduction of universal free school meals for infants.

Councillor Smith responded accordingly.

MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES

A. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'Mersey Tunnel Tolls', to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee on 9 April, 2014 (minute 45 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee which advised that -

- (1) That this Committee regrets the attempt to politicise the issue by the wording within the Notice of Motion, rather than stimulate serious debate. It also regrets that it fails to recognise the burden of high, unregulated bus and train fares on Wirral residents, wherever they travel.
- (2) Committee notes that Wirral has benefitted greatly from the freezing of the Merseytravel levy and a direct grant of £3.3m to help offset cuts in Highways Budgets.
- (3) Committee notes that putting the burden of tunnel tolls directly on the Council Tax would penalise all Wirral residents including non-car owners and would be unachievable. However, we recognise the issue and impact of tunnel tolls, particularly in Wirral and agree –
 - (i). That we should support a campaign to move the funding of the tunnel crossing back to the National Highways Network, particularly in the light of the A14 ruling.
 - (ii). That the Fast-Tag scheme should be encouraged and promoted through all Wirral Council media and outlets.
 - (iii). That we should encourage local, flexible schemes that could assist Wirral residents in reducing costs.
 - (iv). That, whatever the outcome, safety and efficiency of the tunnel operation should not be put at risk.
 - (v). That Wirral will support the Merseytravel campaign to reduce excessive bus and train fares.

B. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'NO to Nuisance Calls', to the Regeneration and Environment Policy and Performance Committee. The

motion was duly considered at the meeting of the Committee on 9 April, 2014 (minute 46 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee, which advised -

- (1) That the 'No to Nuisance Calls' campaign be supported, and appropriate steps be taken to promote the campaign via the Trading Standards service and through publicity in libraries and other public buildings.
- (2) That the report of the Trading Standards Strategic Manager be noted.
- (3) That the proposal of the Strategic Director for Regeneration and Environment to promote cross Departmental working be supported.
- (4) That the Committee to be appointed for 2014/2015 be asked to consider how best to address the problem.
- (5) That the Cabinet be requested to write to local MPs, encouraging them to support the Private Members' Communications (Unsolicited Telephone Calls and Texts) Bill."

The Cabinet, had subsequently resolved, at its meeting on 19 June, 2014 (minute 17 refers), "That a letter be sent to local MPs, encouraging them to support the Private Members' Communications (Unsolicited Telephone Calls and Texts) Bill."

- C. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'Labour's Effective Stewardship', to the Policy and Performance Coordinating Committee. The motion was duly considered at the meeting of the Committee on 1 April, 2014 (minute 48 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Policy and Performance Coordinating Committee which advised that the Motion be noted.

[The motion read as follows:

Council congratulates the Labour Administration on its prudent financial management of the Council which has enabled Council Tax to be frozen for the next 2 years.

At the same time, Labour has delivered a new house-building programme, help for the unemployed through the Reachout Programme and financial

assistance for community groups under the 'Love Wirral' initiative together with many other progressive policies.

This has been achieved despite the Government's draconian cuts to Wirral's budget.]

On motions by Councillor Mike Sullivan in respect of A and B and a motion by Councillor Ann McLachlan, all seconded by Councillor Phil Davies, it was -

Resolved –

- (1) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion, 'Mersey Tunnel Tolls', be approved.**
- (2) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion, 'NO to Nuisance Calls', be approved.**
- (3) That the recommendation of the Policy and Performance Coordinating Committee in relation to the Notice of Motion, 'Labour's Effective Stewardship', be approved.**

32 **MOTION - A FAIR DEAL FOR WIRRAL**

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

Council notes that:

- (i). Sir Merrick Cockell, the outgoing chairman of the Local Government Association, has said increasing demands from a growing elderly population and cuts in council grants will lead to a funding gap of £5.8bn between March 2014 and March 2016 and a catastrophe in elderly care. The LGA predicts that by 2020 local authorities will have to spend 40% of their resources on elderly care. Council budgets have been cut by about 33% since 2010 as part of the austerity programme, including a £2.8bn reduction in social care funding.
- (ii). In Wirral, between 2014 and 2017 the gap between forecast expenditure and income is £45m which equates to a further 20% reduction in expenditure;
- (iii). Cuts of £70m are required between 2014/15 and 2017/18 to balance the books.
- (iv). By 2016 the government will have cut Wirral's grant by 57% (£127m);

- (v). The Council's budget is currently running a small under-spend, having been over-spent by £17m under the previous Administration;
- (vi). Whilst every effort has been made to minimise the impact of savings on front-line services, some of the budget reductions over the past two years have had negative impacts;
- (vii). Given the scale of the further savings required over the next three years it will become even more difficult to maintain good quality front-line services;
- (viii). The 'Future Council' programme will help to identify the core services which the Council should provide in the future. It will also help us to put in place new models to enable us to deliver more for less;

In light of the above, Council agrees to the following:

- (1) To reaffirm the principles on which we have based budgetary decisions, i.e. those with the broadest shoulders should bear the greatest burden; to minimise the impact on front-line services. Budget options should also enable us to meet our corporate priorities as far as possible, i.e. attracting jobs and investment; protecting the vulnerable; tackling inequalities;
- (2) To retain the relatively generous voluntary severance scheme for our staff as long as possible and to do everything possible to ensure that reductions in posts are achieved by voluntary means;
- (3) To help residents deal with the cost of living crisis, if the conditions surrounding the Council Tax Freeze Grant are maintained in 2015/16, then the Administration confirms its intention to freeze the Council Tax for a further year;
- (4) To continue to use every opportunity to lobby the government to reverse the damaging cuts to local government and, in particular, the unfair way in which Councils in the North of England have been forced to bear the brunt of the cuts. We will work with others to highlight this injustice and to campaign for a fair deal for Wirral from whichever party forms the government following next year's general election.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Dave Mitchell

Add after clause (4):

“(5) Requests the Chief Executive to develop a coherent and constructive case built on the foundations laid by the Local Government Association ‘Future funding outlook 2014’ which takes account of the move to greater devolution of powers and finances suggested in the Adonis Review and by the LGA and sets out the local constraints on raising the business rates and additional income from new properties in Wirral.

This case should be developed and built on a dialogue and co-operation with all groups on the Council so that it can be supported and signed off with all party backing.”

The Mayor then requested the movers of the motion and amendment to speak to their proposals followed by the seconders.

The amendment was put and carried (41:18) (Two abstentions)

Prior to the vote on the substantive motion as amended, Councillor Phil Davies and five Labour Members rose to request a ‘card vote’.

Councillor Blakeley sought clarification as to whether a ‘card vote’ could be taken after imposition of the ‘guillotine’ (Standing Order 9).

The Head of Legal and Members Services confirmed that a ‘card vote’ could still be taken after Standing Order 9 had come into effect, in accordance with Standing Order 18 (7).

A ‘card vote’ was then taken on the substantive motion as amended and the Council divided as follows:

For the motion (41) Councillors RL Abbey, A Brighthouse, P Brightmore, C Carubia, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, PN Gilchrist, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, S Kelly, A Leech, ARC McLachlan, M McLaughlin, D Mitchell, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams, Mrs P Williams and J Williamson.

Against the amendment (18) Councillors T Anderson, B Berry, C Blakeley, E Boulton, DM Elderton, G Ellis, L Fraser, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, Mrs L Rennie, SL Rowlands, T Smith, GCJ Watt, and S Williams.

Two abstentions – Councillors P Cleary and S Foulkes.

Resolved (41:18) (Two abstentions) –

Council notes that:

- (i). Sir Merrick Cockell, the outgoing chairman of the Local Government Association, has said increasing demands from a growing elderly population and cuts in council grants will lead to a funding gap of £5.8bn between March 2014 and March 2016 and a catastrophe in elderly care. The LGA predicts that by 2020 local authorities will have to spend 40% of their resources on elderly care. Council budgets have been cut by about 33% since 2010 as part of the austerity programme, including a £2.8bn reduction in social care funding.**
- (ii). In Wirral, between 2014 and 2017 the gap between forecast expenditure and income is £45m which equates to a further 20% reduction in expenditure;**
- (iii). Cuts of £70m are required between 2014/15 and 2017/18 to balance the books.**
- (iv). By 2016 the government will have cut Wirral's grant by 57% (£127m);**
- (v). The Council's budget is currently running a small under-spend, having been over-spent by £17m under the previous Administration;**
- (vi). Whilst every effort has been made to minimise the impact of savings on front-line services, some of the budget reductions over the past two years have had negative impacts;**
- (vii). Given the scale of the further savings required over the next three years it will become even more difficult to maintain good quality front-line services;**
- (viii). The 'Future Council' programme will help to identify the core services which the Council should provide in the future. It will also help us to put in place new models to enable us to deliver more for less;**

In light of the above, Council agrees to the following:

- (1) To reaffirm the principles on which we have based budgetary decisions, i.e. those with the broadest shoulders should bear the greatest burden; to minimise the impact on front-line services. Budget options should also enable us to meet our corporate**

priorities as far as possible, i.e. attracting jobs and investment; protecting the vulnerable; tackling inequalities;

- (2) To retain the relatively generous voluntary severance scheme for our staff as long as possible and to do everything possible to ensure that reductions in posts are achieved by voluntary means;**
- (3) To help residents deal with the cost of living crisis, if the conditions surrounding the Council Tax Freeze Grant are maintained in 2015/16, then the Administration confirms its intention to freeze the Council Tax for a further year;**
- (4) To continue to use every opportunity to lobby the government to reverse the damaging cuts to local government and, in particular, the unfair way in which Councils in the North of England have been forced to bear the brunt of the cuts. We will work with others to highlight this injustice and to campaign for a fair deal for Wirral from whichever party forms the government following next year's general election.**
- (5) Requests the Chief Executive to develop a coherent and constructive case built on the foundations laid by the Local Government Association 'Future funding outlook 2014' which takes account of the move to greater devolution of powers and finances suggested in the Adonis Review and by the LGA and sets out the local constraints on raising the business rates and additional income from new properties in Wirral.**

This case should be developed and built on a dialogue and co-operation with all groups on the Council so that it can be supported and signed off with all party backing.

33 MOTION - INVESTING IN WIRRAL'S INFRASTRUCTURE

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

Council recognises that substantial capital receipts are likely to be received from asset sales over the next two years and that this has been reported as being in the order of £20 million.

Council believes that Wirral's roads, pavements and street lighting require further investment, over and above the programmes of recent years. Council welcomes the work being put in to target resources effectively and to utilise funds provided by the Government to cope with winter damage.

Council believes that the data from the annual condition survey should be reported upon in detail and that a strategic decision is desirable on a programme of sustained investment to improve the infrastructure in Wirral.

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examine and report back on:

- (i). the level of investment in recent years
- (ii). the repairs backlog, including up to date UKPMS survey data
- (iii). the number of potholes, trip hazards and faulty street lighting issues being tackled
- (iv). a programme of investment that can be sustained over several years to deal with public concern about the state of Wirral's roads, pavements and lighting infrastructure.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Stuart Whittingham

Seconded by Councillor Phil Davies

“Amend the final paragraph as follows:

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examines this matter and suggests particular consideration of the following issues:

- (i). the level of investment in recent years;
- (ii). areas of strong performance within the service;
- (iii). the repairs backlog, including up to date condition survey data;
- (iv). the levels of safety intervention repairs on the highway network, and repudiation rates for claims against the Council;
- (v). proposals for the further development of the highways asset management strategy and plans, to reflect changes in industry guidance and best practice;
- (vi). the deliverability of a programme of sustained investment over several years to maintain the condition of the borough's highways in the context of severe cuts in the Council's overall budget by central government and the opportunity cost of delivering such a programme,

and reports back to Council thereafter.”

The Mayor then requested the movers of the motion and amendment to speak to their proposals followed by the seconders.

The amendment was put and carried (36:24) (One abstention).

The substantive motion, as amended, was put and carried (60:0) (One abstention).

Resolved (60:0) (One abstention) –

Council recognises that substantial capital receipts are likely to be received from asset sales over the next two years and that this has been reported as being in the order of £20 million.

Council believes that Wirral's roads, pavements and street lighting require further investment, over and above the programmes of recent years. Council welcomes the work being put in to target resources effectively and to utilise funds provided by the Government to cope with winter damage.

Council believes that the data from the annual condition survey should be reported upon in detail and that a strategic decision is desirable on a programme of sustained investment to improve the infrastructure in Wirral.

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examines this matter and suggests particular consideration of the following issues:

- (i). the level of investment in recent years;**
- (ii). areas of strong performance within the service;**
- (iii). the repairs backlog, including up to date condition survey data;**
- (iv). the levels of safety intervention repairs on the highway network, and repudiation rates for claims against the Council;**
- (v). proposals for the further development of the highways asset management strategy and plans, to reflect changes in industry guidance and best practice;**
- (vi). the deliverability of a programme of sustained investment over several years to maintain the condition of the borough's highways in the context of severe cuts in the Council's overall budget by central government and the opportunity cost of delivering such a programme,**

and reports back to Council thereafter.

34 **VACANCIES**

The Mayor informed the Council that the Head of Legal and Member Services had not been notified of any vacancies to be filled.