



Council Supplement

Town Hall
Wallasey

11 December 2009

Dear Councillor

This Supplement contains additional matters to be considered at the Council meeting on Monday 14 December 2009 and should be read in conjunction with the Council Summons dated 4 December.

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AGENDA

5. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 1 - 60)

To consider matters referred to the Council for determination.

- (i) Minute 183 (Cabinet - 5/11/09) Inflation Provision
- (ii) Minute 186 (Cabinet - 5/11/09) Procurement 2010-2011
- (iii) Minute 195 (Cabinet - 26/11/09) Birkenhead High School Academy
- (iv) Minute 200 (Cabinet - 26/11/09) Local Development Framework - Public Consultation on Spatial Issues
- (v) Minute 221 (Cabinet - 9/12/09) Governance Review - Proposed Governance Arrangements
(N.B. Revised appendices 2 and 3 to the report of the Director of Law, HR and Asset Management are attached)
- (vi) Minute 223 (Cabinet - 9/12/09) Council Tax Base 2010/2011
- (vii) Minute 224 (Cabinet - 9/12/09) Capital Programme and Financing 2010-2013
- (viii) Minute 234 (Cabinet - 9/12/09) Local Development Framework for Wirral - Annual Monitoring Report 2008/2009
- (ix) Minute 10 (Licensing Act 2003 Committee - 9/11/09) Draft Statement of Principles under the Gambling Act 2005

9. MATTERS FOR DEBATE (Pages 61 - 82)

Pursuant to Standing Order 5(1)(m), and in accordance with Standing Order 5(3), to consider written comments, objections or amendments to minutes submitted under Standing Order 7(2), together with those motions, submitted under item 9 above, that the Council agrees to debate at this meeting and any minority reports submitted in accordance with Standing Order 35(4).

10. VACANCIES (Pages 83 - 84)

To receive nominations, in accordance with Standing Order 25(5), in respect of any proposed changes in the membership of the Cabinet and committees, and to approve nominations for appointments to outside organisations.

A handwritten signature in black ink, appearing to be 'Zellman', with a long horizontal line extending to the right.

Director of Law, HR and Asset Management

CABINET 5 NOVEMBER 2009

183. INFLATION PROVISION

A report by the Director of Finance advised that the projected budget for 2010-11 currently provided for both pay and price inflation at 2% in line with the provisions included in the Comprehensive Spending Review 2007. The report recommended that this provision be varied.

Resolved – That

- (1) The pay estimates for 2009-10 be reduced by 1% and the saving of £1.6m be transferred to General Fund balances.**
- (2) The provision for pay awards in 2010-11 be reduced to 1% and the provision for price inflation be deleted reducing the projected budget by £5.2m.**

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CABINET 5 NOVEMBER 2009

186. PROCUREMENT 2010-2011

On 6 November 2008, the Cabinet had approved a projected procurement savings target of £1.5 million for 2009/10 for those areas of expenditure involving corporate contracts. A report by the Director of Finance informed of progress towards achieving this savings target and other procurement initiatives that had a direct impact on service departments, and also outlined possible additional procurement efficiencies for 2010-11.

Resolved – That

- (1) The procurement efficiencies delivered in 2009/10 be noted.**
- (2) Procurement efficiencies from corporate contracts estimated at £682,000 be agreed for 2010/11.**

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CABINET 26 NOVEMBER 2009

195. BIRKENHEAD HIGH SCHOOL ACADEMY – OUTLINE BUSINESS CASE

A report by the Director of Children's Services requested the Cabinet's approval of the required Outline Business Case for capital works at Birkenhead High School for Girls Academy and to underwrite any affordability gap that might occur in the replacement and refurbishment scheme at Birkenhead High School Academy under the Partnerships for Schools (PfS) Academy programme - that commitment being a requirement of the Council's Outline Business Case with approval needed by Partnerships for Schools (PfS) prior to the Invitation to Tender (ITT) being released to Framework Contractors.

The Cabinet noted that the original intention was that the Outline Business Case should form part of a combined bid for capital funding along with the other Academy proposals, now withdrawn. The capital funding for Birkenhead High School Academy was a self-contained proposal, the merits of which were not dependent or connected in any way with the other Academy proposals. Therefore, the Cabinet required the business case to reflect this.

The Cabinet further required all costs to be kept within estimates and any deviation to be funded from within the resources being made available for this project to ensure no financial burden fell on Council Tax payers with regard to the proposal.

Resolved – That, subject to the above, the following be approved:

- (1) The Council confirms its approval for the Capital Investment at Birkenhead High School Academy;**
- (2) Written confirmation to Partnerships for Schools that any funding gap will be underwritten by the Council;**
- (3) The relevant Section 151 officer letter, as required by PfS, be drawn up and submitted to PfS; and**
- (4) Further approval be given for the Council to sign the relevant Collateral Warranties in respect of various surveys carried out as part of the scheme development and accept the warranted report on title from the Girl's Day School Trust.**

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CABINET 26 NOVEMBER 2009

200. LOCAL DEVELOPMENT FRAMEWORK – CORE STRATEGY DEVELOPMENT PLAN DOCUMENT – PUBLIC CONSULTATION ON SPATIAL ISSUES

A report by the Deputy Chief Executive/Director of Corporate Services sought approval to undertake public consultation on a draft Spatial Options Report as part of the next stage in the preparation of a Core Strategy Development Plan Document for Wirral. The Core Strategy, when adopted, would be the lead document of the Borough's Statutory Local Development Framework.

Resolved – That

- (1) the draft Spatial Options Report appended to the report be approved for public consultation;**
- (2) the Director of Corporate Services be given delegated authority to make any necessary factual or presentational changes to the draft Spatial Options Report and its accompanying documents, before publishing the Report for public consultation;**
- (3) the Sustainability Appraisal prepared to accompany the Spatial Options Report be submitted for consideration by the Sustainability Appraisal Panel as part of the public consultation process;**
- (4) the evidence base studies related to Flood Risk, Biodiversity and Landscape and Minerals be approved as material considerations for use by Planning Committee in the determination of individual planning applications and made available for public inspection on the Council's website.**
- (5) an Open Day for members of the public and Area Forums and other stakeholders be arranged as part of the consultation process; and**
- (6) Members be offered the opportunity to attend a Briefing Session as part of the consultation process.**

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CABINET 9 DECEMBER 2009

221. GOVERNANCE REVIEW – PROPOSED GOVERNANCE ARRANGEMENTS

The Director of Law, HR & Asset Management reported that the Local Government and Public Involvement in Health Act 2007 (“the Act”) required the Council to review its governance arrangements and move to either:

- a. a new style ‘Leader and Cabinet’ model; or
- b. a ‘directly elected Mayor and Cabinet’ model.

Before drawing up its governance proposals, the Council was required to take reasonable steps to consult local government electors and any other interested persons, in the authority’s area. The Council’s consultation period commenced on 6 October 2009 and ended on 30 November 2009 and the steps taken to consult local government electors and interested parties included:

- a. a press release placed in a local newspaper (Wirral Globe) on 8 October 2009 (although the press release was issued on 7 October 2009);
- b. the Council’s Website amended to advertise the new governance arrangements and invite local electors and other interested persons to make comments and express their views/opinions on the proposals;
- c. the Cabinet Report dated 24 September 2009 detailing the proposed governance arrangements were highlighted at all eleven Area Forums by the Chairperson and copies of the Report made available to the public.

Furthermore, both the Daily Post and Wirral News featured a discussion forum on the proposed governance arrangements; and Heart FM Radio, Severn Waves Radio and BBC Radio Merseyside all featured the proposed governance proposals. The Wirral Globe further published letters received in relation to the governance proposals on 29 October, 5, 11 and 18 November 2009. Such measures, articles and features had enabled this matter to maintain a reasonably high public profile during the period of consultation.

According to the Council’s PR and Marketing Department, the consultation undertaken by this Council was similar to that undertaken by other Merseyside Local Authorities.

The Council received a total of 45 responses during the consultation period and whilst it was acknowledged that there had been a low response rate, the Council had received a similar response to the consultation as other neighbouring Councils (and in one case a considerably greater response). The Director provided a summary of the responses and indicated that of the total number received, 62.2% [28 replies] had indicated a preference for the directly elected ‘Mayor and Cabinet’ model with 20% [9 replies] preferring the new style ‘Leader and Cabinet’ model. The remaining 17.8% of responses (8 replies) either failed to indicate a preference or their reply too ambiguous for a preference to be drawn.

The Director commented that given the limited number of responses received, the Council should give careful consideration to the level of weight that ought to be attached when deciding which model of governance it should adopt.

The Act required the Council adopt its new governance arrangements by 31 December 2009.

RECOMMENDED –

- (1) That the Council adopts the new style ‘Leader and Cabinet’ model of governance (including provision of the power for Council to remove the Leader by resolution).**
- (2) That the Council approves the draft governance proposals as set out in Appendix 2 the report of the Director of Law, HR and Asset Management (subject to any amendments agreed by Council); and officers be authorised to undertake all steps necessary to give effect to the proposals and ensure compliance with the Local Government and Involvement in Health Act 2007.**

PROPOSALS FOR CHANGE TO EXECUTIVE ARRANGEMENTS

This document sets out Wirral Metropolitan Borough Council's proposals for changing its executive arrangements as required by the Local Government and Public Involvement in Health Act 2007 (2007 Act).

The proposals have been drawn up after consultation as required by the Local Government Act 2000 (as amended by the 2007 Act).

1. FORM OF EXECUTIVE

The Council proposes to adopt the "new style" Leader and Cabinet (England) form of executive ("the Executive").

2. EXECUTIVE STRUCTURE

- 2.1 The Executive will consist of the Leader of the Council and between 2 and 9 other councillors ("Executive Members") appointed by the Leader of the Council.
- 2.2 The Leader of the Council will be elected at the Annual Meeting of the Council following elections in May 2010 and will (subject to paragraph 2.3 below) hold office until his/her term as Councillor expires.
- 2.3 The Council may by resolution remove the appointed Leader of the Council from office. If such a resolution is passed, Council will elect a new Leader of the Council at the same meeting or a subsequent meeting of Council.
- 2.4 The Leader of the Council will determine the portfolios of the Executive Members and also which executive functions will be discharged by:
 - a. the Executive;
 - b. an individual Executive Member;
 - c. a committee of the Executive Members; or
 - d. an officer of the Council.
- 2.5 The Leader of the Council may appoint one of the Executive Members to be his/her deputy (the "Deputy Leader of the Council"). The Leader of the Council may remove the Deputy Leader of the Council and may appoint another Executive Member as the Deputy Leader of the Council.
- 2.6 The Leader of the Council may remove any Executive Member from the Executive and appoint another councillor.
- 2.7 The existing arrangement regarding the Council's Overview and Scrutiny Board & Committees and other Council committees and panels will remain unchanged and continue under the Executive.

3. RESPONSIBILITY FOR FUNCTIONS

Local Choice Functions

Responsibility for functions specified in regulations under Section 13(3) (b) of the Local Government Act 2000 (known as “local choice functions”) will remain unchanged from the current allocation between the Council and the executive.

However it is possible, subject to any statutory limitations, for the Council prior to the change in executive arrangements to alter the allocation of these functions. The local choice functions are set out in Part 3 Table 1 of the Council’s Constitution.

Constitution Amendments

Constitutional amendments will be required to implement the “new style” Leader and Cabinet (England) form of executive as detailed in paragraph 2 above.

Following the Extraordinary Meeting of Council on 21 December 2009, Council’s approval will be sought to amend the Constitution in order to give effect to the proposals set herein.

The key amendments that will be made shall relate to the following parts of the Constitution:

PART	
2	Article 2
	Article 7
	Article 12 - 13
	Article 15
	Article 16 – Schedule 1
3	Table 3
	Table 4 – Schedules 1-5
4	As necessary
5	As necessary
6	Members’ Allowances Scheme
Any other ancillary amendments required to give effect to the preferred model of governance	

4. CONTINUOUS IMPROVEMENT

In drawing up these proposals, the Council has considered the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The "new style" Leader and Cabinet (England) form of executive is considered:

- a. to provide strong leadership and effective decision making;
- b. more cost effective to implement given that the Council is currently operating a form of 'leader with cabinet' model of executive arrangement; and
- c. in the Council's opinion likely to provide best value to the inhabitants of Wirral.

5. TIMETABLE & TRANSITIONAL ARRANGEMENTS

The Council is required to set up a timetable for the implementation of the proposals and to provide details of any transitional arrangements which are necessary for the implementation.

Timetable

The timetable is outlined as follows:

- 9 November 2009 Cabinet recommends to Council its preferred governance model together with the relevant proposals.
- 14 December 2009 Council gives consideration to the recommendations of Cabinet and determines its preferred governance model together with the relevant proposals.
- 21 December 2009 Council resolves to adopt and formally confirm the new governance arrangements and proposals.
- May 2010 Implementation of new governance arrangements and proposals to take effect three days after the date when the local elections are held.

Transitional Arrangements

With regard to the transitional arrangements, the Council is not in any way prohibited from continuing to operate its current "old-style" Leader and Cabinet Model which will expire three days after the date when the 2010 local elections are held.

The Council will therefore continue to operate this model in accordance with the Constitution until the new 'leader and cabinet' model replaces it.

PROPOSALS FOR CHANGE TO EXECUTIVE ARRANGEMENTS

This document sets out Wirral Metropolitan Borough Council's proposals for changing its executive arrangements as required by the Local Government and Public Involvement in Health Act 2007 (2007 Act).

The proposals have been drawn up after consultation as required by the Local Government Act 2000 (as amended by the 2007 Act).

1. FORM OF EXECUTIVE

The Council proposes to adopt the "directly elected mayor and cabinet" form of executive (the "Mayor Executive").

2. EXECUTIVE STRUCTURE

- 2.1 The Mayor Executive will consist of the Mayor (the 'Elected Mayor') and between 2 and 9 other councillors ("the Mayor Executive Members") appointed by the Elected Mayor.
- 2.2 The Elected Mayor will be elected by Wirral local government electors in May 2010 and will hold office for a period of 4 years.
- 2.3 The Elected Mayor is not a Councillor. He or she does not have an electoral Ward to represent and would work full time as an Elected Mayor.
- 2.4 The Elected Mayor would be in addition to the sixty six councillors who currently sit on the Council.
- 2.5 The Council would not be able to remove the Elected Mayor as is the case in the "new style Leader and Cabinet (England)" form of executive.
- 2.6 The Elected Mayor would be responsible for all executive functions.
- 2.7 The Elected Mayor must also appoint a Deputy Mayor who will hold office until the end of the Elected Mayor's term.
- 2.8 The Deputy Mayor can, however, be removed and replaced by the directly Elected Mayor.
- 2.9 The Elected Mayor would determine the portfolios of the Mayor Executive Members and also which executive functions will be discharged by:
 - a. the Mayor Executive;
 - b. an individual Mayor Executive Member;
 - c. a committee of the Mayor Executive Members; or
 - d. an officer of the Council.

- 2.10 Save for changes required for legal reasons, the existing arrangements regarding the Council's Overview and Scrutiny Board & Committees and other Council committees and panels will remain unchanged and continue under the Mayor Executive.
- 2.11 Other councillors would have the same functions as at present.
- 2.12 The Elected Mayor will hold the title of 'Mayor' and may lead the Council and carry out ceremonial functions; or the Council may decide to keep its the current Mayor position as well. If the Council decides to keep the current Mayor position, he/she will normally be given a new title.
- 2.13 The Elected Mayor would be reliant upon the Council to pass the Annual Budget and other major policy and strategic framework plans specified in the Constitution and would need to work with Councillors to ensure that these are approved.

3. RESPONSIBILITY FOR FUNCTIONS

Local Choice Functions

Responsibility for functions specified in regulations under Section 13(3) (b) of the Local Government Act 2000 (known as "local choice functions") will remain unchanged from the current allocation between the Council and the executive.

However it is possible, subject to any statutory limitations, for the Council prior to the change in executive arrangements to alter the allocation of these functions. The local choice functions are set out in Part 3 Table 1 of the Council's Constitution.

Constitution Amendments

Constitutional amendments will be required to implement the "Mayor Executive form of governance as detailed in paragraph 2 above.

Following the Extraordinary Meeting of Council on 21 December 2009, Council's approval will be sought to amend the Constitution in order to given effect to the proposals set herein. The key amendments that will be made shall relate to the following parts of the Constitution:

PART	
1	
2	Article 1 – 4
	Article 7
	Article 12 - 13
	Article 15
	Article 16 – Schedule 1
3	Table 2 - 34
4	As necessary
5	As necessary
6	As necessary
Any other ancillary amendments required to give effect to the preferred model of governance	

4. CONTINUOUS IMPROVEMENT

In drawing up these proposals, the Council has considered the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The ““directly elected mayor and cabinet” form of executive is considered:

- a. to provide strong leadership and effective decision making;
- b. to have significant status as a directly elected figure with a mandate endorsed by the majority of the Wirral electorate;
- c. although more costly to implement given that the Council is currently operating a form of ‘leader with cabinet’ model of executive arrangement, it is considered that the benefits associated with this model of governance outweigh the cost implications; and
- d. in the Council's opinion likely to provide best value to the inhabitants of Wirral.

5. TIMETABLE & TRANSITIONAL ARRANGEMENTS

The Council is required to set up a timetable for the implementation of the proposals and to provide details of any transitional arrangements which are necessary for the implementation.

Timetable

The timetable is outlined as follows:

- 9 November 2009 Cabinet recommends to Council its preferred governance model together with the relevant proposals.
- 14 December 2009 Council gives consideration to the recommendations of Cabinet and determines its preferred governance model together with the relevant proposals.
- 21 December 2009 Council resolves to adopt and formally confirm the new governance arrangements and proposals.
- May 2010 Implementation of new governance arrangements and proposals to take effect three days after the date when the local elections are held.

Transitional Arrangements

With regard to the transitional arrangements, the Council is not in any way prohibited from continuing to operate its current "old-style" Leader and Cabinet model which will expire three days after the date when the 2010 local elections are held.

The Council will therefore continue to operate this model in accordance with the Constitution until the 'directly elected mayor' governance model replaces it.

CABINET 9 DECEMBER 2009

223. COUNCIL TAX BASE 2010/2011

The Director of Finance provided details of the method used to calculate the Tax Base for the 2010/2011 Council Tax that needed to be raised to cover expenditure and he recommended a figure for tax setting purposes.

RECOMMENDED –

- (1) That the Council Tax Base for 2010/2011 be approved.**
- (2) That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the figure calculated as the Council Tax Base for the year 2010/2011 shall be 104,690.**

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CABINET 9 DECEMBER 2009

224. CAPITAL PROGRAMME AND FINANCING 2010 – 2013

The Director of Finance presented a draft Capital Programme for 2009/13 for consideration by the Cabinet and referral to the Council for approval. It also included the related capital financing requirements based upon the prudential indicators that informed the Treasury Management Strategy.

RECOMMENDED –

- (1) That the new submissions, as detailed in section 7.2 of the report of the Director of Finance, be approved.**
- (2) That the re-allocation of schemes to revenue, with any associated funding, as detailed in section 7.3.1 of the report, be approved.**
- (3) That the removal from the programme of the schemes, detailed in section 7.3.2 of the report, be approved.**
- (4) That if the changes are approved, the capital financing requirements be reflected in the Projected Budget.**
- (5) That the Prudential Indicators be noted and reported as part of the Treasury Management Strategy in February 2010.**
- (6) That update reports on the progress of the programme be presented in accordance with the Performance and Financial Monitoring reporting cycle.**
- (7) That a report be presented to the Cabinet on 14 January 2010 on building maintenance requirements to include the review of Regeneration - Cultural Services facilities.**
- (8) That the options for funding building maintenance be presented to the Cabinet on 14 January 2010.**

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CABINET 9 DECEMBER 2009

234. LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - ANNUAL MONITORING REPORT 2008/2009

The Deputy Chief Executive/Director of Corporate Services reported that Section 35 of the Planning and Compulsory Purchase Act 2004 required the Council to submit an Annual Monitoring Report to the Secretary of State by 31 December each year. The Report needed cover progress on the Council's Local Development Framework over the preceding period from 1 April to 31 March.

He commented that there was no requirement for public consultation on the content of the Annual Monitoring Report but copies of it were required to be made available for public inspection on the Council's website. He recommended that the draft Annual Monitoring Report for 2008/2009, attached to his report, be agreed for submission to the Secretary of State and placed on the Council's website for public inspection.

RECOMMENDED –

- (1) That the Local Development Framework Annual Monitoring Report for 2008/2009 be approved for formal submission to the Secretary of State.**
- (2) That the Local Development Framework Annual Monitoring Report for 2008/2009, as submitted, be placed on the Council's website for public inspection.**

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LICENSING ACT 2003 COMMITTEE – 9 NOVEMBER, 2009

<u>Present:</u>	Councillor	S Taylor (Chair)	
	Councillors	WJ Davies	IO Coates
		A Taylor	W Duffey
		J Salter	D Kirwan
		H Smith	S Niblock
		C Teggins	P Williams
		S Clarke	C Povall
<u>Apologies</u>	Councillors	R Wilkins	D Knowles

10. DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Director of Regeneration submitted for Members' approval the Draft Statement of Principles under The Gambling Act 2005 in order that it might be presented to Council for approval on 14 December 2009.

Members were also requested to agree that the Director of Regeneration be given delegated authority to amend the draft document in conjunction with the Chair and Party Spokespersons prior to its presentation to Council should this become necessary as a result of feedback from the consultation.

On 14 September 2009 (minute 6 refers) the Licensing Act 2003 Committee approved a draft Statement of Principles so that it might be circulated for consultation. The consultation period began on 14 September 2009 and would close on 14 December 2009. To date, no comments had been received from consultees. The draft Statement of Principles had been circulated to a number of consultees and had been publicised on the Council's website. A list of those consulted was attached as an appendix to the report. Any comments received before the close of the consultation period would be presented at the meeting of the Council on 14 December 2009.

A Member referred to paragraph 4.1 of the guidance, in relation to interested parties being able to make representations about licence applications, if they lived sufficiently close to the premises to be likely to be affected by the authorised activities. He sought clarification as to the definition of 'sufficiently close' and commented that the guidance appeared not to take account of churches or schools in an area, which although not seen as being sufficiently close to a licence premises, but would nevertheless be an interested party in relation to an application. He commented also, in relation to paragraph 23.2 that the guidance should include a minimum time period for a request for a review by interested parties that was substantially the same as previous representations or requests for review.

The Director agreed to consider the points made, having regard to the requirements of the Act and proposed to re-circulate the document to members prior to its submission to the Council.

Resolved –

(1) That subject to clarification of the matters raised being circulated to Members, the Draft Statement of Licensing Principles be approved as a Draft to be considered by the Council on 14 December 2009 for approval as the Statement of Principles to be applied under The Gambling Act 2005.

(2) That Members also agree that the Director of Regeneration be given delegated authority to amend the draft document in conjunction with the Chair and Party Spokespersons prior to its presentation to Council should this become necessary as a result of feedback from the consultation.

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE – 9 NOVEMBER 2009

REPORT OF THE DIRECTOR OF REGENERATION

DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek Members approval of the Draft Statement of Principles under The Gambling Act 2005 in order that it may be presented to Council for approval on 14 December 2009.
- 1.2 Members are also requested to agree that the Director of Regeneration be given delegated authority to amend the draft document in conjunction with the Chair and Party Spokespersons prior to its presentation to Council should this become necessary as a result of feedback from the consultation.

2.0 BACKGROUND

- 2.1 The Gambling Act 2005 requires the Council to prepare and publish a statement of Licensing Principles that the Authority will apply when considering applications under the Act. It is a requirement that this policy document be reviewed every three years
- 2.2 The Council's Statement of Principles was first published in December 2006 and must therefore now be reviewed and published no later than December 2009.
- 2.3 On 14 September 2009, Members of the Licensing Act 2003 Committee approved a draft Statement of Principles so that it may be circulated for consultation.
- 2.4 The consultation period began on 14 September 2009 and closes on 14 December 2009. To date, no comments have been received from consultees.
- 2.5 The draft Statement of Principles has been circulated to a number of consultees and has been publicised on the Council's website. A list of those consulted is attached in Appendix 2.
- 2.6 Any comments received before the close of the consultation period will be presented at the meeting of the Council on 14 December 2009.
- 2.7 The revised draft statement of Licensing Principles, attached as Appendix 1, has been prepared having regard to the provisions of the Gambling Act 2005 and the Guidance issued by the Gambling Commission. The draft is also in accordance with a template prepared by the Local Authorities Co-ordinators of Regulatory Services (LACORS).

3.0 FINANCIAL IMPLICATIONS

- 3.1 Financial costs arising from the consultation process have been met from existing budgets.

4.0 STAFFING IMPLICATIONS

- 4.1 Staffing costs arising from the consultation process have been met from existing budgets.
- 5.0 **EQUAL OPPORTUNITIES IMPLICATIONS**
- 5.1 There are no equal opportunities implications arising out of this report.
- 6.0 **COMMUNITY SAFETY IMPLICATIONS**
- 6.1 Effective control of Gambling Legislation can assist in raising standards and improve the perception of community safety.
- 7.0 **LOCAL AGENDA 21 IMPLICATIONS**
- 7.1 There are no Local Agenda 21 implications arising out of this report.
- 8.0 **PLANNING IMPLICATIONS**
- 8.1 There are no planning implications arising out of this report.
- 9.0 **ANTI-POVERTY IMPLICATIONS**
- 9.1 There are no anti-poverty implications arising out of this report.
- 10.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**
- 10.1 This report affects the entire Borough
- 11.0 **BACKGROUND PAPERS**
- 11.1 Draft Statement of Principles (Appendix 1)
- 11.2 List of Consultees (Appendix 2)
- 12.0 **RECOMMENDATIONS**
- 12.1 That the Draft Statement of Licensing Principles be approved as a Draft to be considered by Council on 14 December 2009 for approval as the Statement of Principles to be applied under The Gambling Act 2005.
- 12.2 That Members also agree that the Director of Regeneration be given delegated authority to amend the draft document in conjunction with the Chair and Party Spokespersons prior to its presentation to Council should this become necessary as a result of feedback from the consultation.

Alan Stennard
Director of Regeneration

This report was prepared by Margaret O'Donnell who can be contacted on 691 8606



Draft
Statement of Principles
2009

Gambling Act 2005

**Wirral Licensing Authority
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The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, (The Act) Wirral Borough Council as the Licensing Authority must have regard to the following licensing objectives.

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

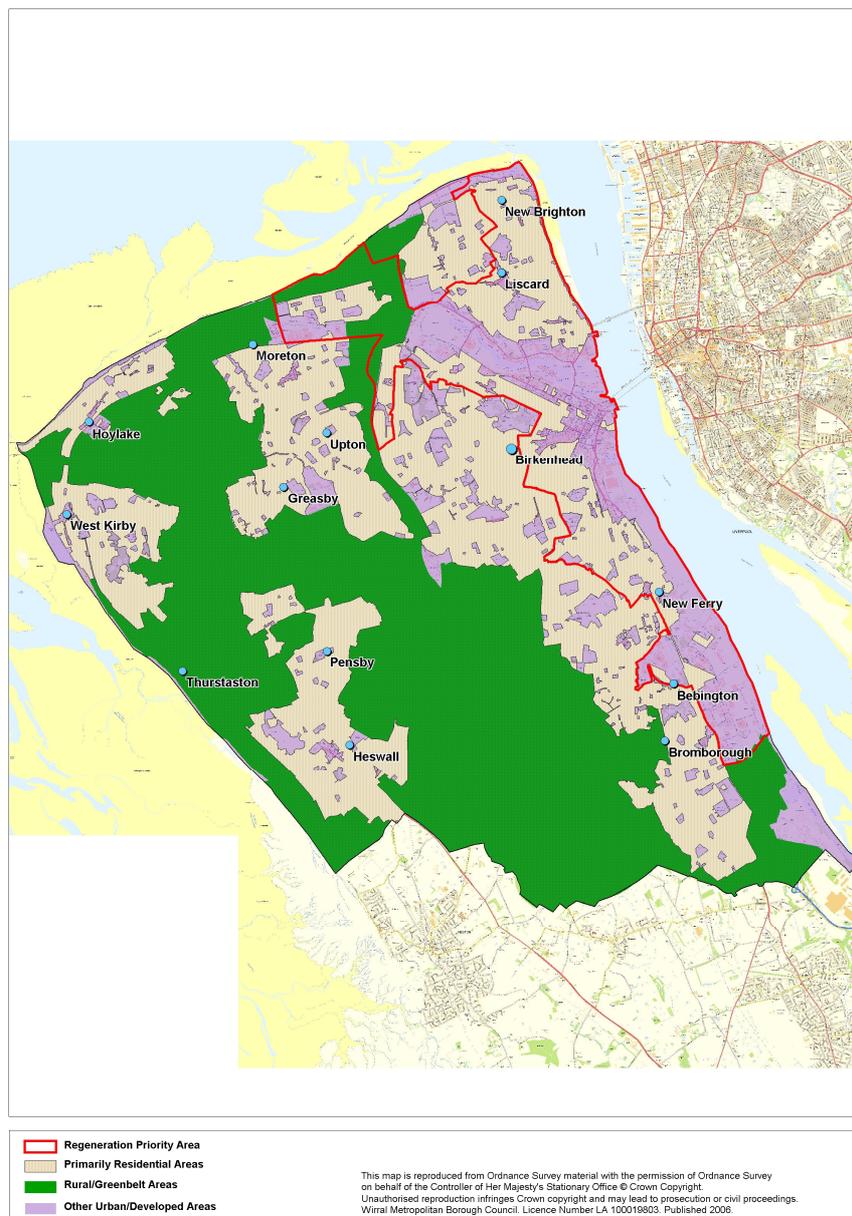
It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This Licensing Authority is aware that in accordance with Section 153 of the Gambling Act 2005, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises so far as it thinks it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing objectives in accordance with the Authority’s Statement of Licensing Principles.

1.0 Introduction

1.1 Wirral Council is situated in the County of Merseyside, which contains no district Councils, but 5 metropolitan councils Knowsley, Liverpool, Sefton, St Helens and Wirral. The Council area has a population of 310,200 (ONS Mid 2007 Estimate) making it the second largest after Liverpool in the County in terms of population. Wirral is the third largest Metropolitan Council in the North West. In terms of area it is the largest in Merseyside, covering 60.1 square miles. The Borough is mainly urban in outlook, with 32.85 square miles (54.66% of the borough) covered in Residential, Industrial or Commercial buildings. These areas are shown in the map below.



The key provided identifies the urban / rural areas as well as regeneration priority areas.

- 1.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.3 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005
- 1.4 A list of the persons sent this document to for consultation is illustrated at **Appendix A.**
- 1.5 This statement of principles is available on our web site www.wirral.gov.uk and copies are also available in One Stop Shops, as well as at the Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED.
- 1.6 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.0 Declaration

2.1 In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3.0 Responsible Authorities

3.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

3.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

3.3 The Responsible Authorities under the Gambling Act 2005 are:

- Wirral Borough Council Licensing Department
- The Gambling Commission
- The Chief Constable, Merseyside Police
- Merseyside Fire and Rescue Service Authority
- Wirral Borough Council Planning Section
- Wirral Borough Council Environmental Health Section
- Local Safe Guarding Children Board
- H.M. Revenue & Customs

Subject to any other person being prescribed in Regulation by the Secretary of State. The contact addresses for these authorities are illustrated at **Appendix B.**

4.0 Interested parties

4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) has business interests that might be affected by the authorised activities
- c) represent persons who satisfy paragraph (a) or (b)

4.2 The Licensing Authority are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.

4.3 When determining what ‘significantly close to the premises’ means the Licensing Authority will take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

The Licensing Authority may determine that ‘sufficiently close to be likely to be affected’ could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

4.4 In considering whether there is a business interest the Licensing Authority will consider business interests in its widest possible interpretation, to include partnerships, charities, faith groups and medical practices.

4.5 The Gambling Commission has recommended that we state that interested parties include trade associations and trade unions, and residents and tenants associations at Paragraph 8.17. We will not however generally view these bodies as interested parties unless they have a member who can be classed

as an interested person under the provisions of the Act ie. lives sufficiently close to the premises to be likely to be affected by the activities applied for.

- 4.6 Interested parties can be persons who are democratically elected such as a Ward Councillor, M.P. etc. No specific evidence of being asked to represent an interested party will be required as long as the Councillor / M.P. etc. represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.7 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department at the Town Hall, Brighton Street, Wallasey, CH44 8ED.

5.0 Exchange of Information

- 5.1 The Licensing Authority are required to include in its policy statement the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between ourselves and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. We will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 5.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

6.0 Enforcement

- 6.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 6.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- Consistent: rules and standards must be joined up and implemented fairly
- Transparent: regulators should be open, and keep regulations simple and user friendly
- Targeted: regulation should be focused on the problem, and minimise side effects

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

6.3 This Licensing Authority is developing a risk-based inspection programme, based on;

- The Licensing Objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

6.4 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

6.5 This Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

6.6 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request at the Licensing Department, Town Hall, Brighton Street, Wallasey CH44 8ED.

7.0 Licensing Authority functions

7.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences

- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

PART B

8.0 Premises Licences

General Principles

- 8.1 Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State.
- 8.2 The Licensing Authority are able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 8.3 This Licensing Authority is aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives
 - In accordance with this Statement of Licensing Principles
- 8.4 It is appreciated that gambling can be an emotive subject but acknowledge that in accordance with Gambling Commission Guidance for Local Authorities, “moral objections to gambling are not a valid reason to reject applications for premises licences”. Except in respect of a Casino resolution and also that unmet demand is not a criterion for a Licensing Authority.
- 8.5 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can be properly regarded as different premises.
- 8.6 The Licensing Authority will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 8.7 The Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. The Licensing Authority support this view.

- 8.8 The Gambling Commission states that “Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises”.
- 8.9 The Licensing Authority make particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering application for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises without a permit.
 - Customers should be able to participate in the activity named on the premises licence.
- 8.10 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 8.11 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

8.12 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

8.13 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

9.0 Premises “ready for gambling”

- 9.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 9.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 9.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 9.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 9.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

10.0 Location

- 10.1 This Licensing Authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can be considered.
- 10.2 The Licensing Authority, in accordance with the Gambling Commission’s Guidance for local authorities, pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 10.3 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon regarding such areas where gambling premises should not be located, this policy statement will be updated.
- 10.4 It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

11.0 Planning

- 11.1 The Gambling Commission Guidance to Licensing Authorities states:
7.59 – In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 11.2 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:
7.66 - When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

12.0 Duplication with other regulatory regimes

- 12.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 12.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

13.0 Licensing objectives

- 13.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

13.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that the Licensing Authority should pay attention to the proposed location of gambling premises in terms of this licensing objective. Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. Responsible authorities would however have the right to make representation with regard to such premises.

13.3 The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that prevention of nuisance is not a Gambling Act licensing objective.

13.4 In considering licence applications, the Council will particularly take into account the following:

- The design and layout of the premises
- The training given to staff in crime prevention measures appropriate to those premises
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks
- The likelihood of any violence, public order or policing problem if the licence is granted

13.5 Ensuring that gambling is conducted in a fair and open way.

This Licensing Authority is aware that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed by the operator and personal licensing system.

13.6 Protecting children and other vulnerable persons from being harmed or exploited by gambling.

This Licensing Authority notes the Gambling Commission Guidance to local authorities states that this objective relates to preventing children from taking part in gambling as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.

13.7 The Licensing Authority will therefore consider, as suggested by the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote the licensing objectives.

- 13.8 Appropriate measures may include supervision of access points, segregation of areas etc.
- 13.9 This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 13.10 In reference to the term “vulnerable persons” we note that the Gambling Commission or statute law does not seek to offer a definition but the Commission states that “it will for regulatory purposes assume that this group includes:
- People who gamble more than they want to
 - People who gamble beyond their means
 - People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- 13.11 This Licensing Authority will consider promotion of this licensing objective on a common sense, case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

14.0 Conditions

- 14.1 Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility
 - Directly related to the premises and the type of licence applied for
 - Fairly and reasonably related to the scale and type of premises
 - Reasonable in all other respects
- 14.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 14.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue

the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

14.4 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

14.5 These considerations will apply to premises including buildings where multiple premises licences are applicable.

14.6 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

14.7 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, they are

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions which provide that membership of a club or body be required. (The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions in relation to stakes, fees, winning or prizes

15.0 Door Supervisors

15.1 The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder

or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

- 15.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

16.0 Adult Gaming Centres

- 16.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to for example, ensure that under 18 year olds do not have access to the premises.
- 16.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures or licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

17.0 (Licensed) Family Entertainment Centres:

- 17.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will

be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

17.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

17.3 This Licensing Authority will, in accordance with the Gambling Commission's guidance, refer to the Commission to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

18.0 Casinos

18.1 **No Casinos resolution** - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

18.2 **Betting machine** - This Licensing Authority will in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable

people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

19.0 Bingo Premises

19.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

20.0 Betting Premises

20.1 **Betting machines** This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

21.0 Travelling Fairs

21.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

21.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

21.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which

the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

22.0 Provisional Statements

- 22.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 22.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 22.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 22.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 22.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 22.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

23.0 Reviews

23.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out.

23.2 This will be on the basis of whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the authority's Statement of Principles

23.3 The Licensing Authority will also take into consideration whether the request is either frivolous, vexatious or would certainly not cause this authority to wish to alter/revoke/suspend the licence. The Licensing Authority will also consider whether the representations made in the application for a review are substantially the same as previous representations or requests for review. In determining this matter, the Licensing Authority will take into account how much time has passed since any earlier application for a review or since the licence was granted.

23.4 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

23.5 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

24.0 Unlicensed Family Entertainment Centre gaming machine permits. (Statement of Principles on Permits – Schedule 10 Paragraph 7)

- 24.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use as required by Section 238.
- 24.2 The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 24.3 The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues."
- 24.4 The Gambling Commission's Guidance also states: ".....An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. In accordance with the Guidance, this Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
 - That an applicant has no relevant convictions, those that are set out in Schedule 7 of the Act
 - That staff are trained to have a full understanding of the maximum stakes and prizes
- 24.5 We note that a Licensing Authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 24.6 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

24.7 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

25.0 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic Entitlement: 2 Machines

25.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

Permit: 3 or more machines

25.2 If a Premises Licence Holder wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

25.3 This Licensing Authority considers that “such matters” will be decided on a case by case individual basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

25.4 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage on the machines or in the premises may also help. As regards

the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

25.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

25.6 It should be noted that we as the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached to a permit.

25.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

26.0 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

26.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

26.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations
- That the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

26.3 In making its decision on an application for this permit the Licensing Authority does not need, but may, have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

26.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with

- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day
- The game must be played and completed on the day the chances are allocated
- The result of the game must be made public in the premises on the day that it is played
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- Participation in the gaming must not entitle the player to take part in any other gambling

27.0 Club Gaming and Club Machines Permits

- 27.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit.
- 27.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations.
- 27.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 27.4 The Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.
- 27.5 A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 27.6 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - The applicant's premises are used wholly or mainly by children and/or young persons
 - An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities

- A permit held by the applicant has been cancelled in the previous ten years
- An objection has been lodged by the Commission or the police

27.7 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

27.8 As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an authority can refuse a permit are reduced". and "The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

28.0 Temporary Use Notices

28.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

28.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

28.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

- 28.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 28.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 28.6 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

29.0 Occasional Use Notices

- 29.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

Consultees

This draft document is being circulated to a number of consultees including those listed below. Should you consider there are any other bodies or individuals who should be consulted please contact: licensing@wirral.gov.uk

- Elected Councillors, Metropolitan Borough of Wirral
- Head of Regeneration, Metropolitan Borough of Wirral
- Trading Standards Manager, Metropolitan Borough of Wirral
- Environmental Health Manager, Metropolitan Borough of Wirral
- Planning Officer, Metropolitan Borough of Wirral
- Local Safe Guarding Children Board
- Wirral Federation of Tenants and Residents Association
- The Gambling Commission
- The Chief Officer of Police
- The Fire Authority
- H. M. Revenue & Customs
- Primary Care Trusts
- Citizen's Advice Bureau
- The Bingo Association
- Association of British Bookmakers
- British Casino Association
- Casino Operators Association of the UK
- British Holiday & Home Parks Association
- British Beer & Pub Association
- Gaming Machine Suppliers
- All persons who hold a Betting Office Premises Licence
- All persons who hold a Bingo Premises Licence
- Amusement Arcades that hold Adult Gaming Centre and Family Entertainment Centre Premises Licences
- Representatives holders of various licences

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COUNCIL – 14 DECEMBER 2009

MATTERS FOR DEBATE

The Council is asked to consider the following motions, submitted in accordance with the notice required by Standing Order 8(1), and objections and amendments submitted in accordance with Standing Order 7(2).

The order of business is as determined by the party groups in accordance with Standing Order 5(3) and the times for speeches by Standing Order 12(8) (all other speakers have 3 minutes).

1. MOTION: SUE CHARTERIS LIBRARY INQUIRY

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

Council notes:

- The plan to close eleven Wirral Libraries was announced over twelve months ago by the ruling Labour/Liberal Democrat Administration in a barely concealed and shameful attempt to shut the Wirral public out of the decision making process by avoiding the scrutiny and accountability of its decision at a Local Council Election.
- That the Sue Charteris Library Inquiry report together with its conclusions and recommendations made available to the public on 30th November, was placed in the hands of Council Officers and the Labour/Liberal Democrat Administration on 27th July and that Wirral Council Officers on 29th September informed the Liberal Democrat/Labour Administration that the Secretary of State's decision on the Administration's Library Closure Plan was going to be announced on the 1st October.
- That a midnight meeting took place on the 29th September and that the Labour/Liberal Democrat Administration, having created so much distress to Wirral residents including some of our most vulnerable citizens and spent so much of Wirral residents own Council Tax on developing and defending the their library closure plan decided not to publicly acknowledge that through their own failings they had got the biggest decision in Wirral's history wrong.
- The contrast between the way the ruling Liberal Democrat/Labour Administration has behaved over their Library Closure Plan and the professional and inclusive way Sue Charteris conducted her Inquiry could not be starker in that her report has laid bare the unwillingness of the Labour/Liberal Democrat Administration to listen to anyone who disagrees with them and the confused and incompetent decision making process currently in use by Council Officers and members of the administration.

Council believes the residents of Wirral

- Owe Sue Charteris a huge debt of gratitude as her report has exposed the way this administration has treated the Wirral public and how they disregarded the needs of the most vulnerable in our community.
- Will be disgusted that members of the Labour/Liberal Democrat Administration, knowing that their proposals would be deemed to be in breach of its statutory duties under the Public Libraries and Museums Act 1964, thought only of their own skins and how to protect their own positions by using the cover of secrecy to mask the reasons for carrying out the biggest political 'U' turn in Wirral history and instead of being honest with Wirral residents chose to characterise their decision as a demonstration of 'Decisive Leadership'.
- Will not forgive those Council Officers or members of the Labour/Liberal Democrat Administration who have brought such a stinging repudiation from Sue Charteris or forget that Sue Charteris' Public Inquiry has exposed them for:
 1. Making proposals that were in breach of the Council's statutory duties under the Public Libraries and Museums Act 1964,
 2. Failing to make an assessment of local needs before deciding to close 11 libraries
 3. Specific needs for adults were not addressed. These include the specific requirements for older people, disabled people, unemployed people, and those living in deprived areas.
 4. Failing to demonstrate that it had due regard to the general requirements of children which Sue Charteris considered to be a breach of its statutory duties.
 5. Taking the decision to close 11 of its libraries in the absence of a strategic plan for or review of the Library Service.
 6. Making a decision without a clear understanding of the extent and range of services currently being provided in the libraries.
 7. Making a decision, which Sue Charteris said was better described as an indication of intent rather than a fully worked up plan, risked being a partial response to need that would disadvantage relatively isolated and deprived communities and was therefore considered to be a further breach in relation to the needs of deprived communities.
 8. The absence of an adequate plan for and commitment to a comprehensive outreach service.
 9. The Council displayed a lack of logic around why some facilities were recommended for closure and not others.

10. Having identified an area of need but subsequently chose to ignore this information:

11. Failing to meet its own standards in terms of a reasonable distance to travel.

Council demands:

(1) An annual library service report be produced by Wirral MBC and submitted every year for the next five years and instructs the Chief Executive to ensure that the report is circulated to the members of a Wirral wide Advisory Group and made available to the public of Wirral.

(2) That the Chief Executive, Leader and Deputy Leader of the Council write to Sue Charteris to thank her for the inclusive way she conducted the Public Inquiry and for producing such a clear and unambiguous report.

(3) That the Labour Leader and Liberal Democrat Deputy Leaders of the Council at long last issue an equally clear and unambiguous apology on behalf of themselves and their Groups, to Wirral residents Library staff and Library users for making a decision, so bereft of the use of evidence or common sense, to close eleven Libraries and seeking to hide the reasons for reversing this decision from them.

(4) That the Leader of the Liberal Democrats acknowledges that former Wirral Mayors Councillors Pat Williams and Phil Gilchrist have been vindicated by Sue Charteris' report and unreservedly apologises for their public humiliation

(5) That as the Labour/Liberal Democrat Cabinet coalition's decision making process has been exposed for what it is, lacking an evidence base and being incompetent, it has lost any moral authority and is unworthy of any lingering trust from Wirral residents it should summon up what remnants of honour it can salvage from this whole sorry episode and resign immediately.

Right of reply: Councillor Jeff Green (7 minutes)

2. MOTION: RESPONSE TO STATEMENT OF THE SECRETARY OF STATE ON THE LIBRARIES INQUIRY

Proposed by Councillor Steve Foulkes (7 minutes)

Seconded by Councillor Phil Davies (3 minutes)

(1) Council welcomes the statement by the Secretary of State on the libraries inquiry and the fact that it does not find Wirral in breach of its statutory duty.

(2) Council also welcomes the National Library Review launched by the minister, Margaret Hodge, on December 2nd with a series of essays designed to provoke debate on the national future of the library service. Council notes that in her contribution the minister outlined the problems libraries are facing, including steadily declining numbers of users and the major challenges presented by rapidly changing technology and the advent of e-books. Council confirms that it will be watching very

closely to see what kind of recommendations emerge and what lessons we can learn for the future.

(3) Council also recognises that Wirral's original plans to invest £20m in new and modernised neighbourhood centres was a response to some of the challenges outlined by the minister, with plans to co-locate with other services, install the latest technology, provide community space for activities, open longer and more user friendly hours, and create a much more widespread outreach service.

(4) Council believes that the decision to rescind the original plans, which was welcomed by the Secretary of State, has provided the necessary time to take stock of the situation, wait for any national guidance, and consider carefully the best long term future for Wirral's library service.

(5) However, Council believes there are both winners and losers in this situation. Those who lobbied to keep their local library open, have what they want, but the silent majority who do not use their library, who do not want to see their council tax increase, and who might have used one of the new neighbourhood centres because they were more attractive, more conveniently located and open longer hours are clearly the losers.

(6) Council recognises that the decision to rescind the original plans was also not without serious budgetary consequences, costing £2.3m next year, which is the equivalent of a 2% Council Tax increase, and another £2.4m over the next three years for major repairs which will mean either increased council tax levels or cuts in services elsewhere.

(7) Council is acutely aware that between 2011 and 2014 this Council will need to save a minimum of over £67m and that the limited resources the Council has will need to be shared out to meet a whole host of demands, some of which are literally matters of life and death.

(8) Council believes we will have no option but to change and that continued opposition to any form of change will seriously damage the future of the borough and drive away potential investors. Council therefore welcomes any national debate which creates a climate in which change is welcomed as a way forward, rather than a threat to what we have now.

(9) In contrast, Council condemns the irresponsibility of those who play on people's natural fears of change to further their own political ends, and who pretend that our services can continue to operate just as they do now without any consequences for the future.

(10) Council calls on the Conservatives to come clean and tell the voters just how they intend to balance the books in the difficult times ahead.

AMENDMENT

Proposed by Councillor Simon Holbrook (7 minutes)

Seconded by Councillor Bob Moon (3 minutes)

Add to end of paragraph (1)

Council also notes the publication of the Inquiry Report. Council notes that this brings to an end a regrettably prolonged period of uncertainty concerning the future of libraries, but recognises that this in part arose from the duty of confidentiality imposed on the Council by the Secretary of State.

Delete paragraphs (5) and (6) and replace with

(5) Council agrees with the National Review essayists who believe that change is needed to ensure the long term future and shape of library services. However, Council recognises the need to build a new consensus on developing a library service that both meets people's needs and is affordable.

(6) Council commits to keeping all libraries open until such time as the completion of the Government's National Library Review and the publication of its outcome. Council commits to the fullest public consultation on the development of sustainable plans thereafter.

(7) Council notes that keeping all libraries open will result in an additional cost of £2.3m to Wirral's Council Tax Payers through costs incurred and not budgeted for in the current financial year and the ongoing cost of maintaining the existing library service in the next financial year.

Renumber paragraph (7) as (8) – delete rest of motion and add

(9) Council resolves to ensure that future large scale change projects are subject to more robust methods for the development of ideas, the sharing of those ideas with stakeholders, and for the views of stakeholders to be allowed to properly influence the shape of final decisions, and agrees to take into account the issues raised in the Inquiry Report in so far as they relate to these matters.

(10) Council believes that local authorities, who are accountable to local people, are ultimately best placed to take these difficult decisions over the provision of local services including libraries; balancing available resources and the needs of local people. And calls on all Parties to be straight with the people on how they plan to exercise these difficult judgements in the tough times ahead.

Right of reply: Councillor Steve Foulkes (7 minutes)

3. MOTION: CARBON BUDGET

Proposed by Councillor Gill Gardiner (7 minutes)

Seconded by Councillor Simon Holbrook (3 minutes)

(1) Council notes:

- (a) The excellent work already being carried out to reduce carbon emissions by the council and across the borough through the launch of the CRed scheme and its aim to achieve a 60% reduction in CO₂ emissions by 2025.
- (b) The sign-up and commitment of the council to the national 10:10 initiative, which encourages individuals and organisations to save 10% during 2010.
- (c) That the Carbon Reduction Commitment, a mandatory emissions trading scheme affecting large local authorities with an annual electricity bill of more than £500,000 will come into force from April 2010.
- (d) The launch in September 2009 of the Scottish Government's carbon budget, linking greenhouse gas emissions with the environmental impact of total government spending.
- (e) The publication by DECC in July 2009 of the UK Low Carbon Transition Plan, setting out how the UK will meet the 34% cut in emissions on 1990 levels by 2020, set out in The Budget.
- (f) The publication by CLG in July 2009 of the Strengthening Local Democracy Consultation, which suggests that local authorities could have a much greater role to play in tackling climate change through local carbon budgets.

(2) Council believes that:

- (a) Setting an annual carbon budget for each department and building a clearer picture of the environmental impact of Council spending will help to meet the local and national carbon reduction targets that have been set out above.
- (b) Strong leadership is needed to ensure that financial and carbon budgeting is fully integrated into mainstream financial management and business planning activity.
- (c) There are financial savings to be made through procurement of energy efficient and low carbon contracts, goods and services.

Therefore, Council resolves:

(1) To instruct the Director of Technical Services and the Sustainability Unit to establish the Council's carbon footprint and quantify the number of tonnes of CO₂ released as a direct result of Council operations for 2010 onwards, and to instruct the Director of Finance to bring forward proposals for quantifying CO₂ emissions as part of the procurement process for new council contracts and other spend from April 2011.

(2) To instruct the Director of Technical Services and the Sustainability Unit to work with the Director of Finance (in conjunction with other Chief Officers) to prepare carbon budgets detailing carbon emissions and carbon efficiency targets for each department to be presented at Budget Cabinet and Council alongside the Council's financial budget.

(3) To instruct the Director of Technical Services to report to Cabinet on progress made regarding the carbon budget. This report to include measures and projects to reduce carbon emissions, including an analysis to show progress being made by department and key service areas.

AMENDMENT

Proposed by Councillor Leah Fraser (7 minutes)

Seconded by Councillor Ian Lewis (3 minutes)

Add after (1)(f)

(g) That 15,000 people have travelled to Copenhagen, to the CO2 Climate Change Summit (COP15), emitting 41,000 tonnes of CO2.

And after (2)(c)

(d) Council therefore requests that the Director of Finance reports the likely costs of introducing Carbon Budgeting, including staff time.

Right of reply: Councillor Gill Gardiner (7 minutes)

4. OBJECTION: MINUTE 221 (CABINET – 9 DECEMBER) GOVERNANCE REVIEW – PROPOSED GOVERNANCE ARRANGEMENTS

Moved by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

Delete recommendation and insert:

(1) Council believes the reason residents stand for election to the Council in the first place is not to sit simply scrutinising the decisions made by an elected Mayor or Leader and their Cabinet but to listen to what the public tell us and make decisions that will improve the lot of the local community we serve and benefit the people of Wirral as a whole.

(2) Council believes the two options consulted upon have asked the people of Wirral to seek a 'least worst option' as both systems perpetuate the 'elected dictatorship' of an all powerful Executive system which, as evidence has demonstrated, has served the people of Wirral so badly.

(3) Council notes that a new Conservative Government would, as set out in the Conservative Party Localism Policy Document and at the Conservative Party Conference, offer the choice for Wirral Council to introduce governance arrangements that would make the full Council the key decision making body. The Council would be served by Committees with, names and responsibilities that residents can understand with the power and authority, if consensus is achieved, to make decisions affecting their service area.

(4) Council welcomes the opportunity for all Councillors to be involved in making real decisions on matters that effect their residents, and being held accountable for them.

Noting that a General Election must be held within the next six months, Council instructs:

- I. The Chief Executive to write to the Secretary of State explaining the Council's desire for a governance system containing the key elements outlined above and requesting a deferment of the requirement to select one of the options laid out in the Local Government and Public Involvement in Health Act 2007.
- II. On receipt of approval to a deferment the Deputy Chief Executive and the Director of Law, HR and Asset Management develop arrangements (in consultation with the Wirral public, Party Leaders and Council members) proposals that contain the key Council Governance principles contained in this amendment, supplemented with measures to improve public participation in decision making through more inclusive arrangements and direct democracy, that will allow the Council to present the agreed proposals to a new Government as soon as it is elected.
- III. In consequence of Governance changes that would arise from (ii) above, the Deputy Chief Executive and the Director of Law, HR and Asset Management (in consultation with the Wirral public, Party Leaders and Council members) conduct a thorough review of staffing and budgets in order to:
 - Better deploy the Council's Officers to support a Council decision making structure which is more aware of Wirral residents needs, open to the public's views and aspirations and inclusive in its nature.
 - Reduce the total budget for the Council's governance arrangements (including Members IT, member training and Councillor Allowances including Special Responsibility Allowances).

Right of reply: Councillor Steve Foulkes (7 Minutes)

5. MOTION: WIRRAL COUNCIL DELIVERS FOR LOCAL RESIDENTS

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Jean Stapleton (3 minutes)

(1) This Council recognises the many excellent achievements which the authority has delivered over the past three years either directly or in partnership. The following achievements are those about which the Council can be particularly proud:

- 150 new apprenticeships focussed on young people not in education, employment or training.
- Phase 2 of the regeneration of New Brighton amounting to £60m.
- 270 new jobs secured at Tulip.
- £20m new secondary school in Woodchurch.

- £12m new primary care facility at Victoria Central Health Centre.
- Phase 3 Children's Centres announced, bringing the total number to 21.
- 4 new super youth clubs to be open six nights per week announced (1 in each parliamentary constituency).
- £4.8m secured for improving school buildings and equipment.
- Wirral has best refuse and recycling rates in Merseyside.
- Major Wirral Waters development has progressed to the planning stage.

(2) The above clearly demonstrates that Wirral is a 'can do' Council which has delivered excellent outcomes for local residents while at the same time reining in council tax increases so Wirral has now dropped right down the Council tax league from having one of the highest Council Tax levels to one of the lowest.

(3) Council acknowledges the hard work which officers from both the Council and other agencies have contributed to this excellent record and thanks all of those involved.

AMENDMENT

Proposed by Councillor Simon Mountney (7 minutes)

Seconded by Councillor John Hale (3 minutes)

Add paragraph

(4) Despite the outstanding work carried out by officers and partners alike it is important to recognise that the recent CAA Area Assessment reported:

“that the area has a relatively small, low value economy which is growing slower than other parts of Merseyside, the North West and the rest of England”

“and that the number of people claiming job seekers allowance has risen by 60% since April 2008, with some areas of the Borough having levels of unemployment as high as 12%.”

By recognising these facts we are not only better positioned as a Council to respond to the poor performance of our local economy moving forward but also able to learn from our previous decisions looking back.

AMENDMENT

Proposed by Councillor Simon Holbrook (7 minutes)

Seconded by Councillor Gill Gardiner (3 minutes)

Add the following bullet points to the end of paragraph (1):

- The number of children killed or seriously injured in road accidents on Wirral reduced from 37 in 2005 to the lowest ever recorded figure of 14 in 2008.
- Introduction of advisory 20mph speed limits to residential areas across Wirral.
- Achieved significant reductions in the Council's carbon footprint through ongoing schemes such as boiler replacements, building insulation, awareness raising,

street lighting efficiency, solar water heating scheme at Europa Pools, biomass heating at the Floral Pavilion, staff travel and agile working schemes.

- Invested in a Sustainability Unit and CRed Wirral to promote carbon reduction across the borough.
- The largest delegation to local communities of centrally held funds through the 'You Decide' and 'Funds For You' initiatives which include local decisions on highways and environmental schemes
- The achievement of level 3 of the equality standard for local government.

Right of reply: Councillor Phil Davies (7 minutes)

6. MOTION: RESTORATIVE JUSTICE

Proposed by Councillor Alan Taylor (7 minutes)

Seconded by Councillor Frank Doyle (3 minutes)

This Council notes:

(1) The publication in November 2009 of the Prison Reform Trust report, *Making Amends: restorative youth justice in Northern Ireland*, which reveals that reoffending rates were much lower when offenders were involved in restorative justice schemes and calls for the youth justice system to prioritise restorative justice, whereby young offenders face their victims.

(2) The excellent work being carried out by Youth Offending Service to prevent and reduce offending, protect the public and provide restorative justice to victims of crime by encouraging young people and their families to take responsibility for their behaviour.

(3) The excellent work being carried out by Merseyside Probation Trust with offenders on Community Payback to provide free labour to local communities as offenders pay back for the crimes they have committed.

(4) The increasing number of local authority and police areas, including Cheshire Police, Thames Valley Police, North Liverpool Community Justice Centre, South Yorkshire Community Justice Panels, that operate effective methods of restorative justice.

(5) That a leading Conservative think-tank, The Centre for Social Justice, has called for a Restorative Justice Act and expansion of Restorative Justice conferencing, training of police in restorative disposals and a national Restorative Justice Agency as core way in which both policing and prisons should be reformed.

(6) Liberal Democrat policy that minor offences and anti-social behaviour should be dealt with by Community Justice Panels in every town, facilitating restorative justice where offenders recognise the effects of their actions and make amends to their victims, where victims are amenable, alongside a strengthening of the probation service to enforce community sentences.

Therefore, Council resolves to request the Local Criminal Justice Delivery Board to report to Members, including the Sustainable Communities Overview and Scrutiny Committee:

Evaluating the restorative justice pilot due to commence in 2010, led by the Youth Offending Service and run out of the Wirral Custody Suite, assessing its practical application and impact on re-offending rates, with a view to;

- (a) Bringing forward proposals to establish formalised restorative justice processes in Wirral.
- (b) Evaluating the feasibility of establishing Community Justice Panels in Wirral.

Right of reply: Councillor Alan Taylor (7 minutes)

7. MOTION: CAMPAIGN TO PROMOTE SPRINKLER SYSTEMS

Proposed by Councillor Lesley Rennie (7 minutes)

Seconded by Councillor Gerry Ellis (3 minutes)

Following major incidents throughout the country where fire has taken life, wrecked homes, destroyed business and local communities along with the impact fire has on the environment.

This Council fully supports the Merseyside Fire and Rescue Authority and the National Fire Sprinkler Network in promoting the benefits and awareness of installing sprinkler systems in public buildings, schools, care homes, commercial premises, and residential properties in Merseyside and throughout the UK.

Sources of information stated below, highlight the need to raise awareness both locally, regionally and nationally of the impact fire has on our communities and the need for urgent and immediate action in bringing about a change in the current legislation.

A recent report from the BBC claims, almost half of new school buildings in England do not have fire safety sprinkler systems.

The government issued guidance two years ago saying sprinklers should be fitted in almost all new schools but 43% of schools to have been re-built or refurbished under the multi-billion pound Building Schools for the Future programme lack sprinklers.

Leading Insurance broker, Zurich Insurance say fewer than 500 out of the 32,000 schools in the UK have them. Every week 20 schools are destroyed or damaged by fire.

In one fire, at Tideway Community School in Newhaven, East Sussex in 2005, 40 classrooms were damaged. The school was rebuilt at a cost of £10.8m, the new buildings contained sprinklers.

Although the number of arson attacks fell slightly last year the cost of the damage rose to £65m. The government has said it expects sprinklers to be fitted in almost all new school buildings. But figures obtained by the BBC from the Department for Children, Schools and Families (DCSF) show many local authorities are deciding not to fit them.

The Chief Fire Officers Association says “local authorities which choose not to fit them are putting the safety of pupils and staff at risk. It is calling for the government to make sprinklers mandatory in all new school buildings”.

Although the provision of sprinklers is not a requirement of the building regulations, education authorities should request that a risk assessment be undertaken to assess the validity of providing sprinklers in BSF schemes.

The Welsh Assembly insists on sprinklers being fitted in all new school buildings which it funds and has provided money to fit them in existing schools most at risk of arson.

In Scotland a working group will advise ministers later this year on changes to school building safety regulations, including any move to make sprinkler systems mandatory.

It is proven that the initial financial outlay is relatively small and will be recouped through lower insurance premiums.

(Source) Kent Fire & Rescue Service

Results from a recent survey:

- 88% of respondents believe sprinklers save lives and 83% now think sprinklers react quickly to fire
- 83% of people think that sprinklers offer design freedoms and flexibilities
- 60% of respondents are now likely to request sprinkler installation
- 87% of all respondents felt that insurance premiums should be reduced for properties fitted with sprinkler systems
- As a result of the Kent Fire & Rescue Service 'Safer with Sprinklers' campaign, 61% of people have now advised others about the benefits of sprinklers
- A very positive change in perception is that now 65% of people think sprinklers should be fitted into the homes of vulnerable people and schools, compared to 46% in 2007

Many negative perceptions about sprinklers have decreased since 2007. Fewer people now think that they flood buildings and are ugly and expensive.

As peoples' attitudes towards sprinklers have become more positive, cost would appear to be the remaining major factor when considering sprinklers and their installation. Perceived installation and maintenance cost is a factor we will continue trying to address, by promoting the likely cost of specifying sprinklers, the use of low cost systems and by offering grants towards sprinkler systems in properties where vulnerable people are or will be living.

Sprinklers - the facts

- Effective: Fire sprinklers are by far the most efficient and effective safety devices available, having a better than 97% success rate world-wide.
- Life Safety Record: In the UK statistics show that there has never been a multiple loss of life in a building fully covered by sprinklers.
- Early alarm: More than 50 per cent of all fire casualties are either young, old or physically incapacitated. In conjunction with smoke alarms, fire sprinklers sound the alarm when they go off so they increase the time people have to escape or be rescued.
- Inexpensive: Residential fire sprinklers cost less than two per cent of an average new house – or about the price of good carpeting.
- Reliability: Sprinklers are designed to last for 50 years and the chance of accidental operation, due to manufacturers' defects, in service is *1:16,000,000 (one in sixteen million). Less than your chance of winning the lottery!
- Operational facts: Each sprinkler head is individually triggered by the heat of the fire and the system will gain control of the fire long before the Fire and Rescue Service is called. Only the sprinkler head nearest to the fire goes off - NOT all of them.
- Limited water damage: Sprinklers use much less water than the Fire and Rescue Service. Because the sprinkler system tackles the fire immediately, it only has a small fire to deal with. A fire sprinkler uses between 1/25th and 1/100th of the water used by each fire hose – so, in the event of a fire, sprinklers will minimise water damage.
- Easy to install: Modern residential sprinklers are small, neat and unobtrusive and visitors are seldom able to spot them – concealed versions are now available.
- Construction trade-offs: Sprinklers can save on construction costs because, under the Building Regulations, larger compartments or rooms may be constructed. Structural fire protection may also be reduced.

We therefore support and encourage the campaign that all local authorities, Social Landlords and Businesses to voluntarily include sprinklers systems in any future investment programme such as, schools, care homes, public buildings, and houses of multiple occupation and family homes, commercial or retail premises.

As such Wirral Council undertakes to:

- (1) Review the present Building Schools for the Future schemes.
- (2) Review the Capital Works Programme for Kitchens/Dining Rooms in Schools scheduled for 2009/10.

(3) Review the Schools and Early Years Capital Works Programme for future years.

(4) Review the Leisure Service Capital Works Programme for future years, and any other public facility where sprinkler systems will improve public safety and protect the fabric of the building.

Council requests that the terms of this motion are forwarded to all Merseyside MPs, Social Landlords, Lord McKenzie of Luton, Parliamentary Under Secretary of State, DCLG with responsibility for Buildings Regulations, Shahid Malik MP, Minister of State with responsibility for the Fire Service and Merseyside Fire & Rescue Authority to express our support for a change in the current legislation and engage their support for this important campaign.

Right of reply: Councillor Lesley Rennie (7 minutes)

8. MOTION: CONTROL OF DANGEROUS DOGS

Proposed by Councillor Adrian Jones (7 minutes)

Seconded by Councillor John Salter (3 minutes)

(1) Council notes that legal provisions concerning dogs were, in particular, enacted under the Dogs Act 1871; the Dangerous Dogs Act 1991; and, inter alia, the 1997 amendments.

(2) Whilst the government is to be applauded for introducing control provisions for particular breeds experience demonstrates that tragedies continue to occur in private premises and open spaces.

(3) Council notes that individuals with ill intent are easily able to acquire dogs that can be trained as 'attack' instruments. Irrespective of intent anybody can acquire dogs that are not, under extant legal provisions, deemed to be dangerous but may nevertheless through training for aggression, through ignorance or failure of training, or through neglect or any other reason, become hazardous in domestic surroundings or public places.

(4) The Government is therefore called upon to take urgent measures to:

1. re-define the meaning of 'dangerous';
2. re-consider the range of breeds that may be deemed dangerous;
3. enact stricter measures of control; and
4. consider the feasibility and viability of re-introducing licensing of individuals seeking dog ownership.

Right of reply: Councillor Adrian Jones (7 minutes)

9. MOTION: ID CARDS

Proposed by Councillor Chris Teggin (7 minutes)

Seconded by Councillor Tom Harney (3 minutes)

Council notes that the Government is pressing ahead with imminent plans to roll out the Home Office voluntary scheme for ID cards across the North West region from early next year.

Council notes that the existing policy of the Wirral Council is that it is opposed to the introduction of ID cards and the associated database and that funding would be better spent on additional police officers.

Council further notes that:

- (i) Despite arguments by Labour ministers to the contrary, ID cards and the database will not prevent crime, terrorism or illegal immigration.
- (ii) The introduction of ID cards would fundamentally change the relationship between the citizen and the state
- (iii) The Prime Minister's speech to his party conference sought to give the impression that ID cards would not be introduced, at the same time as his government was clearly preparing for these pilot schemes.

Therefore, Council resolves to:

- (1) Reiterate its current opposition to the ID card scheme and any introduction of this in Wirral.
- (2) Refuse to co-operate with any plans to promote the card scheme. This will include refusal to allow any council premises to be used for promotional events or meetings and refusal to use any of Wirral council's communications channels to provide information about the scheme.
- (3) Work with organisations campaigning against the ID card scheme such as NO2ID to raise awareness among Wirral residents of the civil liberties implications of the ID card and database scheme.

AMENDMENT

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Steve Foulkes (3 minutes)

Delete all of the existing text and replace with the following:

- (1) Council notes that the Identity Card scheme currently being rolled out is purely voluntary and it will be up to individuals to decide whether or not to apply.
- (2) Council notes the arguments in favour of identity cards, i.e. they will:-
 - help protect people from identity fraud and theft

- ensure that people are who they say they are
- tackle illegal working and immigration abuse
- disrupt the use of false and multiple identities by criminals and those involved in terrorist activity
- ensure free public services are only used by those entitled to them
- enable easier access to public services

(3) Council recognises that given that it will ultimately be up to each citizen to decide whether or not they wish to apply for an identity card, it would be perverse if the Council was prohibited from providing residents with information about the scheme as we would with other benefits and entitlements.

Right of reply: Councillor Chris Teggin (7 minutes)

10. MOTION: ELDERLY CARE

Proposed by Councillor Geoffrey Watt (7 minutes)

Seconded by Councillor James Keeley (3 minutes)

(1) Council notes that 2.4 million pensioners currently receive an average of £60 per week from Disability Living Allowance and Attendance Allowance.

(2) Council is concerned to note that plans by the Government to create a National Care Service will be funded by the withdrawal of these benefits.

(3) These benefits are a vital support for disabled pensioners and give them the chance to have an independent life with the freedom to tailor their care to their needs.

AMENDMENT

Proposed by Councillor Moira McLaughlin (7 minutes)

Seconded by Councillor Denise Roberts (3 minutes)

Delete everything after paragraph 1 and insert the following as a continuation of first paragraph:

Though it recognises that Social Security Benefits can contribute to promoting independence for some, they do not go far enough in addressing the complexities of providing for the future care needs of an increasing ageing population, and also for younger adults with care needs.

(2) Council therefore welcomes the opportunity through the year long consultation on the Green Paper "Shaping the Future of Care Together" to give a Wirral response to it, which represents the views of users of service, their carers, the voluntary and community sector and staff, and also the all-party response of the Local Government Association, Community Well-Being Board, which welcomed the personalised approach to service provision in the future.

(3) Council endorses the view held by ADSS, LGA and service user advocates that with increased numbers needing services, and the requirement to have services tailored more to suit individuals, a more radical approach to funding is required than the present system allows for.

AMENDMENT

Proposed by: Councillor Ann Bridson (7 minutes)

Seconded by: Councillor Chris Teggin (3 minutes)

Delete paragraphs (2) and (3) and replace with:

(2) Council supports the principle of free personal care but believes this is best delivered through local councils rather than through the creation of a National Care Service.

(3) Council condemns the Prime Minister for failing to back his new policy with any new money and in particular notes that £250m of the £670m estimated cost is to be financed from existing Local Council Budgets.

(4) Council believes that free personal care must also align with the policy of personal budgets, which puts the individual's freedom and choice to live an independent life at the heart of the care system. Council believes that any withdrawal of Disability Living Allowance or Attendance Allowance to fund a set of prescribed entitlements would be incompatible with these objectives.

(5) Council authorises officers to bring these concerns to the attention of the appropriate Government Ministers.

Right of reply: Councillor Geoffrey Watt (7 minutes)

11. MOTION: ROAD SAFETY AROUND SCHOOLS

Proposed by Councillor Harry Smith (7 minutes)

Seconded by Councillor Ann McLachlan (3 minutes)

Council notes that measures have already been taken to reduce speed limits around schools and now asks Head Teachers and School Governors to work closely with the Director of Technical Services to undertake programmes of Education, Training and Publicity relating to Road Safety in the vicinity of Schools and to promote sustainable travel to reduce congestion and parking in the vicinity of schools.

Right of reply: Councillor Harry Smith (7 minutes)

12. MOTION: PUBLIC HEALTH CAMPAIGNS

Proposed by Councillor Leah Fraser (7 minutes)

Seconded by Councillor Geoffrey Watt (3 minutes)

(1) Council welcomes the work of charities, voluntary organisations and the public sector in Wirral to tackle issues related to public health, including activities around World Aids Day on December 1st.

(2) Council is therefore concerned to note that the number of public health consultants and registrars has been reduced.

(3) Council also notes there has been no significant public health campaign to warn of the dangers of HIV among younger people and high-risk groups since the 1980s.

(4) Council therefore calls on the Chief Executive to write to the Secretary of State for Health and the Chief Executive of the NHS to express these concerns and request urgent attention.

AMENDMENT

Proposed by Councillor Moira McLaughlin (7 minutes)

Seconded by Councillor Phil Davies (3 minutes)

Delete everything after paragraph 1 and insert the following:

(2) Council notes the difficulties currently being experienced at national level in recruiting Directors of Public Health, but welcomes the fact that the more recently formed Public Health Teams which are multi-disciplinary, and made up of highly qualified health professionals, are working effectively to tackle public health issues across the spectrum.

(3) Further, though Council is pleased to note that the incidence of HIV / Aids is low and reducing in Wirral, there is a continued need to educate young people in the dangers of harmful and risky sexual behaviour, which could result in unwanted conceptions and the contracting of sexually transmitted diseases, and therefore welcomes the work of front line staff in the Children and Young People's Department and the PCTs Health Services in Schools to promote a responsible approach to sexual health by delivering the "Under 19's Sexual Health Policy."

AMENDMENT

Proposed by Councillor Jean Quinn (7 minutes)

Seconded by Councillor Ann Bridson (3 minutes)

Delete paragraph (2) and replace with:

(2) In addition, Council welcomes the increase in the number of public health consultants in Wirral in the last 12 months

After paragraph (3) insert new paragraph:

(4) Council believes that the education of young people should include sensible advice on family planning, safe sexual practice and contraception within heterosexual and homosexual relationships.

Re-number paragraph (4) as (5) and add to end of that paragraph:

“, asks the Director of Children and Young People’s Service to ensure the education of young people in these areas is appropriately delivered and requests that the Health and Wellbeing Overview and Scrutiny Committee seek a report on HIV in Wirral and what measures are being taken to address the issues raised.”

Right of reply: Councillor Leah Fraser (7 minutes)

13. MOTION: ACHIEVING LEVEL 3 EQUALITY STANDARD

Proposed by Councillor Chris Meaden (7 minutes)

Seconded by Councillor Moira McLaughlin (3 minutes)

(1) Council welcomes the fact that Wirral Council’s commitment to promoting equality, both as an employer and as a provider of services, has been recognised in a recent Government assessment which awarded it a level 3 rating of the Equality Standard for Local Government.

(2) Council notes that this is a nationally recognised standard and demonstrates that the Council has developed and implemented the necessary systems and processes to promote equality of opportunity for all.

(3) Council congratulates all those who have worked so hard to achieve this recognition, including the work that went into hosting two very successful Diversity Days, attracting more than 1,200 visitors, and supporting community events such as Black History Month awards, an inter-community football tournament, the Youth Voice Conference and events for Chinese elders, Bangladeshi and Black African community members.

(4) Council now urges all its staff to build on this success and work towards the goal of achieving an “excellent” rating within the next three years under the newly introduced Equality Framework.

(5) In particular, Council asks all Chief Officers to ensure that support for equality and diversity are high on their agendas and that they do everything possible to encourage further progress in these areas.

Right of reply: Councillor Chris Meaden (7 minutes)

14. MOTION: SURE START

Proposed by Councillor Leah Fraser (7 minutes)

Seconded by Councillor Paul Hayes (3 minutes)

(1) Council notes that the Director of Children's services intends to seek a cut of £300,000 to the money allocated this year for the support given to families in Wirral through the Sure Start initiative.

(2) Council welcomes the decision by all three Party leaders to maintain Sure Start after the next General Election and therefore regrets the cuts to the programme in Wirral.

(3) Council believes that support for families, in particular with the important early years of a child's life, is essential to improve the health and wellbeing of a family and wider society.

AMENDMENT

Proposed by Councillor Adrian Jones (7 minutes)

Seconded by Councillor Phil Davies (3 minutes)

Delete all of the existing text and replace with the following:

(1) Council believes that support for families, in particular for the important early years of children's lives, is essential to improve the health and wellbeing of society in general. For this reason Council applauds the Government's Sure Start initiative and the funding passed to Wirral Council which has enabled 21 Children's Centres to be established across the Borough.

(2) Council rejects the allegation made by the Conservative Group that Wirral's Sure Start programme has been cut. No Sure Start Centre has had any funding reduced and no future plans are threatened in any way. This is scaremongering of the worst kind. The Government provided full year funding for the second phase of new Children's Centres and any funding left over in that year because the agreed timescale meant new buildings were completed part way through the year, or the full complement of staff were only appointed part way through the year, has been used to fund other activities for under 5s that are also eligible for Sure Start grant.

(3) Council notes that the saving occurs because the Council has been able to use outstanding Sure Start grant in that year for activities for which it would otherwise have had to find additional funding for from within its own budget.

(4) Council notes that Wirral's investment in Sure Start stands in stark contrast to the national Conservative position as set out in their 'Helping new families' policy document which commits the Conservatives to cutting £200 million per year from Children's Centres to spend elsewhere. This would mean cutting 19.5% from Sure Start budgets - the equivalent of almost one in five Children's Centres being forced to close. In Wirral, if a Conservative government were elected, this could mean the closure of up to four Sure Start Centres.

AMENDMENT

Proposed by Councillor Peter Reisdorf (7 minutes)

Seconded by: Councillor Sarah Quinn (3 minutes)

Replace paragraph (1) with new text:

(1) Council welcomes the expansion of the Children's Centre Programme and the fact that Sure Start grant funding for Wirral has increased significantly, from £8m to £10m over the period 2006-10.

Delete all after 'General Election' in paragraph (2).

Run remainder of paragraphs (2) and (3) together and renumber as (2)

Insert:

(3) Council endorses the proposed phase 3 extension of Sure Start to include centres at Greasby Library, Pensby Park, Black Horse Hill infant School, and Grove Street School representing an investment of £5.2m.

(4) Council further notes that 17,404 under 5's will be able to access and benefit from this and previous investments by 2011.

(5) Council condemns those elements within the Conservative Party spreading scare stories and rumours designed to de-stabilise the Sure Start programme and calls on them to stop using families and children as political footballs.

Right of reply: Councillor Leah Fraser (7 minutes)

15. MOTION: TOWN MEADOW LANE SHOPS AND MAISONNETTES

Proposed by Councillor Chris Blakeley (7 minutes)

Seconded by Councillor Steve Williams (3 minutes)

(1) This Council notes with concern that the site of the shops and maisonettes in Town Meadow Lane Moreton has been allowed to fall into disrepair and dereliction, with all the maisonettes being empty and only three shops in the parade trading.

(2) Council further notes that this housing and commercial stock transferred to Wirral Partnership homes as part of the Council's Large Scale Voluntary Transfer (LSVT) programme in 2005.

(3) Council also notes that Wirral Partnership Homes, with the support of this Council were able to secure grant funding from the Homes and Communities Agency, to redevelop a similar site in Woodchurch with 10 houses and 4 bungalows, following the stock transfer.

(4) Council therefore requests, as a matter of urgency, that Council Officers, working with Wirral Partnership Homes come up with proposals to secure grant funding, to allow a redevelopment scheme to take place at this location, including the provision of new shop premises for the existing traders.

(5) In order to ensure that any new development fits in with the existing streetscene, and is acceptable to the local community Council also requests that Wirral Partnership Homes carries out full open and transparent consultation with all stakeholders, including the existing traders, local residents, representatives of the residents' association and Ward Councillors prior to the implementation of any new scheme.

AMENDMENT

Proposed by Councillor George Davies (7 minutes)

Seconded by Councillor Phil Davies (3 minutes)

Delete all of the existing text and replace with the following:

(1) Council is reminded that originally there was a scheme for the refurbishment of these properties by another Housing Association in late 2000, for which conditional Housing Corporation funding had been secured. However the local community, led by Ward Councillors, subsequently rejected the redevelopment proposals.

(2) Council recognises the financial pressures that the Housing Association movement is currently experiencing. These pressures have arisen from the constraints imposed on rent increases for next year thereby reducing rental income. This was the subject of a Notice of Motion to a previous Council meeting proposed by Councillor Chris Blakeley to keep rents to an absolute minimum, recognising the difficult financial position many tenants are currently experiencing. However, this reduction in rental income also reduces the Associations' ability to borrow capital to undertake the required improvements to these properties.

AMENDMENT

Proposed by Councillor Alan Taylor (7 minutes)

Seconded by Councillor Simon Holbrook (3 minutes)

Delete from paragraph (4) the words:

“that Council Officers, working with Wirral Partnership Homes come up with proposals to secure grant funding”

And replace with the words:

“that Council Officers support Wirral Partnership Homes to come up with proposals to secure grant funding”

Right of reply: Councillor Chris Blakeley (7 minutes)

Council Vacancies - Addendum

Outside Bodies

(i) Social Care and Inclusion

Arch Initiatives – Wirral Management Committee

Councillor Steve Williams to replace Councillor Ian Lewis

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