



Council

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 p.m. on Wednesday, 24 May 2023** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine the following subjects:

Contact Officer: Dan Sharples
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Website: <http://www.wirral.gov.uk>

Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

AGENDA

1. DECLARATIONS OF INTEREST

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

2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

3. MINUTES (Pages 1 - 20)

To approve the accuracy of the minutes of the meeting(s) of the

Council held on 20 March 2023.

4. ELECTION RESULTS - 4 MAY 2023 (Pages 21 - 22)

To receive and note the report of the Returning Officer on the results of the Local Government Election held on 4 May 2023.

5. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL

To consider the following reports of the Director of Law and Governance (Monitoring Officer) which require the approval or consideration of the Council.

A. ADOPTION OF A REVISED COUNCIL CONSTITUTION (Pages 23 – 36)

To consider the recommendation from the Constitution and Standards Committee of 13 April 2023 on revisions to the Council Procedure Rules and Overview and Scheme of Delegations of Authority to Officers, alongside the recommendation from the Monitoring Officer for a number of minor amendments, with a revised Constitution for Council's adoption.

B. APPOINTMENT OF COMMITTEES (Pages 37 – 42)

To determine such committees as the Council considers appropriate for the municipal year and, determine the number of members to form the committees and the allocation of seats.

C. APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF COMMITTEES

To appoint:

- (i) the Leader of the Council (Chair of Policy and Resources Committee)
- (ii) the Deputy Leader of the Council (Vice-Chair of Policy and Resources Committee)
- (iii) the Chairs and Vice-Chairs of all other Council committees, at A above, other than those which the Council has decided should be appointed by the committee itself.

D. APPOINTMENTS AND NOMINATIONS TO OTHER BODIES AND ORGANISATIONS (Pages 43 – 50)

Appoint Members to miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and

organisations, unless otherwise delegated.

Full Council Responsibility for Functions

The full responsibility of functions for Full Council can be found at the end of this agenda.



Paul Satoor, Chief Executive

Audio/Visual Recording of Meetings

Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

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COUNCIL

Monday, 20 March 2023

Present: The Civic Mayor (Councillor Jeff Green) in the Chair
Deputy Civic Mayor (Councillor Jerry Williams)

Councillors	T Anderson	A Gardner	P Martin
	S Bennett	P Gilchrist	D Mitchell
	J Bird	H Gorman	S Mountney
	M Booth	N Graham	Y Nolan
	A Brame	K Greaney	C O'Hagan
	D Burgess-	EA Grey	A Onwuemene
	Joyce	J Grier	O Osanlou
	H Cameron	P Hayes	S Percy
	I Camphor	A Hodson	C Povall
	C Carubia	K Hodson	L Rennie
	P Cleary	J Hoey	J Robinson
	M Collins	J Johnson	T Smith
	H Collinson	C Jones	P Stuart
	C Cooke	T Jones	Jason Walsh
	T Cox	M Jordan	Joe Walsh
	A Davies	S Kelly	S Williams
	C Davies	B Kenny	J Williamson
	G Davies	D Kenny	V Wilson
	T Elzeiny	J Laing	G Wood
	L Fraser	I Lewis	A Wright

<u>Apologies</u>	Councillors	S Foulkes	J McManus
		E Gleaves	S Powell-Wilde
		J McManus	

88 DECLARATIONS OF INTEREST

The Civic Mayor welcomed everyone to the meeting and those watching the webcast. He then asked Members to consider whether they had any disclosable pecuniary and/or any other relevant interest in connection with any matters to be determined at this meeting and, if so, to declare it and state the nature of such interest.

Councillor Naomi Graham declared a personal interest by virtue of her partners' employment.

89 **CIVIC MAYOR'S ANNOUNCEMENTS**

The Civic Mayor announced that apologies had been received from Councillors Steve Foulkes, Emily Gleaves, Julie McManus, Sue Powell-Wilde and Joe Walsh.

The Civic Mayor noted that this was the last Council of the municipal year and that up until this week he had undertaken over 230 engagements and that he would comment further upon his year in office at the Annual Meeting in May.

The Civic Mayor announced that the Andy Day Cup, awarded to the Member of the Council who had shown dedication and selflessness during the Municipal Year in memory of the late Councillor Andy Day, was to be awarded to Councillor Ivan Camphor.

The Civic Mayor then announced that the Andy Corkhill Award, given to an individual, group, school or business that had done something demonstrably of benefit to the environment, was to be awarded to Wirral's Assistant Director for Parks and Environment, Colin Clayton.

The Civic Mayor also announced a new award for Public Servant of the Year, given to Council officers that have gone above and beyond the call of duty for their office, performed their duties to the upmost commitment, dedication and integrity and demonstrably improved outcomes for Wirral residents through their actions. The Public Servant of the Year was awarded to Assistant Chief Executive, David Armstrong.

The Civic Mayor announced that that a number of Members would not be seeking re-election this year and thanked them for their service to the Council and the Borough, Councillors Tom Anderson, Emily Gleaves, Paul Hayes, John Hoey, Chris Jones, David Mitchell, Tony Smith, Joe Walsh, Steve Williams and Alison Wright.

He then invited Councillors Janette Williamson, Tom Anderson, Pat Cleary and Phil Gilchrist to pay their tributes to those retiring Members as Leaders of each political group.

90 **MINUTES**

The minutes of the meetings of Council held on 5 December 2022, and 27 February 2023 had been circulated to Members.

The Civic Mayor noted that there were two minor corrections to the minutes of the 27 February 2023 meeting:

- **Minute 77** – the declaration of interest in respect to the receipt of a Pension from Merseyside Police should read Councillor Steve Williams and not Councillor Steve Foulkes.
- **Minute 81** – Councillor Jean Robinson was the seconder of the recommendations and not Councillor Yvonne Nolan.

Resolved – That the minutes of the meetings be approved and adopted as correct records, subject to the following amendments to the minutes of the meeting of 27 February 2023:

- 1. Minute 77 to read Councillor Steve Williams and not Councillor Steve Foulkes in respect of the declaration of interest regarding the receipt of a Pension from Merseyside Police.**
- 2. Minute 81 to read that Councillor Jean Robinson and not Councillor Yvonne Nolan seconded the motion.**

91 PUBLIC QUESTIONS

The Civic Mayor informed the Council that six public questions had been received.

Mark Skillicorn asked the Leader of the Council, Councillor Janette Williamson, what the government's reasons or motivations were for pausing Wirral's completed Local Plan hearing to hear Leverhulme's appeals first.

In response Councillor Williamson noted that she could not know what the government's motivations were but that Wirral was in the hands of the Planning Inspectorate who had chosen the dates of the Leverhulme appeals.

Julienne McGeough asked a question to the Leader of the Council regarding trains not stopping at Green Lane and requested an update on any progress in getting trains to stop there.

Councillor Janette Williamson stated that she was continuing to make representations to the Metro Mayor, Steve Rotheram, around the services to Green Lane station.

Charlotte Smith asked a question to the Leader of the Council regarding access to Hoylake Beach for disabled people.

The Leader thanked Charlotte Smith for her question and asked Councillor Liz Grey as Chair of the Environment, Climate Emergency and Transport Committee to respond. Councillor Liz Grey stated that Charlotte Smith had asked similar questions on access at a number of Environment, Climate Emergency and Transport Committees where the answer to the question had previously been provided.

Charlotte Smith then ask a supplementary question on whether an equality impact assessment would be undertaken regarding access to Hoylake Beach. Councillor Liz Grey responded that any final beach management plan would include an equality impact assessment.

Neil Smith asked a question of the Leader of the Council regarding acting positively for the people of Wirral, particularly those affected by the West Kirby Flood Wall and Hoylake beach.

Councillor Janette Williamson stated that officers have been working closely with the businesses of West Kirby to alleviate concerns regarding lack of parking provision due to the construction of the Flood Wall. With regard to Hoylake beach, she noted that the Chair of the Environment, Climate Emergency and Transport Committee, Liz Grey, had been advocating for a compromise on how the beach was to be managed and had asked officers to develop further options as part of the desire to reach a compromise.

Neil Smith asked a supplementary question on what image Hoylake beach would give to the world when it was shown on television during the Open Golf tournament. Councillor Williamson noted that there were as many people that supported leaving Hoylake beach alone as there were that want it cleared of vegetation.

The Monitoring Officer read out a question on behalf of Nicola Verkade to the Leader of the Council which related to public consultation on Hoylake beach and the council not meeting its deadline to present its findings on Phase one and two of the consultations.

Councillor Janette Williamson explained that work undertaken to determine the Natural Capital Value under 2 extreme climate change scenarios took longer than programmed. The options put forward for Phase 2 at Environment, Climate Emergency and Transport Committee in November 2022 were not approved, leading to further work to develop alternative options.

The Monitoring Officer read out a question on behalf of Frank McArdle to the Chair of the Environment, Climate Emergency and Transport Committee asking her to defend taking part in an alleged illegal mass gathering on Hoylake shore in 2022.

Councillor Liz Grey responded that the event was in no way illegal as the beach was a public space and none of the attendees had damaged any protected habitat.

STATEMENTS AND PETITIONS

The Civic Mayor informed the Council that notice of one public statement had been received from Phil Simpson in relation to motion 1 – “Local Plan Examination”. Phil Simpson was in attendance and spoke in relation to the Planning Inspectorate’s decision to delay the Local Plan Examination in order to hear Leverhulme’s appeals against the Planning Committee’s decision to refuse planning permission for a number of applications for development.

Phil Simpson submitted a petition with 695 signatures against pausing the Local Plan examination in order to hold the Leverhulme Planning Appeal hearings.

The Civic Mayor informed the Council that a petition had been received from Councillor Mary Jordan in relation to a dangerous junction at Spital Cross Roads. Councillor Jordan presented the petition with 590 signatures, asking that a safer road crossing be installed at Spiral Cross Road.

The Civic Mayor informed the Council that a petition had been received from Councillor Karl Greaney regarding the cycle lane initiative at Fender Lane, Moreton. Councillor Greaney presented the petition with 1200 signatures, seeking the Council to re-assess the practicality of the cycle lanes at this location.

Councillor Andrew Hodson presented a petition with 196 signatures against planning applications submitted by Levehulme Estates for green belt developments in Heswall, Gayton and Barnston.

Councillor Lesley Rennie presented a petition with 143 signatures requesting additional measures to prevent illegal access and encampments at The Dips in New Brighton.

Councillor Pat Cleary presented a petition with 84 signatures against planning application APP/22/02189.

Councillor Pat Cleary presented a second petition with 154 signatures requesting additional measure to deal with anti-social behaviour taking place outside St Werburgh’s Church in Birkenhead.

Councillor Mike Collins presented a petition with 89 signatures requesting additional measures to improve road safety when crossing the road to access Pensby Primary School.

Councillor Vida Wilson presented a petition with 81 signatures calling for the Council to use CCTV equipment to tackle fly tipping near Carr Lane.

Councillor Ian Lewis presented a petition with 272 signatures requesting additional measures to install lifts at Wallasey Village Station.

93 **MEMBERS' QUESTIONS**

The Civic Mayor informed the Council that three Member questions had been received.

Councillor Phil Gilchrist asked the Chair of Environment, Climate Emergency and Transport Committee, Councillor Liz Grey, a question regarding what steps had been taken to ensure that the published street sweeping schedules were correct.

Councillor Liz Grey responded that there had been some issues with the database system that held this information and that this system was being tested and corrections would be made as a result.

Councillor Pat Cleary asked the Chair of Environment, Climate Emergency and Transport Committee, Councillor Liz Grey, a question regarding a new capital grants scheme from Natural England to enhance habitats that protect endangered species and asked whether Councillor Grey would request that officers submit a bid for this funding.

Councillor Liz Grey responded that she had already asked officers to apply for all available grants and therefore welcomed Cllr Pat Cleary's suggestion in requesting officers to submit a bid to Natural England for this funding.

Councillor Pat Cleary asked a supplementary question seeking clarification from Cllr Liz Grey that she expected a bid to be submitted. Cllr Grey responded that if it is possible then she would expect officers to make such a bid.

Councillor Allan Brame asked the Chair of Environment, Climate Emergency and Transport Committee, Councillor Liz Grey, a question requesting a brief update on the development of an electric vehicle charging point strategy.

Councillor Liz Grey responded that consultants had recently been appointed to help the Council deliver an electric vehicle strategy over the next six months.

94 **REVISION TO THE APPOINTMENT OF COMMITTEES 2022/23**

The first matter requiring approval was the revision to the appointment of committees. This was due to the cessation of Paul Connolly as a Councillor and therefore required a change to the proportionality of political groups sitting on committees for the remainder of the municipal year.

On a motion by Councillor Janette Williamson, seconded by Councillor Jean Robinson, it was –

Resolved (unanimously) – That:

- 1. The revised proportionality in the political composition of membership of ordinary committees of the Council as set out in Appendix A of the report be agreed; and**
- 2. The Director of Law and Governance be authorised to act on the instruction of the relevant Group Leaders in relation to the Committee Places to be made vacant.**

95 **CALENDAR OF MEETINGS 2023/24 AND 2024/25**

The second matter for approval was in relation to the proposed Calendar of Meetings for the 2023/24 and 2024/25 municipal years, as recommended by the Constitution and Standards Committee of 22 February 2023.

On a motion by Councillor Tony Cox, seconded by Councillor Paul Stuart, it was –

Resolved (unanimously) – That the Calendar of Meetings for the 2023/24 and 2024/25 municipal years be approved

96 **AMENDMENTS TO THE COUNCIL PROCEDURE RULES**

The third matter for approval was in relation to amendments to the Council procedure rules.

On a motion by Councillor Tony Cox, seconded by Councillor Amanda Onwuemene, it was –

Resolved (38:21) (1 abstention) – That the following amendments to the Council Procedure be approved:

- 1. Standing order 9.1 and 14 to read where 3.5 hours have elapsed.**
- 2. Standing order 13.1 that the number of motions be limited to 1 per group.**
- 3. Standing order 13.2 so that the first motion on notice listed be rotated so as to allow each political group the opportunity for their motion to be debated first (to be co-ordinated by the Director of Law and Governance), with motions thereafter to be listed in the order of political group size.**

97 **PAY POLICY 2023-2024**

The fourth matter requiring approval was in relation to the Pay Policy Statement for 2023/24 as referred to Council by the Policy and Resources Committee at its meeting on 15 February 2023.

On a motion by Councillor Janette Williamson, seconded by Councillor Jean Robinson, it was –

Resolved (unanimously) – That the Pay Policy Statement for the financial year 2023/24 be approved.

98 **DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING**

The Civic Mayor introduced the minutes of the various Committees which had met from 11 November 2022 to 24 February 2023 and asked for questions to Committee Chairs on any of the minutes being received.

Councillor Mary Jordan asked a question of Councillor Yvonne Nolan, in respect of minute 39 of the Adult Social Care and Public Health Committee held on 11 October 2022, regarding the recommendation made that Wirral was established as a place where people who are living with, or affected by, Dementia can truly ‘live well’, she asked if Councillor Nolan would work closely with the Chairs of Economy, Regeneration and Housing Committee and Environment, Climate Emergency and Transport Committee, as well as people living with dementia to ensure a joined up approach to ensure that Wirral is dementia friendly. Councillor Yvonne Nolan agreed that the suggestion to work with those Chairs as well as those with dementia was something that she would continue to do.

Councillor George Davies asked a question of Councillor Helen Cameron in respect of minute 59 of the Tourism, Communities, Culture and Leisure Committee held on 2 February 2023, regarding library asset transfers for Pensby and Irby, he asked why she did not support all libraries as she had voted against the budget which saved them. Councillor Helen Cameron responded that she did not feel that the budget vote had anything to do with the library closures.

Councillor Brian Kenny asked a question of Councillor Kathy Hodson as Chair of Children, Young People and Education Committee, in respect of a statement that she had read out from Councillor Ian Lewis at a meeting of the committee on 24 January 2023. This statement questioned the reality of potential savings for closing play schemes. Councillor Kenny asked why Cllr Hodson had voted against the budget which protected these play schemes. Councillor Kathy Hodson responded that she felt the closure of the three play services in question were never under threat and that they perform an outstanding service.

Councillor Paul Martin asked a question of Councillor Janette Williamson in respect of minute 83 of the Policy and Resources Committee held on 18 January 2023, regarding the report of the Independent Assurance Panel. Cllr Martin asked how Cllr Williamson felt about the second largest political group voting against a legal budget and whether she felt that this would set the Council back with the Panel. Councillor Janette Williamson stated that she hoped that the work that had been carried out since the Independent Assurance Panel had been overseeing the Council would not be detracted from in light of the budget.

Councillor Angie Davies asked a question of Councillor Kathy Hodson in respect of minute 57 of the Children, Young People and Education Committee, held on 24 January 2023, regarding the Budget Workshop Outcomes. Councillor Davies stated that Councillor Hodson had proposed a motion, which was unanimously passed, to oppose any attempts to close play schemes and centres, she asked what evidence Councillor Hodson had considered when voting against the budget. Councillor Kathy Hodson stated that she fully agreed with keeping the play schemes open and refuted the notion that by voting against the budget she had voted against keeping them open.

Councillor Simon Mountney asked a question of Councillor Yvonne Nolan, in respect of minute 71 of the Adult, Social Care and Public Health Committee held on 11 January 2023, regarding the Updated Position Regarding Social Care Delivery Review. Councillor Mountney asked for further information on the cost of this project. Councillor Yvonne Nolan noted that as she had not had notice of the question, she did not have the figures to hand and that a written response would be provided to Councillor Mountney.

Councillor Harry Gorman asked a question of Councillor Tony Jones in respect of minute 47 of the Economy, Regeneration and Housing Committee held on 26 January 2023, regarding Utilisation of Procure Partnerships Framework. Cllr Gorman asked what assurances Councillor Jones could give that these projects would be delivered in a timely manner to ensure that the funding was not lost. Councillor Tony Jones responded that as he had not had notice of the question, he was not able to provide a full answer and a written response would be provided to Councillor Gorman.

Councillor Liz Grey asked a question of Councillor Janette Williamson in respect of minute 84 of the Policy and Resources Committee held on 18 January 2023 regarding Council Tax 2023/23 (Tax Base, Discounts and Exemptions and Local Council Tax Reduction Scheme). Councillor Grey asked if the Conservatives had voted for the increase in Council Tax. Councillor Janette Williamson indicated that they had.

Councillor Helen Collinson asked a question of Councillor Kathy Hodson in respect of minute 57 of the Children, Young People and Education Committee held on 24 January 2023, regarding the Budget Workshop Outcomes. Councillor Collinson asked at what point Councillor Hodson decided that the play centres did not need to be kept open. Councillor Kathy Hodson responded that she did not vote to close any play centre or play scheme.

Councillor Stephen Bennett asked a question of Councillor Kathy Hodson in respect of minute 44 of the Children, Young People and Education Committee held on 6 December 2022, regarding the Update on Wirral School Improvement Strategy 2021-2024. Councillor Bennett asked Councillor Hodson how voting against the Schools' budget at Full Council would help Wirral schools and if she thought it made her position as Chair of the Children, Young People and Education Committee untenable. Councillor Kathy Hodson responded that she did not vote against the School's budget and she did not find her position untenable.

99 **MOTIONS ON NOTICE**

Six motions had been submitted in accordance with Standing Order 13.1, and were determined as detailed in minutes 100 to 105 below.

100 **MOTION - LOCAL PLAN EXAMINATION**

Councillor Janette Williamson moved and Councillor Jean Robinson seconded a motion submitted in accordance with Standing Order 13.

In moving the motion, Councillor Williamson confirmed that she was happy to accept the Conservative Group amendment, which was moved by Councillor Tracy Elzeiny and seconded by Councillor Mike Collins and read as follows:

Insert at the end of the final paragraph:

'which is one of the Council's key priorities and underpins Wirral's ambitious regeneration plans that are primarily focused on the east side of the Borough on brownfield sites.

Council wishes to take this opportunity to reassure residents and Green Belt campaigners that it will defend its position vigorously during both the Local Plan hearings and the Leverhulme appeals.'

Councillor Williamson also confirmed that she was happy to accept the Liberal Democrat Group amendment, which was moved by Councillor Stuart Kelly and seconded by Councillor Allan Brame and read as follows:

Delete: 'Planning Committee' in second paragraph and insert instead: 'Council's'.

Delete: 'being paused' in second paragraph and insert instead:

'sitting for three weeks from 18th April to 12th May 2023 before being paused until September.'

Delete paragraph 3 and replace with:

'Council Applauds all the hard work that has been done to protect the greenbelt on Wirral and regrets the PINS decision will cause unnecessary worry and distress to residents affected in Irby, Pensby, Barnston and Heswall in particular.

Council reaffirms I opposition to the Leverhulme applications for the reasons given in the relevant planning decision notices.

Council remains confident that the Leverhulme applications do not comply with the core planning principles within the NPPF (section 13) or the existing Unitary Development Plan and relevant policies of the emerging Wirral Local Plan.

Council Further notes that the Planning Inspector has raised issues of prematurity and Council is of the view that prematurity is a strong reason to resist these applications.'

Following a debate, and Councillor Williamson having replied, the motion was put and it was –

Resolved (unanimously) – That:

Council notes that the Local Plan was submitted to the Planning Inspectorate, a Government body, for examination and a date has now been set by the Planning Inspectorate for the 18th April 2023 to start the Local Plan hearings.

Council also notes the Council's decision to refuse planning permission has been appealed by Leverhulme and is therefore dismayed and concerned that the Planning Inspectorate has made a decision to begin a public Inquiry on the Leverhulme appeals starting on the 16 May 2023 which will result in the Local Plan examination sitting for three weeks from 18th April to 12th May before being paused until September.

Council applauds all the hard work that has been done to protect the greenbelt on Wirral and regrets that PINS decision will cause unnecessary worry and distress to residents affected in Irby, Pensby, Barnston and Heswall in particular.

Council reaffirms its opposition to the Leverhulme applications for the reasons given in the relevant planning decision notices.

Council remains confident that the Leverhulme applications do not comply with the core planning principles within the NPPF (section 13) or the existing Unitary Development Plan and relevant policies of the emerging Wirral Local Plan.

Council further notes that the Planning Inspector has raised issues of prematurity and Council is of the view that prematurity is a strong reason to resist these applications.

The Leader of the Council seeks the support of members of the Council to write to the Secretary of State and the Planning Inspectorate to urge them to delay the Leverhulme appeals, until such time as the Local Plan examination has been concluded. Council believes that such a step is necessary to reinforce the Council's commitment to protect Wirral's Greenbelt and its Local Plan, which is one of the Council's key priorities and underpins Wirral's ambitious regeneration plans that are primarily focused on the east side of the Borough on brownfield sites.

Council wishes to take this opportunity to reassure residents and Green Belt campaigners that it will defend its position vigorously during both the Local Plan hearings and the Leverhulme appeals.

101 MOTION - SUPPORTING FAMILIES WITH THE COST OF LIVING

Councillor Tom Anderson moved and Councillor Kathy Hodson seconded a motion submitted in accordance with Standing Order 13.

Councillor Janette Williamson moved and Councillor Paul Stuart seconded the following amendment, submitted in accordance with Standing Order 13.3:

In the first paragraph delete 'welcomes' and replace with acknowledges'.

In the second paragraph, insert a comma after the word pandemic and delete 'and'

In the second paragraph, insert after 'global rise in prices':

'and disastrous Kwarteng/Truss budget which added £30bn of debt to the UK, as quoted by the Guardian Newspaper'

In the third paragraph, insert at the start:

'Despite recent disparaging comments from some Conservative members, Council continues to thank all staff for their tireless work.'

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate the matter, the amendment was put and agreed (37:22) (1 abstention).

The substantive motion, as amended, was then put and it was –

Resolved (59:0) (1 abstention) – That:

Council welcomes acknowledges the allocation of a further £6m for the Borough’s Household Support Fund and the relaxation of some of the initial restrictions on how it can be used.

In total, this means that since the pandemic, and the global rise in prices, and disastrous Kwarteng/Truss budget which added £30bn of debt to the UK, as quoted by the Guardian Newspaper, Wirral Council will have received £15 million to support those households which are most exposed to rising costs for basic commodities and essentials.

Despite recent disparaging comments from some Conservative members, Council continues to thank all staff for their tireless work, and the voluntary, community and faith organisations that have delivered so much of this support and pledges to continue to work with them to ensure this latest tranche of funding reaches those most in need.

102 **MOTION - WIRRAL: A FAIR TAX COUNCIL**

Councillor Harry Gorman moved and Councillor Judith Grier seconded a motion submitted in accordance with Standing Order 13.

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate the matter, and it was –

Resolved (unanimously) – That:

Council notes:

- **The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.**
- **Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.**
- **Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company’s ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement**

- **Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.**
- **It has been conservatively estimated that losses from multinational profitshifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.**
- **The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.**

Council believes:

- **Paying tax is often presented as a burden, but it shouldn't be.**
- **Tax enables us to provide services from education, health and social care, to flood defence, road safety measures and the promotion of biodiversity. It also fosters social justice by redistributing wealth.**
- **As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.**
- **Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned -e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.**
- **More action is needed, however current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.**
- **UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.**

Council resolves to request that the Director of Finance investigates the following issues, with a report to be presented to a future meeting of Policy and Resources Committee:

- **Approval of the Councils for Fair Tax Declaration;**
- **leading by example and demonstrating good practice in our tax conduct, right across our activities;**
- **ensuring contractors implement IR35 robustly and pay a fair share of employment taxes;**

- not using offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty;
- conducting due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates;
- demanding clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position;
- promoting Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due;
- supporting Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride; and
- supporting calls for urgent reform of UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies

103 **MOTION - GREATER INSULATION PROGRAMME NEEDED FOR WIRRAL'S HOUSING**

Councillor Phil Gilchrist moved and Councillor Orod Osanlou seconded a motion submitted in accordance with Standing Order 13.

In moving the motion, Councillor Gilchrist confirmed he was happy to accept the Green Group amendment, which was moved by Councillor Naomi Graham and seconded by Councillor Harry Gorman and read as follows:

Insert after the sixth paragraph:

‘Council also requests:

- The Director of Regeneration and Place to circulate to all Member of the Council and publish on the Council’s website, the existing report on Decarbonising Residential Buildings in Wirral, written by the Energy Saving Trust in March 2021 for Wirral Council and summarised by officers in a report to Housing in November 2021.
- The Director of Regeneration and Place report to the next meeting of Economy Regeneration and Housing Committee regarding the motion passed by Council on 10th October 2022 in order to provide an update’

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate the matter, and it was –

Resolved (unanimously) – That

Council notes that the creation of the *‘Department for Energy Security and Net Zero’* was announced by the Prime Minister on 7 February 2023. The *‘Priority Outcomes’* set out at its launch included actions to:

‘Improve the energy efficiency of UK homes, businesses and public sector buildings to meet the 15% demand reduction ambition.’
‘Deliver current schemes to support energy consumers with their bills and develop options for long-term reform to improve how the electricity market works for families and businesses.’

Council recognises that this renamed Department replaced the Department of Business, Energy and Industrial Strategy. This body had the key role in funding substantial programmes for home insulation schemes and projects throughout the Liverpool City Region Combined Authority.

Council observes that Wirral residents have benefitted through the projects established to retrofit local homes considered by the Liverpool City Region Combined Authority at its meetings of 21 January 2022 (Item 110, Housing Retrofit Funding) with the potential for further funding discussed on 20 January 2023 (Item 100, Social Housing Decarbonisation Fund). These relied on funds channelled through the Liverpool City Region Combined Authority from the Department of Business, Energy and Industrial Strategy and depended on bids submitted.

Council believes that it is essential that the energy efficiency of homes is improved in Wirral so that residents are able to live in well insulated properties, reduce their carbon footprint, meet their household bills and avoid being plunged into fuel poverty. In order to secure this, the creation and training of an appropriately skilled workforce is essential along with funding streams that are sufficient to enable sustained progress.

Accordingly, Council requests that the Director of Regeneration and Place provides a briefing paper on what is currently known about the energy efficiency of Wirral’s housing stock with a view to supporting all future bids by the Liverpool City Region Combined Authority for funding to enable Wirral’s housing stock to become more energy efficient. The briefing should be drawn up in cooperation with the Liverpool City Region Combined Authority and circulated to Wirral’s MPs.

Council also requests:

- The Director of Regeneration and Place to circulate to all members of the Council and publish on the Council’s website, the existing report on Decarbonising Residential Buildings in Wirral, written by the Energy

Saving Trust in March 2021 for Wirral Council and summarised by officers in a report to Housing in November 2021.

- The Director of Regeneration and Place report to the next meeting of the Economy, Regeneration and Housing Committee regarding the motion passed by Council on 10th October 2022 in order to provide an update.

In order for the Council to respond to future initiatives in a timely matter the arrangements be made for relevant spokespersons of all groups, and the Director of Regeneration and Place to liaise with officers of the Liverpool City Region Combined Authority and its relevant Portfolio Holder to enable these to be progressed.

In the event that funds are released by central government that enable this Council to take them up directly the issue be discussed with the relevant spokespersons and reported to the relevant Policy and Service Committee and Policy and Resources committee as required.

104 **MOTION - REQUEST FOR FURTHER SUPPORT FROM CENTRAL GOVERNMENT**

Councillor Brian Kenny moved and Councillor Paul Stuart seconded a motion submitted in accordance with Standing Order 13.

Councillor Kathy Hodson moved and Councillor Cherry Povall seconded the following amendment in accordance with Standing Order 13.3:

Insert at the end of paragraph two:

‘with Britain’s economy shocked by Coronavirus and then impacted by Putin’s war in Ukraine.’

Delete paragraph three.

In paragraph 4, delete ‘that the Tory Government have consistently shown that they have made the wrong ones, so far as Wirral residents are concerned.’ and replace with:

‘and welcomes the £6 million extension to the Household Support Fund so that Wirral Council can direct Tory Government funding to help those who need it most.’

In paragraph 7, delete ‘introducing’ and replace with ‘extending’.

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate the matter, the amendment was put and lost (23:36) (1 abstention).

The substantive motion was then put, and it was –

Resolved (unanimously) – That

This Wirral Council notes the recent survey published by “Together Through This Crisis” initiative. The research from the coalition of organisations including Save the Children, Shelter and 38 Degrees, published recently, found that 24% of people are regularly unable to pay for basics, while nearly 40% of people end the month with no money left.

Council is concerned that thousands of Wirral residents are struggling during the current Cost of Living Crisis.

Council believes that the reason why so many Wirral residents are struggling, is due to the last 13 years of Tory Government economic mismanagement.

Council believes that politics is all about choices, and that the Tory Government have consistently shown that they have made the wrong ones, so far as Wirral residents are concerned.

Council maintains that the cost-of-living crisis means families and children across Wirral are in desperate need of additional support from the Tory Government. Council believes that in the sixth richest Country in the world, including Wirral, children and adults should not be going hungry, and that the energy bill ticking timebomb should be ended, as a matter of urgency.

Mindful that the Spring statement is forthcoming, the Chief Executive and Council Leader are requested to write to both the Prime Minister and the Chancellor, calling for the government to take several steps to respond to the crisis, including introducing universal free school meals and unfreezing housing benefit, together with any other appropriate steps, to protect Wirral residents.

105 **MOTION - PARENTAL LEAVE FOR MEMBERS**

Councillor Daisy Kenny moved and Councillor Janette Williamson seconded a motion submitted in accordance with Standing Order 13.

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate the matter, and it was –

Resolved (unanimously) – That

This Council believes that to ensure in so far as possible Members are able to take parental leave at the time of birth or adoption, that reasonable and appropriate arrangements are in place to provide cover during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority members. It will also assist with retaining experienced members and making public office more accessible to individuals who might otherwise feel excluded from it.

Therefore, this Council resolves that Constitution and Standards Committee be requested to explore the development of a Parental Leave Policy for Members and report back to Council with a recommendation by October.

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List of Councillors elected on Thursday 4 May 2023

The following persons were elected to fill the vacancies then existing in the wards indicated below and that all such persons have subscribed to the declaration of acceptance of office prior to the Annual Council meetings:

Bebington: Judith Grier, Ed Lamb and Jason Walsh

Bidston and St James: Liz Grey, Brian Kenny and Julie McManus

Birkenhead and Tranmere: Pat Cleary, Amanda Onwuemene and Ewan Tomeny

Bromborough: Jo Bird, Ruth Molyneux and Kieran Murphy

Clatterbridge: Helen Cameron, Mary Jordan and Cherry Povall

Claughton: George Davies, Steve Foulkes and Gillian Wood

Eastham: Chris Carubia, Phil Gilchrist and Helen Raymond

Greasby, Frankby and Irby: Gail Jenkinson, Grahame McManus and Mark Skillicorn

Heswall: Graham Davies, Andrew Hodson and Kathy Hodson

Hoylake and Meols: Max Booth, Tony Cox and Andrew Gardner

Leasowe and Moreton East: Angie Davies, Paul Jobson and Louise Luxon-Kewley

Liscard: Daisy Kenny, James Laing and Janette Williamson

Moreton West and Saughall Massie: Colin Baldwin, Gary Bennett and Vida Wilson

New Brighton: Tony Jones, Paul Martin and Sue Powell-Wilde

Oxton: Allan Brame, Stuart Kelly and Mike Redfern

Pensby and Thingwall: Ann Ainsworth, Richie Pitt and Mike Sullivan

Prenton: Chris Cooke, Harry Gorman and Naomi Graham

Rock Ferry: Paula Basnett, Craig McDonald and Tony Murphy

Seacombe: Tom Laing, Kaitlin Stuart and Paul Stuart

Upton: Stephen Bennett, Jean Robinson and Jerry Williams

Wallasey: Brenda Hall, Ian Lewis and Lesley Rennie

West Kirby and Thurstaston: Jeff Green, Jenny Johnson and Simon Mountney



ANNUAL COUNCIL

Wednesday, 24 May 2023

REPORT TITLE:	ADOPTION OF A REVISED CONSTITUTION
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report provides for approval the updated Council Constitution which has been amended to incorporate proposed changes referred to Council by the Constitution and Standards Committee who met on 13 April 2023 as well as minor drafting changes proposed by the Monitoring Officer.

The proposed changes recommended by the Constitution and Standards Committee are in relation to:

- Sharing written responses to public questions with the public (SO 10.9 (c) and 12.6 (c))
- Sharing of motions and amendments without notice (SO 14(h))
- Acceptance of grant funding by Officers
- Questions to members appointed to Joint Authorities at Council meetings (SO12.1)

The proposed changes recommended by the Monitoring Officer are in relation to:

- Amending to the Director of Resource as the Section 151 Officer
- Minor amendment to the name and Terms of Reference of the Licensing Panel
- Minor amendment to the Budget and Policy Framework Procedure Rules
- Minor amendment to the Terms of Reference of Children, Young People and Education Committee

The revised Constitution can be found here: [Draft Constitution 2023/24](#)

RECOMMENDATION/S

Council is recommended to:

- (1) endorse the amendments to the Constitution detailed in paragraphs 3.2 to 3.5 as recommended by the Constitution and Standards Committee.

(2) endorse the minor amendments to the Constitution detailed in paragraph 3.7 as recommended by the Monitoring Officer.

(3) adopt the revised Constitution.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Throughout the Municipal year 2022/2023 a number of matters were drawn to the attention of the Monitoring Officer by Members, Officers and Members of the public in respect to the scheme of delegation and other aspects of the Constitution. The Monitoring Officer presented a summary report to the Governance Working Group on 23rd March 2023 and the outcomes of that working group were presented to the Constitution and Standards Committee on 13th April 2023.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Council could decide that having considered the matters referred to in the report, that they do not deem it necessary to amend the Constitution.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting of Constitution and Standards Committee on 13th April 2023, Members considered four issues and suggested changes to the Constitution to address these issues.
- 3.2 The Constitution as drafted doesn't allow members of the public to see written responses to Public and Member Questions, therefore it is proposed that "and included as an addendum to the Minutes" is added to Standing Orders 10.9(c) and 12.6(c) to enable public question responses to be shared with the minutes.
- 3.3 Whilst there would be occasions when a Political Group or individual Member would not wish to do so and there is no legal requirement to do so, it is considered good practice to share motions and amendments in advance of a Committee meeting, therefore it is proposed that "(members are strongly encouraged, where possible, to share motions and amendments in advance with fellow Committee Members in advance of the meeting)" to Standing Order 14(h) 'to amend a motion'.
- 3.4 To enable effective and efficient acceptance of grant funding, it is recommended that a further paragraph 2(d) is added to Part 3(c) Overview and Scheme of Delegations of Authority to Officers to read:
- (d): In respect to the receipt of grant funding, express delegation is given to the Section 151 Officer. Relevant Chief Officers will subsequently report the acceptance of the grant funding to the appropriate Committee. Spend of grant funding will be dealt with in accordance with sections 2(a) to 2(c) above.
- 3.5 To enable questions on notice to representatives on Joint Authorities at Council in accordance with Section 41 of the Local Government Act 1985, Standing Order 12.1 be amended to remove reference to "any representative of the Council on the Combined Authority", and Standing Order 12.2 Questions on Notice at Full Council be amended to include representatives of Joint Authorities.
- 3.6 Full details of the proposed changes can be found in the report to Constitution and Standards appended to this report.

3.7 Further changes have been proposed by the Monitoring Officer as part of regular maintenance and updating of the Constitution. These include:

- Updates to the Terms of Reference of Regulatory and General Purposes Committee and Licensing Act Committee so that the Regulatory Sub-Committee is referred to as the Licensing Panel.
- Deletion of reference to the Director of Resources in relation to acting as the Section 151 Officer and its replacement with Director of Finance.
- Amending the process for agreeing the budget in the Budget and Policy Framework Procedure Rules to include a further informal meeting of Policy & Resources Committee if the budget is not agreed as opposed to a formal meeting.
- Amending the Terms of Reference for Children, Young People and Education Committee to include reference to Schools Forum in the functions exercisable by the Council in relation to the provision of Education.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5.0 LEGAL IMPLICATIONS

5.1 Part 3, Section A of the constitution details those functions which are reserved to the Council Meeting. Point 2 (k) stipulates those significant changes to the Council's Constitution, include adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.

5.2 Where the Constitution & Standards Committee concludes that the Council Procedure Rules be amended, then a recommendation must be made to the Council for a final decision.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications arising from the recommendations detailed in this report.

7.0 RELEVANT RISKS

7.1 There are no foreseen risks arising from the recommendations detailed in this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Governance Working Group has been consulted and recommended to proposed changes, in consultation with the Director of Law and Governance.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment and climate implications arising from this report

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: **Dan Sharples**
Democracy Business Manager
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APPENDICES

None

BACKGROUND PAPERS

Council Constitution

TERMS OF REFERENCE

This report is being considered by Full Council in accordance with the Policy Framework (k) 'Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.'

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee Council	13 April 2023 24 May 2022

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CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 13 April 2023

REPORT TITLE:	AMENDMENTS TO THE CONSTITUTION
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report provides a summary of the discussions held by the Governance Working Group in respect to proposed changes to the Constitution. The proposed changes are in relation to:

- Sharing written responses to public questions with the public (SO 10.9 (c) and 12.6 (c))
- Sharing of motions and amendments without notice (SO 14(h))
- Acceptance of grant funding by Officers
- Questions to members appointed to Joint Authorities at Council meetings (SO12.1)

This matter affects all wards. This is not a key decision.

The report contributes to the delivery of all five Wirral Plan 2021-2026 Priorities by ensuring that the Council's decision-making process is as effective as possible.

RECOMMENDATION/S

Constitution and Standards Committee is recommended to agree that the suggested amendments to the Standing Orders as detailed in sections 3.2 to 3.5 of the report be incorporated into the Constitution presented for approval at the Annual Council Meeting in May 2023.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Throughout the Municipal year 2022/2023 a number of matters were drawn to the attention of the Monitoring Officer by Members, Officers and Members of the public in respect to the scheme of delegation and other aspects of the Constitution. The Monitoring Officer presented a summary report to the Governance Working Group on 23rd March 2023 and the outcomes of that working group are presented in sections 3.2 to 3.5 of the report for consideration and approval.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Constitution & Standards Committee could decide that having considered the matters referred to in section 3.2 to 3.5 of the report, that they do not deem it necessary to make a recommendation to the Council to amend the Constitution and that they remain unchanged.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting Governance Working Group on 23rd March 2023, Members considered four issues and suggested changes to the Constitution as follows:-

- 3.2 The Constitution as drafted doesn't allow members of the public to see written responses to Public and Member Questions

Members were informed that this issue could be resolved by amending SO 10.9(c) and 12.6 (c) as follows:

10.9(c) a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally, in which circumstance the councillor questioned will arrange for the written response to be provided to the questioner and circulated to all members within 10 working days thereafter **and included as an addendum to the Minutes.**

12.6(c) a written answer circulated to Members of the Council either during the meeting at which the question is asked or subsequently, in which circumstance the Member questioned will arrange for the written response to be sent to all Members within 10 working days thereafter **and included as an addendum to the Minutes.**

The Working Group agreed that this proposal should be referred to Council for approval.

- 3.3 Sharing of Motions and Amendments without Notice

The Working Group heard that this related to SO 14(h) of the Constitution which related specifically to Motions which could be moved without notice and was not to be confused with SO13 *Motions on Notice*.

The Working Group considered that it was good practice to share motions and amendments in advance of a Committee meeting but recognised that there would be

occasions when a Political Group or individual Member would not wish to do so. The Working Group noted that it was also not a legal requirement to do so. The following amendment was suggested:

14(h) to amend a motion (members are strongly encouraged, where possible, to share motions and amendments in advance with fellow Committee Members in advance of the meeting)

The Working Group agreed that this proposal should be referred to Council for approval.

3.4 Overview and Scheme of Delegations of Authority to Officers – Acceptance of Grant Funding

The Working Group heard from the Director of Law and Governance that there was no explicit authority for Chief Officers to accept grant funding contained in the Officer Scheme of Delegation. She expressed the view that the insertion of a further clause would enable more effective and efficient decision making and would not negate the oversight enjoyed by Members under the existing scheme. It was suggested that the following be added:

Part 3(c) Overview and Scheme of Delegations of Authority to Officers

(d): In respect to the receipt of grant funding, express delegation is given to the Section 151 Officer. Relevant Chief Officers will subsequently report the acceptance of the grant funding to the appropriate Committee. Spend of grant funding will be dealt with in accordance with sections 2(a) to 2(c) above.

The Working Group agreed that this proposal should be referred to Council for approval.

3.5 Dealing with Questions to Members Appointed to Joint Authorities At Council

The Head of Democratic and Member Services outlined the requirements of Section 41 of the Local Government Act 1985 which sets out the requirement for the Council to make arrangements to enable questions on the discharge of functions of a joint authority, to the members appointed to it. He explained that the current provision in the constitution did not strictly comply with the requirement as SO 12.1 stated:

A Member of the Council may ask the Leader or the Chair of a Committee or any representative of the Council on the Combined Authority any question without notice upon an item of the report of a committee or from the Combined Authority when that item is being received or under consideration by the Council.

It was suggested that the legal requirements would be better met by incorporating questions to representatives on Joint Authorities under SO12.2 which would result in the following amendments to the Constitution:

SO12.1 A Member of the Council may ask the Leader or the Chair of a Committee or ~~any representative of the Council on the Combined Authority~~ any question without

notice upon an item of the report of a committee ~~or from the Combined Authority~~ when that item is being received or under consideration by the Council.

SO 12.2 Subject to Standing Order 12.4, at an Ordinary Meeting of the Council a Member may ask the Leader or Deputy Leader of the Council, the Chair of any of the Council's Committees or a Leader of a Political Group on the Council, ~~or representatives on Joint Authorities~~ questions on matters which the Council has powers or duties or which affects the area of the Council and which fall within their responsibility, ~~or which fall within the responsibility of the relevant Joint Authority~~

The Working Group agreed that this proposal should be referred to Council for approval.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implication arising from the recommendations detailed in this report.

5.0 LEGAL IMPLICATIONS

5.1 Part 3, Section A of the constitution details those functions which are reserved to the Council Meeting. Point 2 (k) stipulates those significant changes to the Council's Constitution, include adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.

5.2 Should the Constitution & Standards Committee conclude that the Council Procedure Rules be amended, then a recommendation must be made to the Council for a final decision.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications arising from the recommendations detailed in this report.

7.0 RELEVANT RISKS

7.1 There are no foreseen risks arising from the recommendations detailed in this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Governance Working Group has been consulted and recommended to proposed changes, in consultation with the Director of Law and Governance.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment and climate implications arising from this report

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: **Steve Fox**
Head of Democratic and Member Services
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APPENDICES

None

BACKGROUND PAPERS

Council Constitution

TERMS OF REFERENCE

This report is being considered by the Constitution and Standards Committee in accordance with Section 11.2(a) of its Terms of Reference, to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the codes and protocols.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	May 2022

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MINUTE EXTRACT

CONSTITUTION AND STANDARDS COMMITTEE

13 April 2023

34 AMENDMENTS TO THE CONSTITUTION

The Head of Democratic and Member Services introduced the report of the Director of Law and Governance. The report provided a summary of the discussions held by the Governance Working Group in respect to proposed changes to the Constitution. The proposed changes were in relation to: Sharing written responses to public questions with the public (SO 10.9 (c) and 12.6 (c)), sharing of motions and amendments without notice (SO 14(h)), acceptance of grant funding by Officers, and Questions to members appointed to Joint Authorities at Council meetings (SO12.1). Members commented that these changes would allow for further transparency within the council by including written responses to questions within minutes for meetings.

On a motion by the Chair, seconded by Councillor Onwuemene, it was,

Resolved - that the suggested amendments to the Standing Orders as detailed in sections 3.2 to 3.5 of the report be incorporated into the Constitution and presented for approval at the Annual Council Meeting in May 2023.

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ANNUAL COUNCIL

24 MAY 2023

SUBJECT:	APPOINTMENT OF COMMITTEES 2023/2024
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for Council to determine such committees as it considers appropriate for the municipal year and, having done so, determine the number of members to form the committees, the allocation of political balance to those committees that are not exempted from the requirements and to appoint Members to those committees.

With regard to panels and statutory / advisory committees, which fall under the remit of some of these committees, the Council is requested to delegate their appointment to the relevant committees, as appropriate.

RECOMMENDATIONS

Council is recommended to:

- (1) Agree to the formation of those Committees set out in Part 3(B) of the revised Constitution and allocate seats on the Committees as set out in Appendix 1.
- (2) Authorise the Monitoring Officer as proper officer to carry out the wishes of the Leaders of Political Groups in allocating Members to membership and substitute membership of the committees or other authorities, and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (3) Delegate the appointment of sub-committees, panels and statutory/advisory committees to the appropriate parent Committee of Council.
- (4) Delegate authority to the Monitoring Officer, to appoint Members to the Regulatory Panel of the Regulatory and General Purposes Committee and appoint Members to the Licensing Panel of the Licensing Committee, in consultation with the Chair and Spokespersons of these Committees, to enable meetings of either, or both, of these panels, if required, prior to their appointment at the first meetings of each of these committees.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Annual Meeting of the Council is required to make appointments to Committees of the Council.
- 1.2 It may be necessary for either, or both, the Regulatory Panel of the Regulatory and General Purposes Committee and the Licensing Panel of the Licensing Committee, to meet in advance of either of these panels being appointed by its parent committee at the first meetings of each committee, on 7 June.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Options for appointments and the numbers of committee places have been discussed by the Political Group Leaders.

3.0 BACKGROUND INFORMATION

3.1 Committees

- 3.1.1 The Constitution contains a number of ordinary and statutory committees. These are identified in the Summary (Part 1), Articles (Part 2) and set out in detail with Terms of Reference at Part 3B.
- 3.1.2 The revised Constitution states that the number of Members to be appointed to each of these committees is to be determined by Council.

3.2 Proportionality

- 3.2.1 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989 (LGHA), and the relevant regulations concerning political balance on committees and sub-committees.
- 3.2.2 The political composition of the Council following the local elections on 4 May, 2023, is as follows:

Labour	30 seats	(45.45% of the 66 seats)
Conservative	17 seats	(25.76%)
Green	13 seats	(19.70%)
Liberal Democrat	6 seats	(9.09%)

- 3.2.3 The determination of political balance must, so far as reasonably practicable, give effect to the principles:
- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
 - (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

- (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
- (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.

3.2.4 Based on the proposed numbers of committees, the total number of committee places will be set out in an appendix to this report, which will follow in a supplement.

3.3 Exemption

3.3.1 The Council has previously exempted from political balance requirements a committee and two sub-committees as they would better perform their roles outside of the political balance calculations. To do so the Council was required to pass a resolution based upon no Member voting against the proposition at full Council.

3.3.2 The first such is the Constitution and Standards Committee, which terms of reference are set out at section 11.1 of Part 3(B) of the revised Constitution. It was considered that it must have a voice from all political groups on the Council which would not otherwise be achievable without enlarging the Committee. It is proposed for the 2023/24 municipal year that the Constitution and Standards Committee be made up of 7 members, so as to ensure all Political Groups are represented.

3.3.3 The Senior Officer Appointments and Staffing Sub-Committee of the Policy and Resources Committee, which terms of reference are set out at section 1.5 and 1.6 of Part 3(B) of the revised Constitution. The primary function of the Sub-Committee is to make appointments or recommendations to Council on appointments regarding chief officers of the Council. In its alternative form, the sub-committee(s) exist to deal with disciplinary matters and appeals. There was considered to be an optimum size for such sub-committees and, again, it was agreed on the basis that it was important that all political groups on the Council had a vote on these matters.

3.3.4 The Licensing Panels of the Regulatory and General Purposes Committee with terms of reference set out at section 8.4 of the revised Constitution. The primary function being to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

3.3.5 Section 17 of the Local Government and Housing Act 1989 permits an ordinary committee or sub-committee to not comply with political balance rules but only where approved by the Authority in such manner as may be prescribed by regulations made by the Secretary of State and without any Member of the Authority voting against them.

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS AND DELEGATED AUTHORITY

5.1 Once a determination has been made that complies with s.15 of the LGHA, under s.16 it becomes the duty of the Authority or committee to exercise the power to make appointments as soon as practicable thereafter, and to give effect to such wishes about who is to be appointed to the seats allocated to a particular political group as are expressed by that group. For this reason, nominations have been requested for noting for this Council but authority is recommended to the proper officer to make the appointments in fulfilment of the statutory duty.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to Committees. If the Council were not to do so, then there would be a risk in that Council business could be impeded.

8.0 ENGAGEMENT / CONSULTATION

8.1 It is for political groups to decide how they wish to allocate their committee places and appointments.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising directly from this report.

11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS

11.1 There are none arising directly from this report.

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APPENDICES

1. Calculation of Committee Places (to be circulated in supplement)

BACKGROUND PAPERS

Previous reports on the appointment of committees and the Council's Constitution. Agenda and outcome notes from the Governance Member Working Group and Group Leaders' Meeting (Committee System)

TERMS OF REFERENCE

The report is being considered by Full Council in accordance with the Policy Framework (f) 'Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership.'

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	25 May 2022
Council	26 May 2021
Council	28 September 2020

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ANNUAL COUNCIL

24 MAY 2023

REPORT TITLE:	APPOINTMENTS TO OUTSIDE ORGANISATIONS 2023/2024
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to request the Council to nominate representatives of the Council to serve on, or continue as members of, various outside organisations in 2023/2024.

RECOMMENDATION/S

Council is recommended to authorise the Monitoring Officer as proper officer to carry out the wishes of the Leaders of Political Groups during the course of the municipal year, in allocating Members to membership and substitute membership where relevant, of the Outside Bodies listed at Appendix 1, and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 The Council is required to appoint Members to a variety of outside organisations.

2.0 OTHER OPTIONS CONSIDERED

2.1 No other options were considered beyond those outlined in the report.

3.0 BACKGROUND INFORMATION

3.1 The bodies to which appointments are to be made are set out in Appendix 1.

3.2 The schedule attached at Appendix 1 has been updated to reflect the current bodies to which Members are required to be appointed to for 2023/24. If possible, a list of proposed appointments will also be circulated at the Annual Council meeting.

3.3 The bodies are listed under the relevant Committee.

3.4 Attendance by elected members at meetings of these outside bodies has been designated as an approved duty unless there are specific reasons for not doing so (e.g. where another authority pays expenses to its members).

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS

5.1 There are none arising directly from this report.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to outside organisations.

8.0 ENGAGEMENT / CONSULTATION

8.1 It is for political groups to decide how they wish to allocate their outside body places.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report, however, some of the organisations to which nominations are made represent such groups as the elderly, ethnic minorities and those with disabilities.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising directly from this report.

11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS

11.1 There are none arising directly from this report.

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APPENDICES

1. Outside Bodies list

BACKGROUND PAPERS

Previous reports on the appointments to outside organisations and amendments made during the year and the Council's Constitution.

TERMS OF REFERENCE

The report is being considered by Full Council in accordance with the Policy Framework (q) 'Nomination of councillors and other persons to outside bodies.'

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	25 May 2022
Council	26 May 2021
Council	28 September 2020

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APPOINTMENTS TO OUTSIDE BODIES 2023/24
(grouped by position or Committee)

(A) LEADER

- (i). **Liverpool City Region Combined Authority**
- (ii). **Liverpool City Region Local Enterprise Partnership - Director**
- (iii). **SIGOMA (LGA Special Interest Group of Metropolitan Authorities)**

(B) POLICY & RESOURCES

- (i) **Local Government Association: General Assembly**
- (ii) **Liverpool City Region Combined Authority Scrutiny Committee**
- (iii) **Liverpool City Region Portfolio Boards**
- (iv) **North Western Local Authorities Employers' Organisation**

(C) ADULT SOCIAL CARE AND PUBLIC HEALTH

- (i). **Cheshire and Wirral NHS Partnership Trust: Appointed Governor**
- (ii). **Clatterbridge Cancer Centre NHS Foundation Trust (Appointed for 4 years)**
- (iii). **Merseyside Society for the Deaf**
- (iv). **Wirral University Teaching Hospital Foundation Trust - Governors**

(D) CHILDREN, YOUNG PEOPLE AND EDUCATION

- (i) **Birkenhead Sixth Form College Governing Body (4 year appointment until 31 Aug 2025)**
- (ii) **C E Gourley VC Endowment Fund**
- (iii) **Maritime and Engineering College North West**
- (iv) **St Bridget's Educational Trust**
- (v) **The Lower Bebington and Poulton Lancelyn Lands Foundation**

(vi) Wirral Play Council Executive Committee

(E) ECONOMY, REGENERATION AND HOUSING COMMITTEE

(i) Conservation Area Advisory Committees

Conservation Area

Barnston
Bidston
Bromborough Pool
Bromborough Society
Caldy
Clifton Park
Eastham
Frankby
Gayton and Heswall
Hoylake Meols Drive/King's Gap
Mount Wood
Oxton
Port Sunlight
Rock Park
Saughall Massie
Thornton Hough
Thurstaston
Wellington Road, New Brighton
West Kirby Society

(ii). Magenta Living: Governance and Membership Committee

(iii). North West Housing Consortium / NW Housing Forum

(iv). Mersey Maritime Ltd

(F) ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

(i). Liverpool Airport Consultative Committee

(ii). Local Government Association Coastal Issues Special Interest Group

(iii). Manchester Port Health Authority

- (iv). **Mersey Forest Steering Group**
- (v). **Mersey Port Health Committee**
- (vi). **Merseyside Flood and Coastal Risk Management Strategic Partnership**
- (vii). **Merseyside Recycling and Waste Authority**
- (viii). **Parking and Traffic Regulations Outside London (PATROL) Joint Committee**
- (ix). **Transport Committee of the Liverpool City Region Combined Authority (Not an Approved Duty) (4 places)**

(G) TOURISM, COMMUNITIES, CULTURE AND LEISURE

- (i) **Charing Cross Play, Youth and Community Centre Joint Management Committee**
- (ii) **Gautby Road Play & Community Centre Joint Management Committee**
- (iii) **Leasowe Play, Youth & Community Association Joint Management Committee**
- (iv) **Merseyside Fire and Rescue Authority (Not an Approved Duty)**
- (v) **Merseyside Police and Crime Panel**
- (vi) **North Birkenhead Development Trust (Director)**
- (vii) **West Kirby Charity (the Council is able to nominate up to 8 trustees)**
- (viii) **Wirral Community Safety Partnership**
- (ix) **Wirral Multicultural Organisation**

(H) REGULATORY AND GENERAL PURPOSES COMMITTEE

(i). North Western Inshore Fisheries and Conservation Authority

Full Council – Responsibility for Functions

1. Introduction

Full Council is the primary decision-making body of the Council and, as such, is responsible for the exercise of all of the functions that are held by the local authority.

Whilst decisions in relation to these functions could be made by the Council, and indeed some functions can only be carried out by the Full Council, in order to operate more effectively as an organisation, most of the Council's functions are exercised through delegation to a committee, sub-committee or an officer, or to another local authority.

This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels and also contains the Scheme of Delegation to Officers.

2. Council Functions

The Council reserves to itself the following functions (in accordance with the rules and procedures contained in this Constitution):

- (a) All non-delegable functions as defined by the Local Authorities (Committee System) (England) Regulations 2012 including: -
 - (i) **The Budget** – The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision, which includes the overarching annual:-
 - (1) Capital programme
 - (2) Capital investment strategy
 - (3) Medium term financial plan
 - (4) Treasury management strategy,except for any amendment, modification, variation or revocation which—
 - (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
 - (bb) is authorised by a determination made by the local authority—
 - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution (including virements); and
 - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

(ii) **Policy Framework (Required)** – The making or revoking or amending the following policies, plans and strategies required to form a part of the Council’s Policy Framework:

- (1) Annual Library Plan;
- (2) Crime and Disorder Reduction Strategy;
- (3) Development Plan Documents;
- (4) Licensing Authority Policy Statement;
- (5) Policies made under the Gambling Act (including any resolution relating to casinos);
- (6) Local Transport Plan;
- (7) Plans and alterations which together comprise the Development Plan;
- (8) Sustainable Community Strategy; and
- (9) Youth Justice Plan;

except for any amendment, modification, variation or revocation which—

- (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
- (bb) is authorised by a determination made by the local authority—
 - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution; and
 - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

- (iii) Making of a Members Allowance Scheme and amending the same.
- (iv) Determination of Mayor’s and Deputy Mayor’s allowances.
- (v) Making a request for single member electoral wards to the Local Government Boundary Commission.
- (vi) Resolution to change a scheme for elections.
- (vii) Making an order giving effect to the recommendations made in a Community Governance Review.
- (viii) Conferring voting rights on co-opted members of Overview and Scrutiny Committees (if any).

- (b) **Policy Framework (Choice)** - The making or revoking or amending the following policies, plans and strategies reserved by Council to form a part of the Council's Policy Framework
 - (i) The Council Plan.
- (c) Setting the Council's Council Tax requirement
- (d) Electing the Mayor and Deputy Mayor
- (e) Appointing the Leader and Deputy Leader of the Council (Chair and Vice-Chair of Policy & Resources Committee)
- (f) Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership
- (g) Confirming the appointment (or dismissal) of the Head of Paid Service, Monitoring Officer and Chief Finance (Section 151) Officer.
- (h) Confirming the appointment of the Independent Persons.
- (i) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- (j) Appointment of the Returning Officer and Electoral Registration Officer.
- (k) Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- (l) All other matters which by law are reserved to the Council including: -
 - (i) Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
 - (ii) Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- (m) Conferring the title of Honorary Freeman and Honorary Alderman.
- (n) Approving the Annual Senior Officer Pay Policy Statement.
- (o) Changing the name of the Borough.
- (p) Appointment of representatives of the local authority not otherwise delegated to a Committee.
- (q) Nomination of councillors and other persons to outside bodies
- (r) Consideration of reports from committees or any other body constituted by the Council.

- (s) To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
- (t) Making recommendations to the Secretary of State on the Borough boundaries, ward boundaries, electoral divisions, ward or polling districts; and
- (u) any other function which must by law be reserved to full Council.

Note

For the avoidance of doubt, the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have also been delegated to a Committee or Officer. Full Council shall not, however, exercise a power that has been delegated without first ensuring that such a step is in the best interests of the Council and in accordance with the rules set out in the Articles of this Constitution. The Council's ability to exercise its powers will not override or supersede any decision or action already taken and implemented by a Committee or Officer acting under delegated authority.