



# Council

Town Hall  
Wallasey

8 October 2010

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.15 pm on Monday, 18 October 2010** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects : -

**Contact Officer:** Brian Ellis  
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**Website:** <http://www.wirral.gov.uk>

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## AGENDA

### 1. MAYOR'S COMMUNICATIONS

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

### 2. DECLARATIONS OF INTEREST

The members of the Council are invited to consider whether they have a personal or prejudicial 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.

### 3. PETITIONS

To receive petitions submitted in accordance with Standing Order 21.

### 4. MINUTES (Pages 1 - 28)

To receive as a correct record the minutes of the meeting of the Council held on 12 July 2010.

**5. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 29 - 78)**

To consider matters referred to the Council for determination. The relevant minutes are attached; copies of the related reports can be provided for Council members on request.

**CABINET REFERRALS TO COUNCIL**

Minute 68 (22 July) Area Based Grants

Minute 77 (22 July) Leasowe Leisure Centre

Minute 82 (22 July) Schools Capital Programme 2010/11

Minute 85 (22 July) Wirral's Revised Housing Investment Programme 210/11

Minute 89 (22 July) Local Development Framework – Core Strategy – Preferred Options

Minute 93 (22 July) Reduction in Local Transport Grant 2010/11

Minute 121 (2 Sept) Local Development Framework – Strategic Housing Land Availability Assessment

Minute 143 (23 Sept) Local Development Framework – Core Strategy – Public Consultation on Preferred Options

14 October Draft Housing Strategy

14 October Wirral's Housing Investment Programme

**COMMITTEE REFERRALS TO COUNCIL**

Minute 9 Standards Committee (29 September) - Appointment of Vice-Chair

Minute 19(2) Employment & Appointments (17 August) - Early Voluntary Retirement Request

Minute 25 Employment & Appointments (16 September) - Delegation of Authority – Changes to staffing structure.

Minute 28 Employment & Appointments (16 September) - Appeals Sub-Committee – Pool of Members

(iii) APPOINTMENT Of INTERIM CHIEF EXECUTIVE, APPOINTMENT OF RETURNING OFFICER AND AMENDMENTS TO THE SCHEME OF DELEGATION of functions TO OFFICERS

The purpose of this report is to:

refer to Council the recommendation of the Employment and Appointments Committee on 17 August 2010 that the Deputy Chief Executive be appointed to the position of Interim Chief Executive for up to nine months;

invite Council to appoint a Chief Officer, subject to any necessary consultation, to the posts of Returning Officer and Electoral Registration Officer; and

seek approval of the amended Scheme of Delegation of Functions to Officers (Part 3, Schedule 4 of the Council's Constitution) reflecting the above matters and the re-organisation of the former Regeneration Department as set out at Appendix 1.

## **6. MATTERS FOR NOTING**

The following matters, determined by the Cabinet, are drawn to the Council's attention in accordance with the Constitution (copies of the related reports can be provided for Council members on request).

Minute 95 – Cabinet (22/7/2010) Tender for Transport Services – waiving of the call-in period.

Minute 152 – Cabinet (23/9/2010) International Investment Meetings - waiving of the call-in period.

Minute 155 – Cabinet (23/9/2010) Request for Financial Assistance - Overton Woods - waiving of the call-in period.

## **7. QUESTIONS**

To deal with questions from councillors and from members of the public, in accordance with Standing Order 11.

Note: Questions from members of the public must be submitted in writing or by email by no later than 5.00pm on 11 October 2010.

## **8. NOTICES OF MOTION (Pages 79 - 90)**

Notice has been given, in accordance with Standing Order 8(1), of motions on the following subjects. They are listed in the order received, and the full text of each motion is attached.

- (i) Wirral's Future – Be a part of it
- (ii) Renewable Energy Generation
- (iii) International Year of Biodiversity
- (iv) New Investment in Wirral
- (v) Council Transparency
- (vi) Anti-Slavery Day and Child Trafficking
- (vii) Greater Freedom for Councils
- (viii) Restoring Civil Liberties
- (ix) Use of Council Resources

- (x) Parks and Open Spaces – Consultation Hypocrisy
- (xi) Free Schools
- (xii) Coalition Government Reality Gap
- (xiii) Funding for Insulation in HMRI Areas
- (xiv) Threat to Democracy

**9. MATTERS FOR DEBATE**

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**

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.

(Schedule to be circulated).

**11. ANY OTHER BUSINESS**

To consider any other items of business that the Mayor accepts as being urgent.

A handwritten signature in black ink, appearing to be 'B. M.', with a long horizontal flourish extending to the right.

Director of Law, HR and Asset Management

# Public Document Pack Agenda Item 4

## COUNCIL

Monday, 12 July 2010

Present:

The Mayor (Councillor Alan Jennings) in the Chair  
Deputy Mayor (Councillor Moira McLaughlin)

Councillors	RL Abbey	T Harney	S Niblock
	T Anderson	K Hayes	C Povall
	C Blakeley	P Hayes	A Pritchard
	E Boulton	A Hodson	P Reisdorf
	A Bridson	S Holbrook	L Rennie
	A Brighthouse	P Johnson	D Roberts
	S Clarke	M Johnston	L Rowlands
	W Clements	AER Jones	J Salter
	J Crabtree	P Kearney	T Smith
	G Davies	J Keeley	W Smith
	P Davies	S Kelly	S Taylor
	WJ Davies	B Kenny	G Watt
	D Dodd	D Knowles	S Whittingham
	D Elderton	I Lewis	R Wilkins
	G Ellis	A McArdle	I Williams
	S Foulkes	D McCubbin	KJ Williams
	G Gardiner	AR McLachlan	P Williams
	P Gilchrist	C Meaden	S Williams
	P Glasman	D Mitchell	K Wood
	JE Green	R Moon	
	J Hale	S Mountney	

Apologies

Councillors	D Realey	J Stapleton
	H Smith	

10 **MAYOR'S COMMUNICATIONS**

The Mayor referred to the recent death of former Councillor Howard Morton, Conservative Councillor for Prenton ward between 1992 and 1996. He also referred to the recent deaths of four soldiers in Afghanistan, two of whom were from the Wirral, Privates Alex Isaac and Niall Halliday.

The Council stood in silent tribute to their memory and expressed sincere condolences to all their families.

11 **STATEMENT BY A MEMBER OF THE COUNCIL**

With the permission of the Mayor, Councillor Knowles made a statement to the Council following the conclusion of an investigation into comments he had made on the social networking site, Facebook.

He had accepted the result of the investigation and stated that he would be attending awareness training on diversity and equality and he also offered a public and personal apology unreservedly for the offence his comments had caused.

He hoped that he could now move forward and concentrate on representing all the people of Seacombe whether gay or straight.

Whilst he accepted the sincerity of Councillor Knowles' apology, the Leader of the Labour Group questioned the Leader of the Council as to his party's policy on suspensions given that Councillor Knowles appeared to have been politically active whilst suspended.

The Leader of the Council stated that Councillor Knowles had been reinstated into the Conservative Group on Monday 5 July having received a report from Matthew Sephton, Chair of LGBTory. He stated that the Conservative Group had acted properly throughout having brought in someone independent of the Group to conduct the investigation with which Councillor Knowles had co-operated fully.

## 12 **DECLARATIONS OF INTEREST**

The members of the Council were invited to consider whether they had a personal or prejudicial interest in connection with any matter to be debated or determined at the meeting and, if so, to declare it and state the nature of such interest. The following declarations were made:

All councillors who had been appointed to outside bodies declared a personal interest in item 5 (iii) 'Indemnities for Members and Officers' by virtue of their membership of those outside bodies.

Councillors R Abbey and A McArdle declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of their membership of Leasowe Community Homes Management Board and left the chamber whilst the matter was considered.

Councillor G Davies declared a prejudicial interest in Motion 4 (Possible Academy Sites) by virtue of him being a school governor and left the chamber whilst the matter was considered.

Councillors D Roberts, T Harney, K Hayes and T Anderson declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of their membership of the Board of Wirral Partnership Homes and left the chamber whilst the matter was considered.

Councillor B Kenny declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of him being a Director of Birkenhead Market, a member of Wirral Multicultural Organisation and the Lauries Centre and left the chamber whilst the matter was considered.

Councillor A McLachlan declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of her being a member of the Beechwood and Ballantyne Community Housing Association Board and also a prejudicial interest in

Motion 4 (Possible Academy Sites) by virtue of her son's employment and left the chamber whilst these matters were considered.

Councillor C Meaden declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of her being a member of the Beechwood and Ballantyne Community Housing Association Board and left the chamber whilst the matter was considered. She also declared a personal interest in Motion 4 (Possible Academy Sites) by virtue of her being a school governor.

Councillor P Glasman declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of her being a member of the Merseyside Arts, Culture and Media Industries Board and left the chamber whilst the matter was considered.

Councillor P Hayes declared a prejudicial interest in motion 7 ("Ghettos of Unemployment") by virtue of his employment and left the chamber whilst the matter was considered.

Councillor D Elderton declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of him being a member of the Egerton House Trust and Wirral Citizens Advice Bureau and left the chamber whilst the matter was considered.

Councillor I Lewis declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of his membership of Leasowe Community Homes Management Board and of Wirral Multicultural Organisation and left the chamber whilst the matter was considered. He also declared a personal interest in motion 5 (Free Swimming) by virtue of his membership of Leasowe Recreation Centre.

Councillor W Smith declared a prejudicial interest in Motion 4 (Possible Academy Sites) by virtue of him being a school governor and left the chamber whilst the matter was considered.

Councillor S Niblock declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of his membership of Wirral Citizens Advice Bureau and left the chamber whilst the matter was considered.

Councillor M McLaughlin declared a prejudicial interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of her membership of Age Concern Board and left the chamber whilst the matter was considered.

Councillor S Williams, L Rowlands and J Green declared a personal interest in Motion 4 (Possible Academy Sites) by virtue of their wives' employment.

Councillor C Povall declared a personal interest in Motion 4 (Possible Academy Sites) by virtue of her daughter's employment.

Councillors G Ellis, E Boulton, G Watt, S Clarke, A Jennings, K Williams, S Mountney, J Crabtree, S Foulkes, S Holbrook and R Moon, declared a personal interest in item 5 (iii) 'Indemnities for Members and Officers', by virtue of their membership of a variety of trusts to which they had been appointed by the Council.

### 13 LEADER'S ANNOUNCEMENT

The Leader of the Council reported upon the successful work of the current three 'champions', Councillors S Clarke, C Meaden and J Williams and that he would be appointing three more for a term of four years. Each of these would report annually to Cabinet and liaise as appropriate with the relevant Overview and Scrutiny Committees. The three new 'champions' would be:

- Councillor M Johnston – Fair Trade Champion
- Councillor P Kearney – Champion for Faith Based Organisations
- Councillor K Hayes – Sure Start Champion

### 14 PETITIONS

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

- (a) Councillor C Povall on behalf of 279 signatories requesting a recreation and play area at Dibbins Hey, Spital.
- (b) Councillor G Gardiner on behalf of 3589 signatories and 600 online signatories requesting improvements to Birkenhead Council Kennels.
- (c) Councillor D Dodd on behalf of 2 groups of petitioners, 67 adults and 38 children, requesting traffic calming measures and designation as an official play street in Wright Street, Wallasey.
- (d) Councillor S Clarke on behalf of 155 signatories concerned at the levels of anti-social behaviour and vandalism at the Queenswood access and egress to Kings Lane Playing field and to improve the gated access at Kings Road, Higher Bebington.
- (e) Councillor C Blakeley on behalf of 275 signatories requesting improvements to road safety and a reduction in excessive traffic speeds along Millhouse Lane, Moreton.

**Resolved – That the petitions be noted and referred to the appropriate chief officer in accordance with Standing Order 34.**

### 15 MINUTES

The minutes of the meeting of the Council held on 17 May, 2010 adjourned to 24 May, had been circulated to members and it was –

**Resolved – That the minutes be approved and adopted as a correct record.**

### 16 MATTERS REQUIRING APPROVAL BY THE COUNCIL

In accordance with Standing Order 7(1) a number of matters were submitted for approval by the Council.

On a motion by Councillor Green, seconded by Councillor Rennie it was –



**Resolved – That the following matters be approved:**

- (i) Minute 36 Cabinet (24/6/2010) Insurance Fund Annual Report**
- (ii) Minute 43 Cabinet (24/6/2010) Integrated Regeneration Study for Birkenhead and Wirral Waters**

The Council considered a report from the Director of Law, HR and Asset Management on indemnities for Members and officers and on a motion by Councillor Holbrook, seconded by Councillor Green it was –

**Resolved (47:0 with 1 abstention) –**

- (1) That Council agrees that Members, officers (and other persons appointed to or nominated by the Authority to outside bodies) be indemnified with immediate effect in relation to any claims brought after 12 July 2010 to the maximum extent permitted by law (including by virtue of the Local Government Act 2000, the Local Authorities (Indemnities for Members and Officers) Order 2004 and Section 111 of the Local Government Act 1972) subject in all cases to the limitations set out in Articles 5, 6 and 7 of the 2004 Order.**
- (2) That the Director of Finance be given delegated authority to put in place such insurance arrangements as he considers to be in the Council's best interest in relation to the Council indemnifying Members and officers (and other persons appointed by or nominated to outside bodies by the authority).**

**17 MATTERS FOR NOTING**

**Resolved – That the following matters be noted, as required by the Constitution:**

**Minute 13 Cabinet (27/5/2010) Neptune Development, New Brighton (Reason: waiving of call – in).**

**18 PROCEDURE**

On a motion by Councillor Blakeley, duly seconded, it was –

**Resolved –**

- (1) That following the two questions, for which notice had been given, Standing Order 11 be then suspended and question time be dispensed with.**
- (2) That Standing Order 7 (8) be applied from 8.30pm.**

**19 QUESTIONS**

(a) Councillor Jerry Williams, having given the appropriate notice in accordance with Standing Order 11, submitted the following question:

"I note from minute 52 (Cabinet - 24/6/10) that the Chief Executive is consulting on options for the future assignment of the Cultural Services Division.

Can the Cabinet member for Culture, Tourism and Leisure please reassure the people of New Ferry that a home will be found rapidly in the Council's organisation for this vital service and can he also explain to the people of New Ferry how it is possible for a landmark historical building of international significance, like the Great Eastern Public House, to be cavalierly demolished before any planning process was completed, destroying in the process part of Wirral's cultural heritage with links to the great engineer Isambard Kingdom Brunel and to the legendary Great Eastern vessel and weakening the tourist potential for the area. Will he guarantee that he personally will drive forward the completion of a register of historical buildings on Wirral which has already been agreed, working with the Wirral History and Heritage Association, in order to prevent further marginalisation of Wirral's historic buildings and the potential for major destruction if the precedent set by the demolition of this building is carried forward to other, as yet unlisted, historic sites on Wirral and will he also speed up feasibility studies on potential conservation areas in Wirral ?"

Councillor David Elderton, Cabinet Member for Culture, Tourism and Leisure, responded as follows:

"Cllr Williams raised this issue at a planning and development control meeting on 6 July 2010. He was given a detailed explanation by officers of why we are where we are. And I thank him for raising this issue so that the explanations given can now be broadcast in greater detail to a wider audience.

In response to the first part of the question, I reaffirm that consultations are already taking place with officers and will take place with appropriate bodies in order to secure a home for the Cultural services.

I have spoken with the Director of Technical Services regarding the recent demolition of the Great Eastern Public House and I have been advised as follows:

The demolition of the building did not require the formal consent of the Council as demolition is not classed as development under Section 55 of the Town & Country Planning Act, 1990 (as amended) as directed by Circular 10/95, appendix 2. In addition to this, the building was not protected by any Statutory Listing nor was it located within a Conservation Area. There was, therefore, nothing to prevent the demolition of the building nor was there any duty on the developer to inform the authority prior to his/her actually demolishing the building.

Whilst the Council agrees with Councillor Williams that there were some elements of the building that had some architectural merit, on balance it was felt there was no evidence to demonstrate that collectively this building was worthy of protection.

With regard to the future, the Conservation Section within Technical Services is currently investigating how we can locally list buildings of local interest and initial discussions have taken place with the Wirral Historical and Heritage Association regarding the feasibility of setting up a Local List.

However, there are implications of introducing Local Lists which would only be effective and enforceable by the removal of Permitted Development Rights and the imposition of Article 4 Directions. One issue in removing PD rights for Development Control is that the Council cannot charge for any resultant planning applications – hence significant revenue implications, with no fees for DC officers to process the applications.

There are further cost implications for the Council when you factor in the LDF (Local Development Framework) and formal consultation costs. New policy work would be required to implement a Local List, developing new policy in the LDF and the subsequent formal consultation is in a different order of expense to what it used to be.

However, a report will be submitted to Planning Committee and Economy and Regeneration O&S Committee later in 2010/11 outlining the pros and cons of developing a Local List and highlighting for Members the financial implications to set up and administer such a list.

It should be noted also, however, that even with a Local List, so long as the demolition of a building outside of a Conservation Area – or one that is not Statutorily (Nationally) Listed by the Department of Culture, Media and Sports – is not even classified as ‘development’ (as under current planning law), permission will still not be required for demolition of such a building and as such there are no watertight means for ensuring its protection.

Current national planning guidance makes it clear that most demolition does not constitute ‘development’. Therefore, even if the Great Eastern Public House building had been included on a ‘Local List’, it would only have removed PD rights on the property and would not have prevented demolition by the developer or have required the developer to inform the authority of his intention to demolish it. Therefore, unless a “locally listed” building is located within a Conservation Area, the consent of the LPA would not be required for its demolition.

The law is different however in the case of a dwelling house, where notice will need to be given to the LPA before it can be demolished. The local authority could not however refuse the demolition of the building but rather could only control the method of demolition. Protection from demolition altogether only comes in the form of statutory (national) listing or being sited within a Conservation Area. It may also be worth noting that any member of the public can contact English Heritage who would then look at listing any such building on behalf of the Department of Culture, Media and Sports.

I can confirm that the feasibility of the designation of new conservation areas for the Borough is actively being explored and will, of course, be dependant on the Council’s budgets. A recent report to the Planning Committee (22 April 2010) indicated that such designations could cost within the region of £5,000 to £8,000 per new conservation area.

In conclusion, I again thank Councillor Williams for raising this issue. He has my assurance that I will do all in my power to promote, support and enhance Wirral’s cultural heritage within the current national and local financial constraints so clearly apparent to all.

My personal support for heritage and conservation is actually second to none – and goes way beyond actually merely debating this important issue. In my former business life, I was responsible for many conservation projects including:

1. The restoration and conversion of the 18th century Dock Traffic Office in Liverpool – to create the first phase of Merseyside Maritime Museum for Merseyside County Council.
2. The conversion of the listed Grape Street Warehouse for Granada TV in Manchester – to create a rehearsal facility for Coronation Street and the back drop to the award winning Sherlock Homes TV series produced at the time.
3. The restoration, refurbishment and extension of an 18th century mansion owned by a former Leeds textile industrialist at Oulton Hall outside Leeds for De Vere hotels. This grade two listed building that had no roof on it when we inherited it – and created 20 years ago the only 152 bed 5 star hotel in England north of the M62.

Why do I mention these? Because they all demonstrate that the clients involved recognised that it was commercially viable to preserve these buildings and give them a new lease of life of value to the community. Unfortunately, this was not the case with the Great Eastern – which is why it was demolished. Of course we need to retain our local heritage – but it can only be done with adequate patronage, commitment and appropriate financial support.”

Councillor Williams then asked a supplementary question, to which Councillor Elderton responded accordingly.

(b) Councillor T Harney having given the appropriate notice in accordance with Standing Order 11, submitted the following question:

“The report referred to in minute 27 (Cabinet - 24/6/10) was based on an analysis of a suggestion by parents of a problem. The parents actually suggested a change in the age range catered for at the Lyndale School. This has not been dealt with. Does the cabinet member think it reasonable that the report does not deal with the underlying problem at all, that is the lack of a secondary school that would meet the needs of their children? Does she not feel that it is even worse that no attempt has been made to deal with the real concerns of parents that their children will not be able to have a safe and happy school experience in a school with a mixture of children with profound and multiple learning difficulties and children who are highly mobile and can exhibit challenging behaviour?”

Councillor Sheila Clarke, Cabinet Member for Children’s Services and Lifelong Learning, responded as follows:

“I would like to thank Councillor Harney for his question and to pay tribute to him as a staunch advocate for The Lyndale School, especially the parents and children. I would like to start by stating that Special Education is a part of our school provision that I believe Wirral should be proud of. This is a group of children and parents who need the best that we can offer. Ofsted have repeatedly told us over a number of years that our school provision is either Good or Outstanding and we should be

grateful for the wonderful staff and governors who we have working in this area. However, this does not mean we should be complacent as there is always more to do for these important children and their families.

We have listened to parents and developed opportunities in mainstream schools when parents have wanted it by opening additional specialist resource facilities in our mainstream schools and have continued to allocate significant resources on an annual basis into our special schools. For this financial year the total resources given to Wirral Special Schools including standard funds is £15.5m and we expect to spend a further £3.4m on education in independent school provision for those very special children that it is difficult for any authority to provide for. In addition, we spend some £4m transporting special school children to school. This is approximately 10% of the total schools budget spend.

Turning to the specific question ....

The proposal for the creation of a 2-19 special school for children and young people with profound and multiple learning difficulties arose from the early informal consultations regarding the improvement of special school provision for children and young people with complex learning difficulties and was put forward by parents and governors at The Lyndale School. It was this proposal that was publicly consulted upon with a subsequent recommendation being made to Cabinet that the proposal should be examined further by means of a feasibility study.

The format, rationale and methodology of the study, including the definition of profound and multiple learning difficulties, was discussed with and agreed by the governing body of The Lyndale School. I am advised that at no point was the issue of simply extending the age range of The Lyndale School for its current pupil cohort raised.

The concerns expressed by some parents at The Lyndale School are referred to and recommendations for action are made in the report; these will be followed through. These include further work in the area of transition especially between primary and secondary and post 19. An invitation has gone to the Headteacher and Chair of Governors of Lyndale to discuss these matters and a joint development day across our five schools for children with complex learning difficulties is being arranged.

In conclusion, we have no evidence from Ofsted or School Improvement Partners that the mixture of children with the most complex needs in our CLD schools leads any of them to be anything other than safe and happy. Indeed, those Elected Members from all parties that visited Foxfield and Meadowside were very complimentary about the provision available.

We have no evidence that we have a gap in our provision for secondary aged pupils with complex problems although we recognise that each year we will have a small number with very special needs who require provision outside of Wirral. Currently, out of 400 children we have 4 such children.

Finally, I am advised that the vast majority of year 6 pupils from The Lyndale School transfer successfully to Wirral's secondary CLD schools each year. Where parents feel this may not be the case, as articulated so well by the parent who spoke at the Cabinet meeting that there may be a perception amongst parents of pupils at The

Lyndale School that this is not the case, then the authority is keen to engage in dialogue with parents to ensure that enhanced transition plans can be arranged.

For my part I have committed to meeting with a representative group of parents of children with Learning Difficulties on a regular basis in order to assure myself that we are being responsive.”

Councillor Harney then asked a supplementary question, to which Councillor Clarke responded accordingly.

## 20 **MATTERS FOR DEBATE**

The matters listed for debate in accordance with Standing Order 5(2)(m) were dealt with as indicated in minutes 21 to 30 below.

## 21 **MOTION:THE STATE OF THE COUNCIL'S FINANCES**

Proposed by Councillor Steve Foulkes  
Seconded by Councillor Phil Davies

This Council recognises that the previous administration left the Council's finances in a healthy state and rejects any accusation that it built up unreasonable and unsustainable debts.

### **Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Jeff Green  
Seconded by Councillor Lesley Rennie

*Delete all after 'This Council recognises' and replace with:*

that debts eventually have to be repaid and that the current level of Council debt is costing £11 million a year to service in interest. Such levels of debt make the Council vulnerable to fluctuations in market interest rates.

Council also notes that while the current Deputy Leader of the Labour Group has suggested that urgent action is required, as Wirral is 'burning', the current Leader of the Labour Group has stated that the Council finances are in a 'healthy state'.

### **Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Simon Holbrook  
Seconded by Councillor Stuart Kelly

*Add to end of motion:*

In particular Council notes that, over the 3 years of the previous Labour / Liberal Democrat administration, £37.5m was saved from the Council Budget and that the accounts for 2009-10 just closed indicate that the Council underspent its Budget by £315,000.



However, notwithstanding this success, Council acknowledges that following the former Chancellor Alistair Darling's Budget of 2009; the Director of Finance has reported at various times the need for further savings of between £60m and £80m between 2011 and 2014, and that the Deputy Leader of the Council has consistently warned of the major challenges this poses.

Following the first Budget of the Coalition Government, Council now has the current Budget gap confirmed at the upper end of the previously reported range.

Council condemns the financial and regulatory mismanagement of the previous Labour Government, which in combination with the global financial crisis has resulted in the worst national debt crisis in living memory.

Council recognises that it is this failure which is the root cause of the public spending reductions which will now impact on local people and services.

Following a debate and Councillor Foulkes having replied, the Council divided as follows on the amendment proposed by Councillor Green:

For the amendment (27) - Councillors T Anderson, C Blakeley, E Boulton, SL Clarke, W Clements, DM Elderton, GJ Ellis, JE Green, J Hale, K Hayes, P Hayes, AC Hodson, PSC Johnson, P Kearney, J Keeley, DT Knowles, I Lewis, D McCubbin, SR Mountney, C Povall, A Pritchard, Mrs LA Rennie, SL Rowlands, S Taylor, GCJ Watt, S Williams and Mrs K Wood.

Against the amendment (35) - Councillors RL Abbey, A Bridson, A Brighthouse, JA Crabtree, G Davies, PL Davies, WJ Davies, D Dodd, S Foulkes, G Gardiner, PN Gilchrist, P Glasman, T Harney, SA Holbrook, M Johnston, AER Jones, SE Kelly, BM Kenny, A McArdle, ARC McLachlan, M McLaughlin, CM Meaden, GD Mitchell, RK Moon, SAM Niblock, PTC Reisdorf, DE Roberts, J Salter, PA Smith, WW Smith, S Whittingham, R Wilkins, I Williams, KJ Williams and Mrs PM Williams.

Abstentions (1) – Councillor AT Jennings.

The Council divided as follows on the amendment proposed by Councillor Holbrook:

For the amendment (14) - A Bridson, A Brighthouse, G Gardiner, PN Gilchrist, T Harney, SA Holbrook, M Johnston, SE Kelly, GD Mitchell, RK Moon, SAM Niblock, PTC Reisdorf, R Wilkins and Mrs PM Williams.

Against the amendment (48) - Councillors RL Abbey, T Anderson, C Blakeley, E Boulton, SL Clarke, W Clements, JA Crabtree, G Davies, PL Davies, WJ Davies, D Dodd, DM Elderton, GJ Ellis, S Foulkes, P Glasman, JE Green, J Hale, K Hayes, P Hayes, AC Hodson, PSC Johnson, AER Jones, P Kearney, J Keeley, BM Kenny, DT Knowles, I Lewis, A McArdle, D McCubbin, ARC McLachlan, M McLaughlin, CM Meaden, SR Mountney, C Povall, A Pritchard, Mrs LA Rennie, DE Roberts, SL Rowlands, J Salter, PA Smith, WW Smith, S Taylor, GCJ Watt, S Whittingham, I Williams, KJ Williams, S Williams and Mrs K Wood.

Abstentions (1) – Councillor AT Jennings.

The Council divided as follows on the motion:

For the motion (35) - Councillors RL Abbey, A Bridson, A Brighthouse, JA Crabtree, G Davies, PL Davies, WJ Davies, D Dodd, S Foulkes, G Gardiner, PN Gilchrist, P Glasman, T Harney, SA Holbrook, M Johnston, AER Jones, SE Kelly, BM Kenny, A McArdle, ARC McLachlan, M McLaughlin, CM Meaden, GD Mitchell, RK Moon, SAM Niblock, PTC Reisdorf, DE Roberts, J Salter, PA Smith, WW Smith, S Whittingham, R Wilkins, I Williams, KJ Williams and Mrs PM Williams.

Against the motion (27) - Councillors T Anderson, C Blakeley, E Boulton, SL Clarke, W Clements, DM Elderton, GJ Ellis, JE Green, J Hale, K Hayes, P Hayes, AC Hodson, PSC Johnson, P Kearney, J Keeley, DT Knowles, I Lewis, D McCubbin, SR Mountney, C Povall, A Pritchard, Mrs LA Rennie, SL Rowlands, S Taylor, GCJ Watt, S Williams and Mrs K Wood.

Abstentions (1) – Councillor AT Jennings.

**Resolved (35:27:1) – This Council recognises that the previous administration left the Council’s finances in a healthy state and rejects any accusation that it built up unreasonable and unsustainable debts.**

## 22 **MOTION: BIN CHARGING**

Proposed by Councillor Simon Holbrook  
Seconded by Councillor Gill Gardiner

- (1) This Council welcomes the announcement by the Communities Secretary that powers to allow councils to charge households according to the amount of waste thrown out have been ruled out.
- (2) Council believes that local flexibility to operate household waste and recycling collection schemes according to what works best for that particular area is the best way to increase recycling rates.
- (3) Council is pleased to note the current high levels of bin collection rates in Wirral, the improvements to contract quality, service delivery and working practices that have been implemented over the last three years and congratulates the Director of Technical Services, the Waste Management Team and those councillors involved for their hard work in this area to achieve this.
- (4) Council also commends the positive response from Wirral residents and notes that our residents recycled more dry recycling than any other Merseyside district (2009/10).
- (5) However, Council also believes that more can be done to divert waste away from landfill and further increase recycling.
- (6) Therefore, Council requests that the Director of Technical Services continues to examine new ways to reduce waste to landfill, such as through the introduction of food waste collections (taking account of existing work undertaken to date), the collection of recyclable material from businesses, increasing the range of recyclable material that can be taken to the council’s recycling collection points



and working with MWDA to increase the range of materials that can be placed in grey bins.

- (7) The Director is also requested to investigate the feasibility and cost effectiveness of introducing a recycling rewards scheme to incentivise households to do more to recycle.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor John Salter  
Seconded by Councillor Denise Roberts

*Insert new paragraph 7 – renumber current paragraph 7 accordingly.*

Council stresses that any new ways of reducing waste to landfill, such as the collection of food waste, must not take place at the expense of any other front line services, nor must it be allowed, through reduction in resources or any other way, to reduce the present high standard and reliability of waste collection across the borough.

Following a debate Councillor Holbrook agreed to accept Councillor Salter's amendment as a friendly amendment. Having waived his right of reply, the amendment was put and it was –

**Resolved (unanimously) –**

- (1) This Council welcomes the announcement by the Communities Secretary that powers to allow councils to charge households according to the amount of waste thrown out have been ruled out.**
- (2) Council believes that local flexibility to operate household waste and recycling collection schemes according to what works best for that particular area is the best way to increase recycling rates.**
- (3) Council is pleased to note the current high levels of bin collection rates in Wirral, the improvements to contract quality, service delivery and working practices that have been implemented over the last three years and congratulates the Director of Technical Services, the Waste Management Team and those councillors involved for their hard work in this area to achieve this.**
- (4) Council also commends the positive response from Wirral residents and notes that our residents recycled more dry recycling than any other Merseyside district (2009/10).**
- (5) However, Council also believes that more can to be done to divert waste away from landfill and further increase recycling.**
- (6) Therefore, Council requests that the Director of Technical Services continues to examine new ways to reduce waste to landfill, such as through the introduction of food waste collections (taking account of**

existing work undertaken to date), the collection of recyclable material from businesses, increasing the range of recyclable material that can be taken to the council's recycling collection points and working with MWDA to increase the range of materials that can be placed in grey bins.

- (7) Council stresses that any new ways of reducing waste to landfill, such as the collection of food waste, must not take place at the expense of any other front line services, nor must it be allowed, through reduction in resources or any other way, to reduce the present high standard and reliability of waste collection across the borough.
- (8) The Director is also requested to investigate the feasibility and cost effectiveness of introducing a recycling rewards scheme to incentivise households to do more to recycle.

## 23 MOTION: THE BUDGET

Proposed by Councillor Phil Davies  
Seconded by Councillor Steve Foulkes

- (1) This Council recognises that action needs to be taken to address the financial challenges arising from the global recession. However, it notes that according to the Institute of Fiscal Studies, the measures set out by the Chancellor of the Exchequer in the Budget on the 22 June, are "regressive" with cuts to public services which will hit "poorer households significantly harder than richer households".
- (2) Council condemns:
  - (i) The £5.5m of cuts in revenue which the Government has instructed this Council to find in this financial year, and the £4m loss of Capital. This is part of the £6bn of cuts which during the general election campaign the Liberal Democrats argued was unnecessary.
  - (ii) The proposed increase in VAT from 17.5% to 20%. This will be profoundly regressive and breaks an explicit promise made during the election by both the Conservatives and the Liberal Democrats.
  - (iii) The proposed cuts of £11bn in welfare benefits which will hit the poorest members of communities the hardest.
  - (iv) The proposed 25% cuts in departmental spending, which, if applied to Local Government grant, would leave Wirral needing to find up to £100m cuts over three years. Again, these departmental cuts will impact disproportionately on people in the poorest communities who rely more on public services than residents elsewhere.
- (3) Council notes that the motion passed by the Cabinet on the 24 June fails to identify a single penny of savings and proposes measures such as the ending of sandwiches for members which will realise a tiny fraction of the savings

targets for the next 3 years. Furthermore, the announcement of 8 reviews of various issues indicates that the administration has no clear vision of the future.

- (4) Council calls on the ruling coalition to lobby their Government to reverse their cuts which will bring huge job losses and misery to hundreds of Wirral residents and adopt the more reasonable deficit-reduction plan proposed by the Labour Party which had already started to reduce the deficit and placed greater emphasis on asking those on higher incomes to pay more and avoided cuts to front-line services.
- (5) Council condemns the utter hypocrisy of the Liberal Democrats who, by agreeing to measures such as an increase in VAT, have surrendered any claims to be a Party of progressive values and are helping to deliver the ideological agenda of the right wing of the Tory Party. Council recognises that the Labour Party is now the only progressive Party in Britain and calls on all those who previously supported the Lib Dems to join Labour and help defend the attacks on public services and the poorest members of the community by the Coalition Government.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Jeff Green  
Seconded by Councillor Lesley Rennie

*Delete all after* '(1) This Council recognises that action needs to be taken to address the financial challenges arising from the global recession' *and replace with:*

and recognises the distress, anger and upset caused to people across Wirral, including some of the most deprived communities by the previous Government, such as cuts to public services and abolition of the 10p starting rate of Income Tax for the lowest paid.

- (2) Council also notes that while other countries went into recession later and returned to growth faster, the UK economy suffered the longest period of recession and the longest domestic recession since the 1930s.
- (3) Council believes that the action taken by the Coalition Government will restore the nation's finances and also enable fairer, greener taxes and protection for the most vulnerable, including:
  - Raising the personal allowance for under 65s by £1,000 in April 2011, with the gains limited to basic rate taxpayers. The Government estimates that the 880,000 lowest income taxpayers will be removed from tax altogether.
  - the introduction of a levy based on banks' balance sheets and action on unacceptable bank bonuses.
  - freezing council tax In 2011-12, in partnership with local authorities.
  - a triple guarantee to help pensioners by uprating the Basic State Pension by earnings, prices or 2.5 per cent, whichever is highest.
  - an increase in the child element of the Child Tax Credit of £150 above CPI indexation.

## **Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Simon Holbrook  
Seconded by: Councillor Bob Moon

*Delete all after 1st sentence in paragraph (1) – and insert:*

and the financial and regulatory mismanagement of the previous Labour Government. Council notes that the overall impact of all the measures in the Chancellor's Budget of 22nd June was progressive, building on the coalition's principles of freedom, fairness and responsibility.

- (2) Council recognises that a series of progressive measures were announced in the Chancellor's Budget that will:-
  - (i) lift at least 850,000 low-paid taxpayers out of income tax.
  - (ii) restore the link between the state pension and earnings (or prices or 2.5%, whichever is higher).
  - (iii) provide an extra £150 a year for the poorest families, through changes to family tax credits.
  - (iv) increase capital gains tax to 28% for top rate taxpayers.
- (3) Council recognises that the public understands that action is needed to address the unsustainable levels of government debt and applauds the initiative taken nationally by the Coalition Government and locally by Wirral's Cabinet to engage with the public on their priorities for future public spending of taxpayer's money. Council further notes that this represents a continuation of the Council's policy on engagement agreed with all party support on 15th February 2010.
- (4) Council is outraged but not surprised at the utter hypocrisy of the Labour Party for its failure to be honest with the public about the scale and impact of the budget reductions needed as a result of its own party's mistakes in government, and for suggesting that the Conservatives and Liberal Democrats are wrong to consult the public on the difficult challenges that lie ahead.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

Councillor Green agreed to accept Councillor Holbrook's amendment as a friendly amendment and the combined amendments were put and carried (41:21) (One abstention) –

**Resolved (41:21:1) –**

- (1) **This Council recognises that action needs to be taken to address the financial challenges arising from the global recession and recognises the distress, anger and upset caused to people across Wirral, including some of the most deprived communities by the previous Labour Government's financial and regulatory mismanagement, such as cuts to public services and abolition of the 10p starting rate of Income Tax for the lowest paid. Council notes that the overall impact of all the measures in the**

**Chancellor's Budget of 22 June was progressive, building on the coalition's principles of freedom, fairness and responsibility.**

- (2) Council also notes that while other countries went into recession later and returned to growth faster, the UK economy suffered the longest period of recession and the longest domestic recession since the 1930s.**
- (3) Council believes that the action taken by the Coalition Government will restore the nation's finances and also enable fairer, greener taxes and protection for the most vulnerable, including:**
  - Raising the personal allowance for under 65s by £1,000 in April 2011, with the gains limited to basic rate taxpayers. The Government estimates that the 880,000 lowest income taxpayers will be removed from tax altogether.**
  - the introduction of a levy based on banks' balance sheets and action on unacceptable bank bonuses.**
  - freezing council tax In 2011-12, in partnership with local authorities.**
  - a triple guarantee to help pensioners by uprating the Basic State Pension by earnings, prices or 2.5 per cent, whichever is highest.**
  - an increase in the child element of the Child Tax Credit of £150 above CPI indexation.**
  - increase capital gains tax to 28% for top rate taxpayers.**
- (4) Council recognises that the public understands that action is needed to address the unsustainable levels of government debt and applauds the initiative taken nationally by the Coalition Government and locally by Wirral's Cabinet to engage with the public on their priorities for future public spending of taxpayer's money. Council further notes that this represents a continuation of the Council's policy on engagement agreed with all party support on 15 February 2010.**
- (5) Council is outraged but not surprised at the utter hypocrisy of the Labour Party for its failure to be honest with the public about the scale and impact of the budget reductions needed as a result of its own party's mistakes in government, and for suggesting that the Conservatives and Liberal Democrats are wrong to consult the public on the difficult challenges that lie ahead.**

**24 MOTION: POSSIBLE ACADEMY SITES**

Proposed by Councillor Stuart Kelly  
Seconded by Councillor Ann Bridson

- (1) Council notes the decision of Cabinet of 27 May to 'go the extra mile in identifying an alternative site for the new academy'.**
- (2) Council considers that the sites identified below should not be further investigated for the stated reasons:**

- (a) The site by Shaftesbury Youth Club playing fields – because the board of trustees have made it very clear that they would not be prepared to sell their land to the Council.
- (b) The site of Prenton High School - because the land is subject to a PFI contract until 2031.
- (c) The site of Bedford Drive Primary School – because there are no plans to close or relocate the School.
- (d) The site of Hind Street former gasworks - because it is within 150m of two large gasometers.
- (e) Land at Mersey Park Tranmere – because of the unacceptable loss of park land involved.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Jeff Green  
 Seconded by Councillor Paul Hayes

*Delete all, other than:*

Council notes the decision of Cabinet of 27 May to ‘go the extra mile in identifying an alternative site for the new academy’.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Phil Davies  
 Seconded by Councillor Chris Meaden

*Delete everything and insert the following:*

- (1)** Council notes the resolution passed by Cabinet on 27 May, 2010 which instructed the Director of Children’s Services to explore further whether a suitable site and funding might be available to accommodate the Academy as a new build.
- (2)** This Council believes that it would be inappropriate to reach a conclusion on specific sites until the Director has had an opportunity to provide a full report back to Cabinet on the pros and cons of all potential sites in order to ensure that an informed decision is taken.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

Councillor Green agreed to accept Councillor Davies’ amendment as a friendly amendment and the combined amendments were put and carried (45:14) (One abstention) –

**Resolved (45:14:1) –**

- (1) Council notes the decision of Cabinet of 27 May to ‘go the extra mile in identifying an alternative site for the new academy’ and which instructed the Director of Children’s Services to explore further whether a suitable**

**site and funding might be available to accommodate the Academy as a new build.**

- (2) This Council believes that it would be inappropriate to reach a conclusion on specific sites until the Director has had an opportunity to provide a full report back to Cabinet on the pros and cons of all potential sites in order to ensure that an informed decision is taken.**

**25 MOTION: FREE SWIMMING**

Proposed by Councillor Darren Dodd  
Seconded by Councillor Denise Roberts

- (1)** Council condemns the decision of the National Con/Dem alliance to withdraw free swimming for children and pensioners.
- (2)** Council further notes with dismay that Wirral's Conservative / Liberal Democrat coalition has only guaranteed free swimming until September, despite the fact that free swimming both for children and for the elderly was agreed and paid for from within the Council's own budget before any government subsidies were introduced and that this Labour initiative was a trail blazer for other local authorities and for the government.
- (3)** Council agrees that any move to axe free swimming would be a false economy and work in direct opposition to the Corporate Priority of increasing Health and Well Being for all, and act against the agreed drive to reduce childhood obesity, and to keep elderly people as fit as possible for as long as possible in order to improve their quality of life and reduce the need for any early care interventions.
- (4)** Council notes that the Coalition as part of their agreement together have signed up to the Corporate Plan and the Corporate Priorities.
- (5)** Council further notes that being able to swim is also a matter of safety for Wirral residents who live on a peninsula surrounded on three sides by water and demands that the administration guarantees free swimming on a permanent basis.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor David Elderton  
Seconded by Councillor Denis Knowles

*Delete all after '(1) Council' and replace with:*

believes it is difficult for a local authority to provide free swimming if it has closed and demolished its swimming baths and leisure centres, as planned by the previous Labour-led administration.

**Amendment submitted in accordance with Standing Order 7(2):**



Proposed by Councillor Bob Moon  
Seconded by Councillor Mark Johnston

*Delete paragraphs (1) (2) and (3) and insert new paragraphs (1) and (2)*

- (1)** Council congratulates the Cabinet for taking swift action to reassure the Wirral public that there would be no immediate end to free swimming following the announcement that funding for free swimming was to be withdrawn by the Coalition Government.
- (2)** Council recognises that in these difficult financial times, many spending decisions already agreed will need to be kept under review and that the Cabinet has commissioned a report on the costs and benefits of free swimming and how to safeguard access for the most vulnerable before reaching a conclusion on this matter.

*Amend paragraph (4) and renumber as (3), delete “notes” and replace with “welcomes”.*

*Delete paragraph (5) and replace with final paragraph (4):*

Council therefore also welcomes the fact that the Cabinet has called for a report on the effectiveness of spending against these priorities of projects and programmes funded by the Area Based Grant, rather than make the type of arbitrary cuts that would have been the hallmark of the Labour Party.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

The amendment proposed by Councillor Elderton was put and lost (27:35) (One abstention).

The amendment proposed by Councillor Moon was put and carried (41:21) (One abstention).

**Resolved (41:21:1) –**

- (1) Council congratulates the Cabinet for taking swift action to reassure the Wirral public that there would be no immediate end to free swimming following the announcement that funding for free swimming was to be withdrawn by the Coalition Government.**
- (2) Council recognises that in these difficult financial times, many spending decisions already agreed will need to be kept under review and that the Cabinet has commissioned a report on the costs and benefits of free swimming and how to safeguard access for the most vulnerable before reaching a conclusion on this matter.**
- (3) Council welcomes that the Coalition as part of their agreement together have signed up to the Corporate Plan and the Corporate Priorities.**



- (4) Council therefore also welcomes the fact that the Cabinet has called for a report on the effectiveness of spending against these priorities of projects and programmes funded by the Area Based Grant, rather than make the type of arbitrary cuts that would have been the hallmark of the Labour Party.

26 **MOTION: SCRAPPING OF COMPREHENSIVE AREA ASSESSMENT**

Proposed by Councillor Simon Holbrook  
Seconded by Councillor Bob Moon

- (1) This Council welcomes the announcement by the Communities Secretary and the letter from the Audit Commission to Chief Executives and LSPs that all work on Comprehensive Area Assessment is to be ceased by the Audit Commission with immediate effect.
- (2) Council believes that Comprehensive Area Assessment was a wasteful, over-bureaucratic and ineffective way of assessing councils' and other public bodies' effectiveness and placed an unacceptable burden on councils in servicing the process.
- (3) Council welcomes the fact that resources now freed up from the inspection regime can be used more flexibly to ensure frontline services are delivered in the most effective and efficient way for local people.
- (4) Therefore, Council requests the Director of Corporate Services to:
- (a) Ensure that the Authority does not participate in any targeted inspections that the Audit Commission wishes to carry out in Wirral, unless a robust rationale that demonstrates value for money and improved service delivery from carrying out that inspection can be provided by the Audit Commission to the satisfaction of the Authority.
- (b) Review existing arrangements for policy and performance management across all council services and provide a report to Cabinet at the earliest opportunity on how capacity released by the ending of CAA might be harnessed more effectively.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

**Resolved (unanimously) – That the motion be approved.**

27 **MOTION: "GHETTOS OF UNEMPLOYMENT"**

Proposed by Councillor Ann McLachlan  
Seconded by Councillor George Davies

- (1) Council is outraged but not surprised by the comments made by Ian Duncan Smith where he suggests breaking up "ghettos of unemployment" and moving

the unemployed instead into areas across the country where work is more freely available.

- (2) Council is outraged because the policies of this government will increase these “ghettos” by targeting the largest share of cuts on precisely those poorest areas where unemployment is highest.
- (3) Council believes that the Government is fully aware of the fact that where the public sector provides a high proportion of jobs, the public and private sector are co-dependent and any cuts in the public sector will have a direct knock on to the private sector, creating major job losses across a region like Merseyside with little chance of recovery.
- (4) Council is outraged but not surprised that the Tory solution is then to move the unemployed away from their home areas, and their own support networks, which often provide valuable assistance in child care, and mutual support when times are hard, making it even more difficult for them to hold down jobs in a new place, presumably in the overcrowded South East where there is already a major housing crisis. This is simply the old, familiar Norman Tebbit “Get on your bike” Tory philosophy.
- (5) Council roundly condemns this crazy, ill thought out and ugly policy which demonstrates just how far removed from reality the current millionaire, Eton based Cabinet ministers are.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Andrew Hodson  
Seconded by Councillor Tony Pritchard

*Delete all after '(1) Council' and replace with:*

recognises the distress, anger and upset caused to people across Wirral, including some of the most deprived communities, by the failure of the previous Government to tackle youth unemployment and the growth in number of people claiming Incapacity Benefit.

- (2) Council notes the difference in real gross value added per capita growth rates between the Greater South East and all other English regions widened towards the end of the last decade.
- (3) Council therefore welcomes the Coalition Government’s determination that all parts of the UK benefit from sustainable economic growth, and that the private sector recovery is particularly strong in areas that are currently overly dependent on the public sector.
- (4) Council also welcomes measures in the Emergency Budget to promote job creation in Wirral and the wider Merseyside economy, including:
  - a reversal of the most damaging part of the planned increase in employer National Insurance Contributions.

- the creation of a Regional Growth Fund to support increases in business employment and growth, and a scheme in which new businesses in targeted areas will get a substantial reduction in their employer National Insurance Contributions.
- an increase in the Enterprise Finance Guarantee and the creation of a new Growth Capital Fund.
- a reduction in the small profits rate to 20 per cent.
- a planned reduction in the main rate of corporation tax from 28 per cent to 24 per cent.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor Phil Gilchrist  
Seconded by Councillor Dave Mitchell

*In paragraph (1) delete “outraged but not surprised by the” and replace with “disappointed by the insensitive”*

*Delete rest of motion (paragraphs (2) to (5)) and replace with:*

- (2) Council is disappointed because it does not reflect the policies and priorities of the Coalition Government and it brings back echoes of the Norman Tebbit “Get on your bike” philosophy, which it rejects as simplistic and insulting to those people out of work through no fault of their own. Council notes the announcement of the £1bn fund to promote private enterprise and support economic recovery in the regions hit hardest by public sector job losses.
- (3) Council also notes that, according to the Office for Budget Responsibility, the deficit reduction plans of the previous Labour Government would, if implemented, have resulted in an estimated 460,000 public sector job losses by 2014-15. Council notes this is only 30,000 less than that projected from the measures taken by the Coalition Government and condemns Labour for their failure to spell out the implications and impact of their own deficit reduction programme.
- (4) However, Council also recognises that the public sector in Wirral provides a bigger proportion of local employment than in other parts of the Country. Council requests that a report is presented to Cabinet on how local people who may lose their jobs may be supported.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

The amendment proposed by Councillor Hodson was put and lost (26:35) (One abstention).

The amendment proposed by Councillor Gilchrist was put and lost (14:47) (One abstention).

The motion was put and lost (21:40) (One abstention).

28 **MOTION: LAND AT OXTON ROAD / BALLS ROAD**

Proposed by Councillor Stuart Kelly  
Seconded by Councillor Alan Brighthouse

Council requests the relevant Cabinet Members and officers to investigate the possible consolidation of waste land in the Oxtan Road / Balls Road East area of Birkenhead, including the use of Compulsory Purchase Orders and then subsequent marketing for family housing development in the area and to report on progress to a future appropriate meeting.

**Amendment submitted in accordance with Standing Order 7(2):**

Proposed by Councillor George Davies  
Seconded by Councillor Ann McLachlan

*Delete all and insert:*

- (1) Council notes that Minute 169 of the Cabinet meeting of October 15th 2009 Area Appraisal and Strategic Acquisitions, Belmont, Birkenhead, has already set in motion the action requested in the Notice of Motion and that acquisition of the relevant properties is already well under way and should be completed within the next month or so, thereby rendering the current Notice of Motion unnecessary.
- (2) Council expresses its amazement that a member of the Cabinet which took that initial decision, and a councillor for the neighbouring ward, should be unaware of the progress already made under a Labour Cabinet Member for Housing, and can only conclude that either the item passed him by, or that he has raised it again for purely electoral purposes in order to claim credit for action already taken in a desperate attempt to bolster the Liberal Democrats' faltering chances in the next election, which he knows full well are already damaged by the coalition with the Conservatives nationally and locally.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

The amendment was put and lost (21:41) (One abstention).

The motion was put and carried unanimously.

**Resolved – Council requests the relevant Cabinet Members and officers to investigate the possible consolidation of waste land in the Oxtan Road / Balls Road East area of Birkenhead, including the use of Compulsory Purchase Orders and then subsequent marketing for family housing development in the area and to report on progress to a future appropriate meeting.**

29 **MOTION: HUNG, SHOT OR GUILLOTINED**

Proposed by Councillor Brian Kenny  
Seconded by Councillor Adrian Jones

This Council condemns the utter hypocrisy of the Conservative Liberal Democrat Alliance nationally and locally, which has initiated the most savage round of public sector cuts since the 1930s and then seeks ways of devolving the decisions on these cuts away from itself, both nationally and locally, either through a massive, tax payer funded, "consultation" exercise or by the new doctrine of "localism", devolving decision making down to a very local level, as far away as possible from the real decision takers.

Council believes that:

- (1)** The people of Wirral and the employees of the Council are, in reality, being asked to decide whether they wish to be hung, shot or guillotined. Whichever choice they make, they will undoubtedly be blamed for their own death.
- (2)** Devolving power under the new doctrine of localism will turn out to be the classic Tory scam, (camouflaged in warm words about local democracy and involvement), of passing the buck while cutting the money available to do anything useful.
- (3)** The local consultation exercise, as currently mounted, will only serve to delay urgent decision making which, in turn, will mean cuts have to be even more savage as time runs out to have decisions taken and implemented by April 1st, leading to only part year savings or the use of balances which both leave a hole in the next year's budget, and also have to be replaced, doubling the impact.
- (4)** Any form of meaningful consultation would mean producing carefully costed and detailed options for saving and budget setting and giving the public the opportunity to choose between those costed options. Anything less is simply a cover to shift blame onto the public for the decisions that are taken, and even that still leaves the public and staff implicated in taking decisions against their own interests.
- (5)** The first victims of the Tory scam are the Liberal Democrats who have been lured into an alliance with promises of greater local involvement and democracy, only to find out that this cherished policy will go the way of the campaign against VAT increases, and prove to be just another cover for Tory ruthlessness which will hurt the poorest most, devastate the people of Wirral, and ultimately benefit the wealthy in the Tory heartlands of the South East, all in an ideological drive to reduce the size and influence of the State sector.

(With the permission of the Council, an amendment submitted by Councillor Green was withdrawn.)

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

The motion was put and lost (21:41) (One abstention).

30 **OBJECTION: MINUTE 50 (CABINET - 24 JUNE, 2010) - REVIEWS OF LOCAL GOVERNANCE ARRANGEMENTS AND COMBATING ANTI-SOCIAL BEHAVIOUR**

Moved by Councillor Steve Foulkes  
Seconded by Councillor Phil Davies

This Council expresses deep concern about the Constitutional and democratic implications of Cabinet Minute 50 and believes that in setting up the first two Commissions the Cabinet has paid scant regard to the current Constitution of the Council.

Council notes that:

- The Commission is not a sub committee of Cabinet, as it comprises one member from each party.
- The Commission is not a sub committee of any Overview and Scrutiny Committee, although the subject matter clearly comes under a relevant Scrutiny Committee and could have been referred to Scrutiny for examination and a report back to Cabinet.
- There is no clear division between the Executive and Scrutiny Function.
- There is a potential for real confusion and overlap between the role of the Commission and the role of Scrutiny. For example, the Children and Young People's Overview and Scrutiny already has a review of Sure Start and under 5's as part of its work programme.
- Three people, outside any normal accountability structure, will in fact be conducting a wide consultation and advising the Cabinet on issues of local governance which will have huge financial and constitutional consequences, with any subsequent Cabinet decisions likely to require major changes across the Council's Constitution.
- This is a clear vote of no confidence in the Scrutiny Chairs of all parties who would normally be expecting to carry out this kind of work.
- The consequence is there will be no clear structural audit or minute trail which sets out how the advice in the final report to Cabinet was reached.
- This could be seen as a preliminary move back to the old committee system preferred by the Conservatives, but not yet allowed for in law, disguised for the time being as a working party without decision making powers (but with considerable influence on the Executive.)

For all these reasons, Council refers Minute 50 back to the Cabinet for further detailed consideration.

Having applied the guillotine in accordance with Standing Order 7(8) the Council did not debate this matter.

The objection was put and lost (21:41) (One abstention).

31 **VACANCIES**

The Council was requested to deal with the following appointments:

## **COUNCIL COMMITTEES**

- **Licensing Act 2003 Committee**

Councillor Sue Taylor's appointment as Chair, in accordance with the wishes of the Committee (minute 3 (25/5/10) refers) be ratified.

Councillor Alan Brighthouse to replace Councillor Pat Williams

## **OUTSIDE BODIES**

- **Housing and Community Safety**

  - **Wirral Partnership Homes Board**

  - Councillor Stuart Whittingham to replace Councillor Brian Kenny

- **Regeneration and Planning Strategy**

  - **Liverpool City Region Boards**

  - Environment and Waste Board - Councillor Gill Gardiner

  - Employment and Skills Board - Councillor Andrew Hodson

  - Housing and Spatial Planning Board - Councillor Chris Blakeley

  - **Mersey Maritime Group Ltd,**

  - Councillors Lesley Rennie and Gill Gardiner

- **Social Care and Inclusion**

  - **Wirral University Teaching Hospital Foundation Trust – Governors**

  - Councillor J Green

  - Councillor C Meaden Appointed for 3 years until 16 September 2013

  - Councillor R Moon

Note: Council confirms that Councillor Elderton be the Authority's sole representative on the **Egerton House Trust Board**.

**Resolved – That the appointments be approved.**

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## CABINET REFERRALS TO COUNCIL

### Minute 68 (22/7/210) AREA BASED GRANTS

The Deputy Chief Executive/Director of Corporate Services presented a report setting out (1) the current position on area based grant across the Council, (2) recommendations where the recently announced Government reductions in area based grant for 2010/11 should be made and the implications of these (3) seeking Members views on the allocation of the remaining area based grant for 2010/11 and (4) advising on the approach to be considered for future funding allocations.

#### Resolved: That:

(1) Cabinet agrees the ABG reductions in 2010/11 of £3,927,000 as set out below:

Source	Amount
Uncommitted ABG with no or low impact to services (not frontline)	£1,837,000
Uncommitted ABG with medium impact to services (not frontline)	£1,073,000
Working Neighbourhood Fund	£1,017,000
<b>Total</b>	<b>£3,927,000</b>

(2) A review of all future ABG funding is undertaken as set out in paragraph 5.2 of this report.

### Minute 77 (22/7/2010) LEASOWE LEISURE CENTRE

The Director of Law, HR and Asset Management reported upon the progress of discussions with Arena Housing Group Ltd for the transfer of Leasowe Recreation Centre, and sought instructions on the future arrangements for the centre.

#### Resolved: That:

- (1) the position in respect of discussions with Arena Housing Group Ltd, be noted;
- (2) budgetary provision be reinstated for the continued operation of Leasowe Recreation Centre within the Council's core leisure offer; and
- (3) the Director of Technical Services be instructed to undertake an initial review of arrangements for future provision of swimming and indoor leisure.

### 60 Minute 82 (22/7/2010) SCHOOLS CAPITAL PROGRAMME 2010/11

The Director of Children's Services presented a report providing a summary of the capital funding available to his department from local and national initiatives and

programmes, and setting out a draft programme of works in 2010/11 for consideration and approval by Cabinet.

**Resolved: That**

- (1) the draft 2010/11 departmental Capital Programme be approved;**
- (2) the various grant and local capital funding sources be noted;**
- (3) individual schemes be the subject of further option reports and scheme and estimate reports, where applicable; and**
- (4) a further report on capital investment be brought to Cabinet when the outcome of the 2011-15 Comprehensive Spending Review and the national review of capital investment in schools is known, in Autumn 2010.**

**Minute 85 (22/7/2010) WIRRAL'S REVISED HOUSING INVESTMENT PROGRAMME 2010/11**

The Deputy Chief Executive/Director of Corporate Services presented a report seeking approval to Wirral's Revised Housing Investment Programme 2010/11, subject to confirmation of anticipated funding reductions to the HMRI Programme.

**Resolved:**

- (1) That Cabinet agree the revised Housing Investment Programme for 2010/11, summarised in the table below and detailed in Appendix II, subject to confirmation of anticipated funding reductions to the HMRI Programme,**

<b><u>Funding to be allocated</u></b>	<b><u>£,000</u></b>
<b>Birkenhead Clearance</b>	<b>4,357</b>
<b>Rock Ferry Clearance</b>	<b>430</b>
<b>Tranmere Clearance</b>	<b>800</b>
<b>Wallasey Clearance</b>	<b>925</b>
<b>Private Sector Home Improvements</b>	<b>4,431</b>
<b>Environmental Improvements</b>	<b>30</b>
<b>Living Through Change</b>	<b>583</b>
<b>Staffing and Resources</b>	<b>1,727</b>
<b>Homemovers Service</b>	<b>260</b>
<b>Relocation Loans</b>	<b>520</b>
<b>Shared Equity Schemes</b>	<b>600</b>

- (2) That a further report on HMRI funding be brought to the next meeting of the Cabinet.**

## **Minute 89 (22/7/2010) LOCAL DEVELOPMENT FRAMEWORK - CORE STRATEGY - PREFERRED OPTIONS**

Further to minute 200 (26/11/09) the Deputy Chief Executive/ Director of Corporate Services presented a report seeking approval to the policy direction contained within the draft Preferred Options Report, including the principle of establishing a new city neighbourhood at the heart of the older urban areas in Birkenhead, as the basis for the preparation of a final Preferred Options Report and the accompanying documents listed under paragraph 6.9 of the report, with a view to undertaking public consultation on the Preferred Options in the Autumn. It recommended that the Council's Sustainability Appraisal Panel should be involved in the preparation of the statutory Sustainability Appraisal of the Preferred Options; that the remaining evidence base studies for housing land; housing needs; affordable housing; and renewable energy are reported to Cabinet before being formally included within the final Preferred Options Report; and that the remaining evidence base studies including the Wirral Open Space Assessment are published for public consultation alongside the Preferred Options Report.

### **Resolved: That**

- (1) the draft Preferred Options Report attached to this report be approved as the basis for preparing a final Preferred Options Report for public consultation, in further consultation with Council Departments;**
- (2) the principle of establishing a new city neighbourhood at the heart of the older urban areas in Birkenhead be supported;**
- (3) the final Preferred Options Report and its accompanying documents be reported to Cabinet before being submitted to Council for approval for public consultation;**
- (4) the Sustainability Appraisal Panel be involved in the preparation of the Sustainability Appraisal to accompany the Preferred Options Report;**
- (5) the findings of the evidence base studies still to be completed be reported to Cabinet before inclusion in the final Preferred Options Report;**
- (6) the Interim Planning Policy for New Housing Development be retained; and**
- (7) an annual average housing requirement figure of 250 net additional dwellings be applied in the period until the Core Strategy is adopted.**

**Minute 93 (22/7/2010) REDUCTION IN LOCAL TRANSPORT PLAN GRANT 2010/11**

Further to minute 52 (24/6/10) the Director of Technical Services presented a report setting out a revised Local Transport Plan (LTP) Capital Programme for Wirral based on the announced savings to the Integrated Transport Block and the funding for bridge strengthening on the Primary Route Network. He reported that the effect of these savings on the programme had been mitigated through the value engineering of schemes and the competitive rates via the Highway and Engineering Services contract with Colas.

**Resolved: That**

- (1) the revised LTP Capital Programme be approved; and**
- (2) the Director of Technical Services be authorized to select suitable alternative schemes within each of the LTP blocks from the relevant reserve list of schemes, in consultation with the Cabinet Member and Overview and Scrutiny Committee Spokespersons, if in the event that it should prove impractical to proceed with an approved scheme or unallocated finance becomes available.**

**Minute 121 (2/9/2010) LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

A report by the Deputy Chief Executive/Director of Corporate Services informed Members of the findings of the Strategic Housing Land Availability Assessment (SHLAA) produced by Roger Tym and Partners (RTP) on behalf of the Council as part of the evidence base for the Local Development Framework for Wirral to meet the requirements of national policy.

Members were informed that the SHLAA was a technical background document required to consider all available sites in the Borough that may be suitable to deliver new housing development. It would be used to inform the Council's future development strategy and the future allocation of housing land. The inclusion of a site in the SHLAA was not a Council endorsement of its future development and did not prejudice decisions to be taken by the Council in relation to preferred directions of growth in the Core Strategy, site identification in site-specific Development Plan Documents or the determination of individual planning applications.

**RESOLVED: That**

- (1) the findings of the Strategic Housing Land Availability Assessment attached to this report be used to inform the content of the emerging Core Strategy Development Plan Document;**
- (2) the Strategic Housing Land Availability Assessment Report and Appendices attached to the report be published for public consultation alongside the Core Strategy Preferred Options Report; and**

- (3) Cabinet recommends to Council that the Strategic Housing Land Availability Assessment be approved as a material consideration for use by Planning Committee in the determination of planning applications.**

**Minute 143 (23/9/2010) LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - CORE STRATEGY DEVELOPMENT PLAN DOCUMENT - PUBLIC CONSULTATION ON PREFERRED OPTIONS**

A report by the Interim Director of Corporate Services advised that the Council was preparing a Core Strategy Development Plan Document. The Core Strategy was a statutory document that would set the local policy context for the determination of planning applications and for major regeneration schemes such as Housing Market Renewal and Wirral Waters and for setting policies for housing, employment, open space and other matters. The Core Strategy would replace parts of the Unitary Development Plan adopted in February 2000, which no longer fully reflected the Council's more recent aspirations.

The Cabinet had approved the preparation of a Preferred Options Report for public consultation in July 2010 (Cabinet, 22 July 2010, Minute 89 refers). The report recommended the Cabinet to recommend to Council that the draft Preferred Options Report appended to the report and its associated accompanying documents be now published for public consultation.

**RESOLVED:**

**Council be recommended to approve for public consultation the draft Preferred Options Report attached to the report and the accompanying documents in the on-line library.**

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STANDARDS COMMITTEE – 29 SEPTEMBER 2010

REFERRAL TO COUNCIL

9. APPOINTMENT OF VICE-CHAIR

The term of office of the Vice-Chair, Mr Ken Harrison, was due to expire on 31 October, 2010 and the Committee was requested to make a recommendation to Council on the appointment of a Vice-Chair for a four year period commencing on 1 November, 2010.

**Resolved – That this Committee recommend to Council that Mr Ken Harrison be appointed Vice-Chair of the Standards Committee for a four year period commencing on 1 November, 2010.**

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## **EMPLOYMENT AND APPOINTMENTS COMMITTEE - 17 AUGUST 2010**

### **REFERRAL TO COUNCIL**

#### **19. EARLY VOLUNTARY RETIREMENT REQUEST**

The Director of Law, HR and Asset Management submitted a report which sought the Committee's approval for the release of the Chief Executive on 30 September 2010 under the Council's Early Voluntary Retirement ('EVR') scheme. He advised Members that his report had been presented late as it had not been finalised until the day of the meeting. The Chair accepted this and agreed to its consideration by the Committee.

The Head of Human Resources and Organisational Development presented the report and indicated that the requirements for authorisation of EVR for any employee were based upon regard for all the circumstances, including the best interests of the Council and that any additional pension costs to the Council could be contained within existing budgets. She set out the staffing and financial implications set out in the report and referred also to interim management arrangements that were proposed to be put in place. She advised that if the Committee approved the EVR of the Chief Executive, then the M37 Application for Early Retirement Form would be signed by the Director of Law, HR and Asset Management, the Director of Finance and the Head of Human Resources and Organisational Development.

In response to a question from the Leader of the Council, the Director of Finance reported that he had discussed the matter with the District Auditor. The Director had confirmed that the additional pension costs would be met from savings and expressed the view that the proposal would probably meet the Audit Commission's requirements.

On a Motion by Councillor Green and seconded by Councillor Foulkes, it was unanimously –

#### **Resolved –**

**(1) That the Early Voluntary Retirement of the Chief Executive on 30 September 2010, on the terms set out in the report, be approved.**

**(2) That it be a recommendation to the Council that the Deputy Chief Executive be appointed to the position of Interim Chief Executive for up to nine months.**

**(3) That the Head of Strategic Development be appointed to the post of Interim Director of Corporate Services with effect from 10 September 2010, for up to nine months.**

**(4) That the thanks and best wishes of the Committee be accorded to Stephen Maddox in recognition of his contribution to Wirral as Chief Executive for 12 years, with 35 years continuous service in local government.**

## **EMPLOYMENT AND APPOINTMENTS COMMITTEE – 16 SEPTEMBER 2010**

### **REFERRALS TO COUNCIL**

#### **25. DELEGATION OF AUTHORITY FOR CHANGES TO STAFFING STRUCTURE (UP TO AND INCLUDING SPINAL COLUMN POINT 49)**

The Director of Law, HR and Asset Management submitted a report which sought approval to grant delegated authority to Chief Officers for any changes to the Council's staffing structure, including creation and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 (grade PO14). This would amend the current procedure whereby changes to the staffing structure, including the creation and deletion of posts at any level, were submitted to Employment and Appointments Committee for approval.

The proposed new procedure for the creation, deletion or amendment of posts, would include authorisation from:

- Chief Officer (relevant department)
- Director of Finance
- Head of HR/OD

For proposed changes to the staffing structure to be implemented, authorisation must be obtained from all three Officers. This process would provide a consistent approach and ensure that the Council's staffing structure continued to be closely managed and provide a robust process for monitoring costs which was critical in the current challenging economic environment.

It was also proposed that should this new procedure be adopted, all vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.

The Leader of the Labour Group expressed grave concerns that the proposed new procedure would exclude elected Members from some re-structuring of departments.

The Leader of the Council suggested that it would be useful to have regular monitoring reports.

It was moved by Councillor Green and seconded by Councillor Mrs L Rennie, that –

“(1) This Committee recommends Council approve the procedure to grant delegated authority to Chief Officers for any changes to the Council's staffing structure, including creation, amendment and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 and to revise the Scheme of Delegation

accordingly, with immediate effect, and that regular monitoring reports be brought to this Committee.

(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.”

It was moved as an amendment by Councillor P Davies and seconded by Councillor S Foulkes, that –

“(1) This Committee rejects the recommendation, 15.1 in the report, as it will reduce the ability of elected Members to influence decisions on staffing restructures and therefore agrees to retain the status quo.

(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.”

The amendment was put and lost (3:5).

The motion was put and carried (5:3).

**Resolved (5:3) –**

**(1) This Committee recommends Council approve the procedure to grant delegated authority to Chief Officers for any changes to the Council’s staffing structure, including creation, amendment and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 and to revise the Scheme of Delegation accordingly, with immediate effect, and that regular monitoring reports be brought to this Committee.**

**(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.**

## **28. APPEALS SUB-COMMITTEE**

Further to minute 10 (17/6/10), the Director of Law, HR and Asset Management submitted a report upon the possibility of having a pooled membership for the Appeals Sub-Committee. If the Committee were mindful to appoint a pool of Members, it would need to be politically proportionate, the current number of members and deputies, 21, would be in the ratio 8:8:5 (Conservative: Labour: Liberal Democrat). With a pooled membership there could be occasions when the Sub-Committee would not be politically proportionate, therefore the appointment of a pool would need to be approved by Council with no Members voting against.

To ensure a consistency of approach from the membership pool, it was recommended that all Members of the pool undertake training. Whilst it was recognised that some Members had considerable experience of hearing appeals, it

was timely to undertake further development to share skills and knowledge and update Members on recent employment case law.

**Resolved –**

**(1) That this Committee recommends to Council the appointment of a pool of 21 Members in the ratio 8:8:3, from which an Appeals Sub-Committee of 3 Members will be drawn as and when required, with the Chair being appointed at each meeting, for the current municipal year 2010/11.**

**(2) That training for Elected Members undertaking appeals takes place, as a matter of good practice, to support Committee's decision.**

WIRRAL COUNCIL

COUNCIL: 18 OCTOBER 2010

REPORT OF THE DIRECTOR LAW, HR AND ASSET MANAGEMENT

**APPOINTMENT OF INTERIM CHIEF EXECUTIVE, APPOINTMENT OF RETURNING OFFICER AND AMENDMENTS TO THE SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS**

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**Executive Summary**

The purpose of this report is to:

- refer to Council the recommendation of the Employment and Appointments Committee on 17 August 2010 that the Deputy Chief Executive be appointed to the position of Interim Chief Executive for up to nine months;
- invite Council to appoint a Chief Officer, subject to any necessary consultation, to the posts of Returning Officer and Electoral Registration Officer; and
- seek approval of the amended Scheme of Delegation of Functions to Officers (Part 3, Schedule 4 of the Council's Constitution) reflecting the above matters and the re-organisation of the former Regeneration Department as set out at Appendix 1.

**1 Background**

- 1.1 Council will be aware that the Director of Regeneration retired on 31 March 2010 and interim management arrangements for the various service divisions within the Department of Regeneration were implemented.
- 1.2 Staff consultation has been undertaken on a proposal which made permanent the temporary reassignment of all the functions undertaken by the:
- I. Housing and Regeneration Division to the Department of Corporate Services;
  - II. Regulation Division to the Department of Law, HR and Asset Management; and
  - III. Cultural Services Division (with the exception of the Library service) to the Department of Technical Services.
- 1.3 The consultation with staff also included a proposal for the Library Service to be reassigned permanently to the Department of Finance and all asset management responsibilities relating to the built assets of the Council's Leisure Estate to be reassigned permanently to the Department of Law, HR and Asset Management.

- 1.4 There were no significant issues identified following the consultation and on 23 September 2010 Cabinet resolved to make permanent the arrangements described in paragraphs 1.2 and 1.3 above.
- 1.5 On 17 August 2010, the Council's Employment and Appointments Committee acceded to a request made by Steve Maddox, the then Chief Executive of the Council, for early retirement. Steve Maddox retired on 30 September 2010.
- 1.6 Under the Council's Constitution, the holder of the post of Chief Executive is also the Council's Head of Paid Service as defined by the Local Government and Housing Act 1989, section 4.
- 1.7 On 17 August 2010, the Council's Employment and Appointments Committee also resolved to recommend to Council the appointment of the Council's Deputy Chief Executive, Jim Wilkie, as Interim Chief Executive for up to nine months.

## **2 Proposals**

### **2.1 Interim Chief Executive**

- 2.2 Under the Local Government and Housing Act 1989, section 4, the Council has a legal obligation to appoint an officer of the Council as its Head of Paid Service. Under the Council's Constitution (Part 3, Schedule 4, Paragraph 36(1)) this role and its functions are undertaken by the Council's Chief Executive.
- 2.3 Following the retirement of Steve Maddox on 30 September 2010, the Council must appoint an officer of the Council to the post of Head of Paid Service.
- 2.4 This appointment has been considered by the Council's Employment and Appointments Committee on 17 August 2010 and Council is now invited to approve the recommendation of the Committee and formally appoint the Council's Deputy Chief Executive, Jim Wilkie, as interim Chief Executive for a period of up to nine months.
- 2.5 As reported to Employment and Appointments Committee on 17 August 2010, it is not proposed that any officer will be appointed to the post of Deputy Chief Executive.
- 2.6 **Appointment to the post of Returning Officer and Electoral registration Officer**
- 2.7 Under the Representation of People Act 1983, sections 8 and 35, the Council has a legal obligation to appoint an Electoral Registration Officer and Returning Officer.

2.8 Under the Council's current Scheme of Delegation of Functions to Officers, the posts of Returning Officer and Electoral Registration Officer are undertaken by the Chief Executive (Part 3, Schedule 4, Paragraph 36(32)). The Council is accordingly invited to appoint a Chief Officer to these posts, subject to the outcome of any consultation with the relevant Chief Officer.

2.9 *Amendments to the Scheme of Delegation of Function to Officers*

2.10 As a result of making permanent the temporary assignments and reassignment of services and functions referred to in paragraph 1.4 above, the Council's Scheme of Delegation of Functions to Officers needs be amended to take account of the permanent reassignment of functions and be duly approved by Council.

2.11 Additional amendments have also been made to the Scheme of Delegation of Functions to Officers of a minor nature in the interests of greater clarity and efficacy of service delivery.

2.12 The Scheme of Delegation forms part of the Council's Constitution and any amendment or variation can only take effect providing Council has approved the same.

2.13 The amended Scheme of Delegation of Functions to Officers is set out Appendix 1 to this report and Council is invited to approve the amendments that have been made.

## **5 Financial Implications**

5.1 It was reported to Employment and Appointments Committee on 17 August 2010 that the retirement of Mr Maddox and the resulting interim arrangements articulated in the report will result in a saving of approximately £50k. Further interim arrangements are likely to be considered by the Cabinet on 14 October and, if approved, are likely to reduce the overall saving to approximately £14k.

## **6 Staffing Implications**

6.1 The appointment of an officer to the posts of Returning Officer and Electoral Registrations Officer will be subject to the outcome of any consultation with the officer involved.

## **7 Equal Opportunities Implications/Health Impact Assessment**

7.1 There are no such implications arising.

## **8 Community Safety Implications**

8.1 There are no such implications arising.

**9 Local Agenda 21 Implications**

9.1 There are no such implications arising.

**10 Planning Implications**

10.1 There are no such implications arising.

**11 Anti Poverty Implications**

11.1 There are no such implications arising.

**12 Social Inclusion Implications**

12.1 There are no such implications arising.

**13 Local Member Support Implications**

13.1 There are no such implications arising.

**14 Background Papers**

14.1 None

**15 Recommendations**

15.1 That Council:

- a. considers the recommendation of the Employment and Appointments Committee made on 17 August 2010 and duly appoints the Deputy Chief Executive, Jim Wilkie, , as interim Chief Executive of the Council for up to nine months, with immediate effect
- b. Approves the amended Scheme of Delegation of Functions to Officers set out at Appendix 1 to this report which shall take effect immediately.
- c. Appoints, subject to the outcome of any consultation, a Chief Officer to the posts of Returning Officer and Electoral Registration Officer for the Council and that the Scheme of Delegation of Functions to Officers be further amended to reflect this appointment.

**BILL NORMAN**  
**Director of Law, HR and Asset Management**



## **PART 3**

### **SCHEDULE 4**

#### **SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS**

1. The following functions are delegated to the officers described below by the Council, pursuant to Section 101 of the Local Government Act 1972 and by the Executive under Section 15 of the Local Government Act 2000.
2. The officers listed below or any successor subsequent to any re-organisation and any officers acting in their place under paragraphs 3 and 14 are authorised to exercise the powers of the Council (both Executive and non-Executive functions) relating to their areas of responsibility as set out in [Part 7](#) of this Constitution including professional and managerial functions relating to his/her service subject to the limitations and reservations of this Scheme
  - Chief Executive
  - Director of Corporate Services
  - Director of Children's Services
  - Director of Finance
  - Director of Adult Social Services
  - Director of Technical Services
  - Director of Law, HR and Asset Management
3. (a) Unless otherwise provided for within this scheme every officer listed in paragraph 2, may authorise officers in his/her department/service area to exercise on his/her behalf, functions delegated to him/her. Any decisions taken under this authority shall remain the responsibility of the relevant officer named in paragraph 2 above and must be taken in the name of that officer, who shall remain accountable and responsible for such decisions.  
  
(b) In addition, the Council is required to designate specific officers to posts recognised by statute, namely a Chief Inspector of Weights and Measures, who shall be the holder of the post of Trading Standards Manager (Department of Regeneration), a Traffic Manager, who shall be the holder of the post of Head of Streetscene and Waste (Department of Technical Services) and Scrutiny Officer, who shall be the Head of Legal and Member Services.
4. The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff and incidental legislation.
5. The Constitution includes power for the Executive and committees to delegate their functions onwards to officers or to other local authorities and is in addition to any other general scheme made by the Council which does not conflict with it.

6. The Scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and Section 15 of the Local Government Act 2000 and all other enabling powers.
7. Functions of the Council are divided between:
  - (a) Executive functions, which are all those functions of the Council which are not non-Executive functions, and
  - (b) non-Executive functions, which are those functions listed in the Scheme together with any other functions that are required by statute or regulations to be non-Executive functions or local choice functions that the Council decides will be non-Executive functions and in exercise with statutory discretion.
8. Any exercise of responsibility of functions or delegated powers shall comply with:
  - (a) any statutory obligations, duties and restrictions;
  - (b) the Council's Constitution, policies and protocols;
  - (c) the Council's [Budget and Policy Framework](#);
  - (d) [Members' Code of Conduct](#) and the [Code of Conduct for employees](#);
  - (e) the Code of Recommended Practice on local authority publicity;
  - (f) agreed arrangements for recording the decisions;
  - (g) the need to take legal or other appropriate professional advice when required;
  - (h) the need to have regard to the principles of Best Value and to use the most efficient and effective means available.
9. The Scheme does not delegate to officers any matter that:
  - (a) is reserved by law or by this Constitution to the full Council or
  - (b) may not by law be delegated to an officer.
10. The Scheme places an obligation on officers to keep members properly informed of action arising under these delegations and to record decisions.
11. It should always be open to the Cabinet or any committee of the Council, as appropriate, to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
12. Any decision taken under delegated powers shall be within the Council's [Budget and Policy Framework](#) and be in accordance with the Council's Standing Orders. Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget and compliance with financial regulations.

13. The Council and the Cabinet will review from time to time, as may be necessary, the general operation of the approved delegated arrangements, with any variations or amendments requiring the approval of the Council.
14. In the event of a Chief Officer referred to in paragraph 2 not being available for whatever reason, his/her Deputy (or, where there is no officer designated as such, the next most appropriate senior officer of the department) shall be authorised to implement approved delegated arrangements.
15. Should the title of a Chief Officer be altered from that shown owing to a re-organisation of departmental arrangements or for any other reason, the approved delegated arrangements shall be exercisable by the appropriate Chief Officer, as the case may be, responsible for the function in question.
16. Any reference to a committee shall be deemed to include a reference to any other committee to which the Council may from time to time delegate the performance of the function referred to.
17. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulation, orders or schemes made thereunder.

### **Consultation**

18. In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given.
19. Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive, that officer shall consult and liaise closely with the appropriate Cabinet member(s) or the committee chair and vice-chair before exercising the delegated powers.
20. It shall always be open to an officer to consult a Cabinet member, a committee, or its chair or vice-chair before exercising the delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet or a committee for decision.
21. The normal requirements for consultation with local members on matters affecting their wards, as set out in the Member/Officer Protocol, will also be adhered to.

### **Limits on Delegated Arrangements**

22. Officers may not exercise any of the functions reserved by this Scheme to the Council, the Cabinet or any committee of the Council. Nor may officers:
  - (a) change approved policies or strategies;
  - (b) create new policies or strategies;
  - (c) take decisions on the withdrawal or modification of public services;
  - (d) decide on significant new powers or duties arising from new legislation;

- (e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have a significant impact upon services;
- (f) declare land or property surplus to requirements.

### **Authorisation and Emergency Powers**

23. By this Scheme and subject to the limitations and reservations herein, the Council delegates and authorises the officers identified in paragraph 2 above and any officers acting in their place under paragraphs 3 and 14:

- (a) to exercise the powers specified;
- (b) to exercise any of the Council's functions in an emergency; and

authorises any other officers identified under arrangements made by the Council or Cabinet or any committee pursuant to section 101 (2) of the Local Government Act 1972 or section 15 the Local Government Act 2000 to exercise the powers specified in relation to the appropriate officers in those arrangements.

### **Financial Powers**

- 24. Any decision taken under this Scheme must be made within the approved revenue and capital budgets, subject to any discretion allowed by the [Financial Procedure Rules](#).
- 25. Acceptance of quotations and tenders must be in accordance with the [Contracts Procedure Rules](#).
- 26. Chief Officers may increase individual prices for Council services and facilities annually in line with RPI.

### **Legal Powers**

- 27. Subject to any limitations set out in other provisions of this Scheme, officers are authorised to institute, appear in, prosecute and defend on behalf of the Council proceedings before a magistrates Court or similar tribunal of first instance where the matters fall within the remit of their departments. Officers are not so authorised in relation to any other legal proceedings. Such powers are delegated to the Director of Law, HR and Asset Management, who has general authority to institute, appear in, prosecute, defend any legal proceedings whatsoever on behalf of the Council including the power, notwithstanding any limitations contained within this scheme, to authorise and require any Council employee agent or representative to undertake such tasks, duties and responsibilities in respect of any Council policy, procedure, litigation or legal matter as may be considered necessary and expedient to protect or otherwise further the interests and or position of the Council.

### **Personnel and Staffing Powers**

- 28. Without prejudice to the Officer Employment Procedure Rules, Chief Officers have the power to appoint, dismiss or transfer staff, or take any other action with regard to the employment of staff in accordance with the Employment Procedure Rules and the Scheme of Delegation to the Chief Executive.

## Land and Property

29. Officers may give written notice of the proposed development of land for the purposes of their service in accordance with the Town and Country Planning General Regulations 1976, provided that the project for which development is required has been included in the approved capital budget.
30. Officers may authorise employees of the Council to enter any land for the purposes of any statutory power of the Council.
31. Officers have authority to grant easements, way-leaves and licences to statutory undertakers and other bodies providing public services.

## Contracts

32. Officers are authorised to accept tenders and enter contracts for goods and services including agreeing price variations subject to the Financial Procedure Rules and subject to any threshold set down in the Contract Procedure Rules.

## Procurement Rules

33. Officers may use the central purchasing facilities of other local authorities or government agencies when, in their opinion, it is in the interests of the Council to do so.

## General

34. Officers are authorised to:
  - (a) approve *ex gratia* payments to staff up to £750 per incident (subject to consultation with the Director of Law, HR and Asset Management;
  - (b) approve *ex gratia* payments for replacement of stolen tools subject to the maximum provision in the conditions of service;
  - (c) write off debts or inventories up to £1,000 (in consultation with the Director of Finance);
  - (d) in cases of urgency, and after consultation with the relevant Cabinet member, approve and support Objective 1 schemes within the scope of their department subject to a subsequent report to Cabinet;
  - (e) settle complaints of maladministration, after consultation with the Director of Finance and the Director of Law, HR and Asset Management, by making compensation payments up to a maximum of £1,000 in any one case.
  - (f), settle complaints of maladministration, after consultation with the Chair of the Standards Committee, the Director of Finance and the Director of Law, HR and Asset Management, by making compensation payments between £1001 and £5,000 in any one case. (Cases over £5,000 are dealt with by the Standards Committee - see [Article 9](#) in Part 2).

## 35. Specific Powers Delegated to Officers

For the avoidance of doubt and without prejudice to the generality of paragraph 23, the following powers are delegated to the officers referred to below.

### 36. Chief Executive

*The Chief Executive is authorised to:*

- (1) Exercise the functions of the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role the general management of the Authority.
- (2) Exercise the powers of the Council under Section 138 of the Local Government Act 1972 in the event of an emergency disaster.
- (3) Make any necessary appointments to fill casual vacancies that may arise on committees, boards and outside bodies carrying out or relating to non-executive functions, in accordance with the wishes of political groups.
- (4) Implement decisions of negotiating bodies relating to conditions of service (in consultation with the Director of Finance in the case of wage awards) except where national awards have significant financial implications.
- (5) Exercise the powers delegated to any officer when that officer is unable or unwilling to act.
- (6) In the event of a conflict in the provision of the Constitution the Chief Executive will have power to act and determine the conflict.
- (7) Implement self-financing incentive bonus and productivity schemes cleared by the North West Provincial Council.
- (8) Approve subsistence payments above nationally agreed rates (after consulting the party Leaders) to elected members and Council officers travelling abroad on Council business.
- (9)
  - (a) Re-allocate on a temporary basis following any change to the Council's Chief Officer Structure, any function(s) and powers delegated to a Chief Officer under this scheme to another Chief Officer(s) providing it is lawful and necessary to ensure the effective and timely delivery and discharge of that function(s).
  - (b) Any re-allocation of functions under this paragraph shall continue until Council amends or varies this scheme or in default for a period not exceeding nine months in duration;
  - (c) All officers exercising, discharging and or undertaking powers, responsibilities and duties falling within the remit and scope of any re-allocated function(s) under this paragraph shall, on a temporary basis and providing it is lawful and necessary to ensure the effective and timely delivery and discharge of that re-allocated function(s), fall temporarily within the management control of the relevant Chief Officer to whom the function(s) has been re-allocated.

*on the advice or recommendation of, or after consultation with the appropriate Chief Officers, and subject to the appropriate conditions of*

*service -*

- (9) Approve amendments to organisational structures (except those covered by the JNC for Chief Executives and Chief Officers) in accordance with national grading criteria, provided resources are available within the workforce budget and the changes involve no overall increase in staffing costs.
- (10) Implement, after consultation with the recognised trade unions, measures designed to promote recruitment and retention of staff (to be financed by way of virement within and between existing workforce budgets).
- (11) Authorise employees' attendance at courses leading to appropriate qualifications (including second attempts).
- (12) Withdraw post-entry training facilities in appropriate circumstances and require the refund of any financial assistance granted.
- (13) Authorise the attendance of employees at courses not exceeding three weeks' duration.
- (14) Authorise temporary variations in a department's establishment by the creation of posts to be held against unfilled vacant posts of a similar nature, provided the maximum salaries of the new posts are not more than those of the unfilled posts.
- (15) Authorise additional increments to officers on the grounds of special merit or ability.
- (16) Authorise the payment of honoraria to officers temporarily undertaking additional duties.
- (17) Approve requests by employees to undertake outside employment, provided the departmental Chief Officer is satisfied that no conflict of interest will arise.
- (18) Authorise the use of private cars and classify users as "casual" or "essential" in accordance with the Council's scheme.
- (19) Authorise loans (in consultation with the Director of Finance) in accordance with the Council's assisted car purchase scheme.
- (20) Authorise payment of private telephone charges in accordance with the Council's scheme.
- (21) Authorise (in consultation with the Director of Finance) payment of pensions, gratuities, grants, etc, in accordance with the Superannuation Acts and Regulations or the Council's policy.
- (22) Terminate the employment of junior entrants during or at the end of their probationary periods on the grounds of unsuitability.
- (23) Authorise, on independent advice, early retirement on grounds of ill-

health.

- (24) Grant additional leave of absence with pay (with no limit on the number of days) after consulting the Chair or Vice-Chair of the Employment and Appointments Committee.
- (25) Approve special leave of absence without pay for a period not exceeding six months where, it is considered to be justified by the circumstances of the individual case.
- (26) Authorise, in respect of employees appointed to posts where accommodation is provided under the terms of the appointment, payment of any difference between present rent and travel costs (at public transport rates, and only if incurred) and the rent (if any) applicable to the "tied" property from the date upon which the employee commences duty until the employee is housed in the "tied" accommodation.
- (27) Authorise leave of absence with pay to Unison delegates attending national conferences.
- (28) Authorise additional paid leave (up to five working days) in special circumstances related to the illness or death of a near relative.
- (29) Award payments of up to £250 under the Council's suggestion scheme, subject to verification by the Director of Finance that the cost of the award will be covered by implementing the suggestion.
- (30) Select applicants for sail training.
- (31) Authorise (in consultation with the Director of Finance) expenditure on hospitality above the prescribed limit in exceptional cases.
- (32)

### **37. Director of Corporate Services**

*In respect of investment and development grants:*

- (1) Approve business development grants up to £5,000 under any of the Council's approved schemes, subject to budgetary provision being available and to a subsequent report to the relevant Overview and Scrutiny committee.
- (2) Approve grants of up to £600 (within approved budgets) to individual credit unions.
- (3) Accept offers of grant made directly by the European Commission (after consulting the Director of Finance and the relevant Cabinet member), subject to a subsequent report to Cabinet and/or the relevant Overview and Scrutiny committee, as appropriate.
- (4) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to



carry out that function.

(5) Approve business support grants up to £20,000 after consulting the Cabinet member for Regeneration and Planning Strategy.

*In respect of housing and related functions:*

- (18) Continue to administer Wirral homes allocation scheme on behalf of partner Registered Social Landlords and administer the Unified Housing Waiting List.
- (19) Undertake all duties and responsibilities, as necessary, in relation to the Council's strategic housing function.
- (20) Issue notices in respect of slum clearance and generally exercise all of the Council's powers and duties relating to the condition, occupation and management of private sector housing (including houses in multiple occupation).
- (21) Exercise the powers and duties of the Council under the Metropolitan Borough of Wirral (Registration of Houses in Multiple Occupation) Control Scheme 1999.
- (22) To make HMO (Houses in Multiple Occupation) Management Orders
- (23) Take all necessary action, in accordance with the Supporting People grant conditions, to ensure that the Council arranges the provision of housing support welfare services to vulnerable client groups within the policy framework contained in the "Supporting People" Strategy and Annual Plan produced by the Commissioning Body.

*In respect of public health matters:*

- (24) Amend the list of Proper Officers to undertake statutory medical or public health functions upon receipt of requests from the Health Protection Agency, subject to the Cabinet being provided with updated lists of Proper Officers on a regular basis.
- (25) Authority to exercise the powers and duties arising under the provisions of The Health Act 2006.

*In respect of grants and regeneration:*

- (26) Allocate grants of up to £500 for minor projects or events within the "Pathways" initiative.
- (27) Authorise expenditure within the approved budget in respect of all Single Regeneration Budget initiatives for general administrative and office expenses, marketing, consultancy and advertising, subject to compliance with the Contract Procedure Rules.
- (28) Serve notices under Section 215 of the Town and Country Planning Act 1990

### **38. Director of Law, HR and Asset Management**

The Director of Law, HR and Asset Management is authorised, *in respect of Personnel matters (and in consultation with the Director of Finance) to:*

- (1) Approve severance payments provided they can be contained within departmental budgets.
- (2) Authorise the early retirement of employees aged between 50 and 58 years without enhancement of pension or benefits, where they are satisfied this would be in the interest of the efficient exercise of the Council's functions.
- (3) Authorise the early retirement of employees aged between 58 and 65 years, with added years enhancement, where they are satisfied this would be in the efficient exercise of the Council's functions.
- (4) Authorise the voluntary early retirement of employees aged between 50 and 59 years on compassionate grounds with no actuarial reduction in pension or benefits, provided all such cases are reported annually to the relevant Overview and Scrutiny committee.
- (5) Approve severance payments in qualifying cases under the Local Government (Discretionary Payment) Regulations.
- (6) Set appropriate rates of interest for loans to employees in connection with Local Agenda 21 policies.

*In respect of Property Management functions:*

- (7) Undertake the day-to-day management of the Council's land and premises including the authorisation of expenditure subject to budgetary control.
- (8) Negotiate and agree a price for the purchase of land or property provided that a detailed estimate of the cost has been approved by Cabinet and the agreed price is within the reported estimate.
- (9) Enter into discussions for the sale of Council owned land.
- (10) Authorise the purchase at market value of land or premises included in compulsory purchase orders made by the Council or its predecessor councils, together with blight/purchase notices accepted by the Council, including the payment of compensation in accordance with relevant legislation, subject to the availability of funding within the Council's capital programme, or from elsewhere.
- (11) Authorise the acquisition, by way of dedication or transfer, of land within development schemes which is required to be provided by the developer for open space or play area purposes subject to being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
- (12) Authorise the grant and renewal of leases, tenancies and agreements of land and premises at current market rentals subject (where appropriate) to the receipt of satisfactory references and planning consent and (as appropriate) the termination thereof.

- (13) Approve the grant of licences of Council land and buildings where the licence is for a period not exceeding five years.
- (14) Approve the review of rents reserved by existing leases and tenancy agreements of Council land and property at current market rental levels.
- (15) Approve assignments of the residue of leases and tenancy agreements and underleases thereof subject to the receipt of satisfactory references.
- (16) Approve (where appropriate at the market value thereof) the modification or release of covenants contained in existing conveyances, leases, agreements and licences subject to compliance with the Council's planning or other policies and to approve the terms of any such modification or release.
- (17) Approve the acceptance of surrenders of leases where there is a financial benefit to the Council.
- (18) Approve the grant of easements, wayleaves, etc. over Council owned land where the annual acknowledgement to be paid does not exceed £1,000, or where a capital payment of up to £10,000 is involved.
- (19) Approve the purchase of or agreements for easements, wayleaves, etc. necessary to fulfil Council requirements where the annual acknowledgement to be paid does not exceed £1,000 or a capital payment of £10,000 and settle subsequent claims where the total in respect of capital payments and claims does not exceed £10,000.
- (20) Approve minor amendments to Executive decisions relating to purchases, leases, sales and contracts.
- (21) Take any action, institute proceedings, to terminate unauthorised encroachment on land or property in the Council's ownership.
- (22) Approve the appointment of professional advisers and/or agents, using any select list currently in force, and to settle any fees or other costs arising therefrom.
- (23) Agree and authorise payments of statutory disturbance claims, home loss claims and payments for the depreciation in the value of land caused by work carried out under statutory powers.
- (24) Agree terms, in consultation with the Director of Corporate Services, and authorise the acquisition of former Council dwellings, provided this involves no financial gain to the owner and the property is required by the Council for letting in accordance with existing policies.
- (25) Agree terms and complete the acquisition at market value of land and buildings located within strategic areas within the Housing Market Renewal Area Initiative area and, in connection with such transactions, pay the vendor's reasonable legal and surveyor's fees (and, where appropriate, home loss and disturbance payments) where the Council's interest would be prejudiced by any delay.

(26) In connection with the implementation of the strategy entitled 'Tackling & Preventing Dereliction in Wirral', once he is satisfied that the power of sale is available to the Council, and in consultation with the Director of Corporate Services, to serve the necessary notices pursuant to the Law of Property Act 1925, draw up and seal deeds poll, register the charges, take possession of and market the properties in an appropriate manner and complete the sale of the properties.

(27) To obtain an individual valuation of properties identified for disposal under the HOUSED scheme, in consultation with the Director of Corporate Services, and subject to any necessary consents, to complete the sales of the properties at market value and, where appropriate, to give a grant of up to 10% of the purchase price to assist persons displaced.

(28) In consultation with the Director of Corporate Services, to enter into agreements with the owners of sites chosen to benefit from the UGLI scheme and to authorise the carrying out of the necessary works.

*In respect of Miscellaneous matters to:*

- (32) Authorise urgent action in relation to trespass after notifying the leader of the Council and Ward Councillors.
- (33) Authorise appropriate officers within his/her department to appear on behalf of the Council on proceedings before a magistrates' court.
- (34) Authorise the use of rooms, including appropriate hire fees, within Wallasey Town Hall.
- (35) Alter the advertised venue of a committee meeting in appropriate circumstances.
- (36) Approve amendments to the Committee calendar after consultation with the leaders of political groups.
- (37) Apply to magistrates' courts for anti-social behaviour orders, or any other orders under the Crime and Disorder Act 1998.
- (38) Authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000.
- (39) Exercise the functions of the Council's chief legal officer.
- (40) Institute or defend on behalf of the Council any legal proceedings whatsoever, or to appear on behalf of the Council in proceedings before the appropriate Court or Tribunal. In doing so, the Head of Legal and Member Services is authorised to take all necessary action in connection with such proceedings, including the power to settle proceedings.
- (41) Authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, committee, or officer acting under delegated powers.
- (42) Act as the Council's Monitoring Officer and Proper Officer
- (43) Determine, in consultation with the Director of Technical Services, applications for Certificates of Lawfulness in relation to existing or proposed uses of

- developments, and serve breach of conditions notices.
- (44) Act as Registrar in connection with all mortgages granted to the Council.
  - (45) Make ex-gratia payments of up to £750 in each case to Council employees or members who suffer loss, damage or injury in the course of their duties .
  - (50) Apply to magistrates' courts for anti-social behaviour orders, or any other orders under the Crime and Disorder Act 1998.
  - (51) Enter into any agreement, contract, admission agreement, order or other documentation necessary to effect the management and administration of the Merseyside Pension Fund
  - (52) In consultation with the Director of Finance, sign any certificate required under the Local Government Contracts Act 1999.

*In respect of trading standards, environmental health and related functions and responsibilities:*

- (1) Subject to paragraph (2) below, take any action under any relevant legislation (and related statutory instruments) including, where relevant (but not limited to), the service of notices, the appointment of persons, the issue of licences and authorisations and the approval of registrations, prior consents and grants; acceptance of statutory notifications; to apply for warrants, to seize and detain goods and documents and carry out test purchases of goods and services relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety matters.

Relevant legislation under this paragraph shall include but is not limited to:

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Agriculture Produce (Grading and Marking) Acts 1928 and 1931  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Health (Amendment) Act 1998  
Animal Health and Welfare Act 1984  
Animal Welfare Act 2006.  
Animals Act 1971  
Breeding of Dogs Acts 1973 and 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984  
Business Names Act 1985  
Business Protection from Misleading Marketing Regulations 2008  
Caravan Sites Act, 1968  
Caravan Sites and Control of Development Act 1960  
Charities Act 1992  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Chronically Sick and Disabled Persons Act, 1970  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Company Directors Disqualification Act 1986

Competition Act 1980  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Control of Pollution Act 1974  
Copyright Designs and Patents Act 1988  
Copyright etc and Trade Marks Offences and Enforcement Act 2002  
County of Merseyside Act 1980  
Courts and Legal Services Act 1990  
Criminal Attempts Act 1981  
Criminal Damage Act 1971  
Criminal Justice Act 1988  
Criminal Law Act 1977  
Dangerous Dogs Acts 1989 and 1991  
Dangerous Wild Animals Act 1976  
Defective Premises Act 1972  
Development of Tourism Act 1969  
Dogs Act 1871 and 1906  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Employment Agencies Act 1973  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health and Safety at Work etc. Act 1974  
Health Act 2006  
Home Energy Conservation Act 1995  
Housing Acts 1980, 1985, 1988, 1996 and 2004  
Housing and Building Control Act 1984  
Housing Grants, Construction and Regeneration Act 1996  
Intoxicating Substances (Supply) Act 1985  
Land Compensation Act 1973  
Landlord and Tenant Acts 1954, 1985 and 1987  
Licensing Act 2003  
Litter Act 1983  
Local Government Act 1972  
Local Government Act 1988  
Local Government and Housing Act 1989

Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Medicines Act 1968  
Merchant Shipping Acts 1979/1995  
Mobile Homes Act, 1973 and 1983  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Noise and Statutory Nuisance Act 1993  
Noise Act 1996  
Nursing Agencies Act 1957  
Offensive Weapons Act 1996  
Offices, Shops and Railway Premises Act 1963  
Olympic Symbol Act 1995  
Opticians Act 1989  
Performing Animals (Regulation) Act, 1925  
Pet Animals Act 1951  
Poisons Act 1972  
Police and Criminal Evidence Act 1984  
Police Reform Act 2000  
Pollution Prevention and Control Act 1999  
Powers of Criminal Courts (Sentencing) Act 2000  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 and 1975  
Property Misdemeanors Act 1991  
Protection of Animals (Amendment) Acts 1988 and 2000  
Protection from Eviction Act, 1977  
Protection of Birds Acts 1954 to 1976  
Public Health Acts 1875, 1936, 1961 and 1969  
Public Health (Control of Diseases) Act 1984  
Radioactive Substances Act 1993  
Regulation of Investigatory Powers Act, 2000  
Refuse Disposal (Amenity) Act 1978  
Rent Act, 1977  
Riding Establishments Acts 1964 and 1970  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Offenders Act 1988  
Solicitors Act 1974  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Town Police Clauses Acts 1847 and 1889  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Acts 1958 and 1972  
Trading Stamps Act 1964  
Unsolicited Goods and Services Acts 1971 and 1975  
Vehicles (Crime) Act 2001  
Video Recordings Act 1984/1993  
Water Act, 1989  
Water Industry Act 1991  
Weights and Measures Acts 1976 and 1985

## Zoo Licensing Act 1981

and any legislation amending or replacing the above (including Statutory Instruments)

- (2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety including those functions delegated to the Licensing, Health and Safety and General Purposes Committee, except the Health and Safety at Work etc. Act 1974, but in the following circumstances authority to prosecute will be sought either from the Director of Law, HR and Asset Management or from the Licensing, Health and Safety and General Purposes Committee (or the Cabinet in the case of an Executive function):
- (i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a test case;
  - (ii) where significant costs are likely to be incurred in bringing the prosecution before the courts;
  - (iii) where the prosecution has serious national implications;
  - (iv) where the prosecution relates to a significant and/or sensitive local issue;
  - (v) any other matter which in the opinion of the Director is of such a serious or sensitive nature that it would be inappropriate for him to act under delegated powers.

Where the time limit for the commencement of proceedings requires that information must be laid or civil proceedings commenced before or on the date of the next meeting of the Licensing, Health and Safety and General Purposes Committee (or the Cabinet in the case of an executive function), then these matters, irrespective of whether they fall within any of the above categories, are delegated to the Director of Law, HR and Asset Management.

- (3) Authorise individual trading standards officers to take particular actions in their own names and to charge people at police stations.
- (4) (a) Personally or, where legislation requires it, through the Trading Standards Manager authorise suitably qualified members of staff in the Trading Standards Division to carry out enforcement functions as authorised officers under trading standards, consumer and related legislation;
- (b) personally or through the Trading Standards Manager authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;
- (c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Director of Law, HR and Asset Management, to present cases and appear in legal proceedings on behalf of the Council:



Trading Standards Manager  
Divisional Officer (Business Support)  
Divisional Officer (Community Support and Regulation)

and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.

- (d) authorise the post-holders listed below, in the Trading Standards Division, to charge alleged offenders in police stations:

Trading Standards Manager  
Divisional Officer (Business Support)  
Divisional Officer (Community Support and Regulation);

- (5) Authorise directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, and designate officers to carry out that function.
- (6) Issue fixed penalty notices for leaving litter.
- (7) Take action under the Licensing Act 2003 relating to the sale of intoxicating liquor to, or for consumption by, persons under 18.
- (8) Enforce the Customs & Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
- (9) Operate Agency Services under the terms of Sections 135 and 169 of the Local Government and Housing Act 1989 and to charge fees accordingly.
- (10) Approve increases in charges not fixed by statute.
- (11) Waive charges for the provision of information under the Environmental Information Regulations in appropriate circumstances
- (12) Vary levels of charges in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.
- (13) Nominate an officer to deal with representations made to the Council by persons in receipt of a Notice.
- (14) Authority to implement the Food Safety Act 1999, as amended, the Food Hygiene (England) Regulations 2005 and 2006, the Official Feed and Food Controls (England) Regulations 2005 and 2006, and for any subsequent amendments, modifications or re-enactments to the parent legislation or any regulations or orders made thereunder.
- (15) To exercise the powers and duties available under the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008

*In respect of licensing and registration functions:*

- (16) Determine and otherwise deal with the following matters, provided that controversial matters must be submitted to the Licensing, Health and Safety and General Purposes Committee or Licensing Panel or Licensing Act 2003 Committee:
- (i) Premises Licenses;
  - (ii) Game Dealers Licences;
  - (iii) Scrap Metal Dealers Registration;
  - (iv) Street Collection Licences and House to House collection permits;
  - (v) Club Premises Certificates;
  - (vi) Temporary Event Notices;
  - (vii) License premises for gambling activities;
  - (viii) Consider notices given for temporary use of premises for gambling;
  - (ix) Grant permits for gaming and gaming machines in clubs and miner's welfare institutions;
  - (x) Regulate gaming and gaming machines in alcohol licensed premises;
  - (xi) Grant permits to family entertainment centres;
  - (xii) Grant permits for prize gaming;
  - (xiii) Consider occasional use notices for betting at tracks;
  - (xiv) Register small societies' lotteries;
  - (xv) The enforcement of the provisions of the Gambling Act 2005;
  - (xvi) Personal Licenses;
  - (xvii) Registration of second-hand dealers;
  - (xviii) Motor Salvage operators;
  - (xix) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
  - (xx) Licences to hold civil marriage ceremonies on approved premises;
  - (xxi) Application for new (and renewal applications) for hackney carriage and private hire driver's licences, vehicle licences and operator's licences in accordance with guidelines, approved by the Licensing, Health and Safety and General Purposes Committee;
  - (xxii) The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator's licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension of driving licences,

vehicle licences and operator's licences. (Any actions to be reported to the next meeting of the Licensing, Health and Safety and General Purposes Committee;

- (xxiii) The enforcement of the provisions of the Licensing Act 2003
- (xxiv) The enforcement of all Hackney Carriage and Private Hire matters under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- (xxv) Authorise members of staff in the Licensing Division to carry out enforcement functions as authorised officers under licensing legislation.
- (xxvi) Personally, or through the Director of Law, HR and Asset Management Commence legal proceedings on behalf of the Council under licensing legislation.

(17) In consultation with the Director of Technical Services and the three party spokespersons, to consider and determine applications for street trading consents or renewals thereof (including the imposition of such conditions as is considered reasonably necessary)

### 39. **Director of Children's Services**

*The Director of Children's Services is authorised to:*

- (1) Set school budgets and monitor expenditure in accordance with the Scheme for Financing Schools.
- (2) Co-ordinate Standards Fund arrangements, including the appointment of staff and project workers for specific projects.
- (3) Exercise, in respect of schools outside delegation powers equivalent to those exercised by governors of schools within delegation.
- (4) Ensure arrangements for home to school transport in accordance with the policy of the Council.
- (5) Make provision of additional assistance to pupils with special educational needs.
- (6) Determine the placement of pupils in special schools, or approve arrangements for education other than at school.
- (7) Determine of the dates of school terms and holidays.
- (8) Accept Standards Fund and other grant allocations where these are cost neutral to the Authority's estimates.
- (9) Agree to meet the Authority's liability in relation to capital works at Voluntary Aided Schools, where these cannot be accommodated within the Authority's capital programme.
- (10) Produce and implement support packages for schools on a buy-back basis (i.e. business planning arrangements).

- (11) Determine the admission of pupils to community and voluntary controlled schools, provided that any appeal against such decisions is heard by the Parental Appeals Panel.
- (12) Secure the admission of a child who has been twice excluded to a particular school, having first obtained an indication of parental preference for at least three schools and having taken into account any representations made by the Headteachers of those schools.
- (13) Settle the initial staffing establishments of nursery schools, the pupil referral unit and the education support service, and approve subsequent variations.
- (14) Make or approve appointments of teaching and non teaching staff in accordance with arrangements made by the Council and the Local Management of Schools Scheme.
- (15) Determine all matters relating to employees' conditions of service (including applications for leave of absence) which are not delegated to the governing bodies of schools subject to the local Management of Schools Scheme.
- (16) Carry out the Council's responsibilities relating to the absence of teaching staff through sickness or other cause.
- (17) Arrange for the transfer of teachers between schools (with the approval of the governors of schools in delegation and after consultation with the teacher concerned).
- (18) Implement recommendations in connection with teachers' pay and conditions of service (as prescribed by the Secretary of State for Education and Skills).
- (19) Approve the use by appropriate organisations of land and premises occupied for education purposes, subject to the Council's regulations.
- (20) Grant permission for educational visits by pupils and young people.
- (21) Provide specialist residential and recreational courses for pupils and young people.
- (22) Provide information to parents relating to school admission arrangements and other related matters.
- (23) Administer procedures for the admission of children to voluntary aided and foundation schools if requested by their governing bodies and charge the cost thereof to the schools.
- (25) Determine the admission of pupils to maintained special schools, including Wirral Hospital School and Pupil Referral Units.
- (26) Arrange for the admission of pupils to non-maintained special schools.
- (27) Authorise, in consultation with the Director of Finance, the payment of fees for which the Council has accepted responsibility for pupils attending schools not maintained by the Council.
- (28) Make arrangements for the home tuition of pupils.

- (29) Administer the supply of milk and meals to pupils (including the supply of milk and meals by agreement at schools to whom the function has been delegated, as well as schools not maintained by the Council).
- (30) Determine applications for discretionary payments from the Learner Support Scheme to post-16 students in relation to costs not met through the educational maintenance allowance.
- (31) Approve the registration of youth clubs and organisations.
- (32) Authorise grant aid in respect of salaries of full-time youth leaders, repairs and alterations to premises, the purchase and repair of equipment, and youth activities.
- (33) Authorise the payment of grants and the refund of expenses in connection with the Duke of Edinburgh's Award Scheme.
- (34) Set fees for users of Oaklands Outdoor Education Centre, and authorise arrangements for the remission of fees in cases of hardship.
- (35) Approve repairs, improvements and extensions to educational establishments costing £10,000 or less for each project provided capital schemes are included in an approved building programme (and the views of the governing body concerned are obtained).
- (36) Appoint persons as LEA-nominated governors having regard to the political ratios determined by the Council.
- (37) Determine applications for student support from eligible students for a higher rate than that awarded to cover the cost of child care, examination fees not covered by the school budget or other exceptional costs.
- (38) Determine discretionary payments and applications under the Learning Support Fund.
- (39) Determine applications for assistance under Section 17 of the Children Act 1989.
- (40) Make arrangements for the day-to-day reception and placement in appropriate accommodation of any child brought to notice of Social Services as being in need of accommodation or committed to the care of the Local Authority by the courts.
- (41) Arrange admission and accept financial responsibility for the admission of unmarried mothers to Mother and Baby Homes.
- (42) Give financial assistance towards the expense of maintenance, training or education of persons over 16 years of age, under Section 24 of the Children Act 1989.
- (43) Approve and review Local Authority foster carers in accordance with the Fostering Services Regulations 2002 and take any necessary decisions on fostering issues.
- (44) Inspect, supervise and offer any necessary advice to foster homes in which children are placed privately in order to comply with the duty of the Local

Authority under Section 67 of the Children Act 1989 to satisfy themselves that the welfare of children who are privately fostered within the Borough is being satisfactorily safeguarded and promoted.

- (45) Receive and find appropriate placements for children remanded to the accommodation of the Local Authority or committed to the care of the Local Authority on interim or full Care Orders.
- (46) Authorise the placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the Placement of Children with Parents etc. Regulations 1991.
- (47) Appoint supervising officers to children and young persons placed under the supervision of the Local Authority as a result of either criminal or care proceedings.
- (48) Provide places for children and families in Family Centres.
- (49) Arrange regular visiting to ensure the welfare of any child accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989.
- (50) Arrange for the supervision of children placed in the Metropolitan Borough of Wirral area by other authorities when so requested.
- (51) Consider and authorise the payment of approved Adoption Allowances in accordance with a scheme duly approved by the Department for Work and Pensions in cases where the Adoption Panel has recommended such allowances, and the Agency Decision Maker has confirmed the recommendation as an agency decision.
- (52) Consider and authorise applications to a court for an order freeing a child for adoption, if the Adoption Panel of the Council's Adoption Agency recommend that this is the best interest of the child, and the Agency Decision Maker has confirmed this as an agency decision.
- (53) In accordance with the requirements of the Adoption Act 1967 and accompanying Regulations, investigate the circumstances of children offered for adoption and families wishing to adopt, and present suitable adoptive placements for consideration by the Adoption Panel and, having taken a decision based on the Panel's recommendation, arrange such placements.
- (54) Attend Court of Adoption placements.
- (55) Refuse contact under Section 34 (6) of the Children Act 1989.
- (56) Institute proceedings (in consultation with the Director of Law, HR and Asset Management) for contacts to be defined, and respond to such applications lodged by other parties.
- (57) Apply to the courts for placement in secure accommodation of juveniles accommodated by, or in the care of, the Local Authority in accordance with Section 25 of the Children Act 1989 and the accompanying Secure Accommodation Regulations 1991.

- (58) Apply for Child Assessment Orders under Section 43 of the Children Act 1989.
- (59) Apply for Emergency Protection Orders under Section 44 of the Children Act 1989.
- (60) Apply to the courts for Care/Supervision Orders in accordance with Section 31 of the Children Act 1989.
- (61) Apply for discharge and variation of Care Orders and Supervision Orders in accordance with Section 39 of the Children Act 1989.
- (62) Apply for a prohibited steps or specific steps issue order under Section 8 of the Children Act 1989 in respect of a child accommodated by the Local Authority.
- (63) Appoint and pay the reasonable expenses of Independent Visitors appointed under Paragraph 17 of Schedule 2 of the Children Act 1989, and as defined by the accompanying Definition of Independent Visitors (Children) Regulations 1991.
- (64) Authorise the payment of legal costs and fees in connection with an adoption application in respect of children in the care of the Local Authority, where the Adoption Panel has recommended that adoption is in the child's best interest, and the Agency Decision Maker has confirmed this.
- (65) Authorise the payment of a prospective adopter's legal costs of making an application for an Adoption Order in those cases where either the natural parents oppose the adoption, or there are other difficulties which make it advisable for the prospective adopter to be legally represented, where The Adoption Panel has recommended such payment and the Agency Decision Maker has confirmed this as an agency decision.
- (66) Authorise payment for any additional medical reports in connection with an adoption application with the exception of the normal medical reports of the child to be adopted (which are payable by the Council).
- (67) Authorise the use of adoption agencies to secure the appropriate placement for the adoption of individual children with special needs where a suitable prospective adopter is not currently on the Council's Adoption Agency list of approved adopters and approve the amount of the inter-agency fee that may be payable in an appropriate case, where the Agency Decision Maker has confirmed this as an agency decision.
- (68) Negotiate on the Authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.
- (69) Confirm Adoption Panel recommendations as decisions of the Adoption Agency as required by the Adoption Agencies and Children (Arrangements for Placement and Review) (Miscellaneous Amendments) Regulations 1997"
- (70) Assess the contributions to be made the parents of children and young people where appropriate in accordance with laid down scales or procedures.

(71) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

**40. Director of Finance**

*The Director of Finance is authorised to:*

- (1) Exercise the functions of the Council's Chief Finance Officer, including proper administration of the Council's financial affairs under Sections 115 and 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
- (2) Issue financial procedures within the principles of Financial Regulations.
- (3) Take all necessary action for the collection of amounts due to the Council using any powers available to the Council.
- (4) Write off irrecoverable amounts due to the Council up to and including £1,000 and without limit as regards personal local taxation on a single property and NNDR provided that the relevant Overview and Scrutiny committee is informed annually of the total amount involved.
- (5) Approve discretionary relief from National Non-Domestic Rates, in accordance with the Council's approved scheme,
- (6) Authorise, on behalf of the Council as Billing Authority, valuation agreements in respect of the Non-Domestic Rate Rating list, as required by the District Valuer of the Inland Revenue.
- (7) Arrange borrowing as may be necessary from time to time for the Council's purposes. Sources of funds will comprise temporary loans, loans from the Public Works Loan Board, other mortgages and bonds, money bills, bank overdrafts and internal funds of the Council, subject to any restriction which may be made by statute, by Council or the Executive.
- (8) Arrange finance and operating leases as required in accordance with the requirements of the Council's capital programme.
- (9) Invest Council funds temporarily not required in accordance with the statutory provisions regulating approved investments as defined in Section 66 of the Local Government and Housing Act, 1989, subject to any restrictions which may be made by statute, by Council or the Executive.
- (10) Approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act 1972, and the Pensions Regulations.
- (11) Fix incidental charges relating to local taxation.
- (12) Determine applications for rate relief under Section 44a of the Local Government Finance Act 1988.
- (13) Make minor variations in contracts for the collection of cash.



- (14) Authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000.
- (15) Nominate officers within the Finance Department to institute and conduct proceedings on behalf of the Council in the Magistrates' Court for the recovery of unpaid council tax, community charge, non-domestic rate and general rate.
- (16) Exercise the powers and duties of the Council under the Housing Benefit (General) Regulations 1987 as subsequently amended, including the exercise of discretionary powers.
- (17) Revise, at six monthly intervals, the maximum loan available under the Council's assisted car purchase scheme, and effect annual adjustments, in line with the Retail Price Index, to disturbance and travelling allowances payable to appointees to permanent posts, and to the value of awards under the Long Service Award Scheme,
- (18) Undertake all day-to-day administration of, and investment decisions for, the Merseyside Pension Fund within the policy laid down by the Pensions Committee including the authorisation of admission agreements with transferee admission bodies pursuant to Best Value arrangements, as required by the Local Government Pensions Scheme Regulations.
- (19) Terminate a contract of an external investment manager and enter into any consequential arrangements for the transitional management of the Fund's investments pending the decision of the Pensions Committee on the award of a new contract.
- (20) To authorise and nominate on behalf of the Finance Department designated officers to investigate and exercise all necessary powers available to them under all relevant primary and secondary legislation relating to welfare benefit fraud to include the power to issue Cautions, Administrative Penalties and where appropriate to authorise the Director of Law, HR and Asset Management or any appropriate outside agency to commence legal proceedings on their behalf where necessary.
- (21) To authorise the Director of Law, HR and Asset Management to institute legal proceedings on behalf of any relevant outside agency relating to a welfare benefit fraud and where that investigation also raises matters relating to housing/council tax benefit fraud.
- (22) To be responsible for the production and implementation of the ICT Strategy and ICT Development Programme.

#### **42. Director of Adult Social Services**

*The Director of Adult Social Services is authorised to:*

*In respect of Miscellaneous matters:*

- (1) Assess the contributions to be made by recipients of service where appropriate in accordance with laid down scales or procedures.
- (2) Exercise discretion to vary charges in cases where there are special circumstances, hardship, etc.
- (3) Consider and determine applications for loans or grants below £20,000 for aids and adaptations to the homes of people with disabilities.
- (4) Institute or defend legal proceedings in connection with the Social Services function in consultation with the Director of Law, HR and Asset Management.
- (5) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

*In respect of Service for Adults:*

- (6) Admit to residential accommodation and temporary accommodation, either provided by the Council, by other authorities, voluntary organisations or privately registered homes, persons in need of care and attention.
- (7) Admit persons with mental ill health, physical disabilities or learning difficulties to Day Centres or Workshops provided for them.
- (8) Arrange the burial or cremation of persons to whom Section 50 of the National Assistance Act 1948 applies, and make whatever recoveries are possible towards the cost.
- (9) Appoint officers to carry out the duties of approved Social Workers under the Mental Health Act 1983.
- (10) Make applications in respect of individuals to whom the provisions of the Mental Health Act 1983 apply in accordance with the provisions of the Act.
- (11) Enter into contractual arrangements with registered residential and nursing homes for the provision of residential and nursing care within available resources (National Health Service Community Care Act 1990).
- (12) Negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of clients, the services to be provided, and the availability of resources (National Health Service and Community Care Act 1990).
- (13) Waive the Contract Procedure Rules relating to procurement when seeking quotations and tenders for certain Community Care Services.
- (14) Enter into contractual arrangements with day care providers for the provision of day care within existing resources under the National Health Service and Community Care Act 1990 and the Health Act 1999.
- (15) Provide services to support people in their own homes (e.g. domiciliary services) under the NHS & CC Act 1990 and National Assistance Act 1948.

- (16) Approve applications for concessionary travel passes from people with learning disabilities and those who are mentally ill.
- (17) Approve interest-free loans not exceeding £30,000 in accordance with approved guidelines.

*In respect of Complaints and Representations:*

- (18) Co-ordinate all aspects of consideration of complaints in accordance with Section 50 of the National Health Service and Community Care Act 1990 and Section 26 of the Children Act 1989, including the response to all registered complaints.
- (19) Make arrangements for panel review of response to a registered complaint when requested to do so by the complainant.
- (20) Comment upon decisions of the Review Panel (Complaints Procedure) after consultation with the Cabinet member for Social Care and Inclusion and the Chair and spokespersons of the Social Care, Health and Inclusion Overview and Scrutiny Committee.
- (21) Notify the complainant and any other involved persons of reconsideration.
- (22) Reimburse independent review panel members, complainants and authorised representatives for any out-of-pocket expenses incurred.
- (23) Appoint and pay the reasonable expenses of independent persons required to assist in the operation of the Authority's Representations Procedure established in accordance with the requirements of Section 26 (3) of the Children Act 1989 and the accompanying Representation Procedure (Children) Regulations 1991.

**43. Director of Technical Services**

*The Director of Technical Services is authorised to exercise the following powers and functions:*

***In respect of Highways and related matters:***

- (1) Exercise all the powers and duties of the Council arising under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Cycle Tracks Act 1984 and the Countryside and Rights of Way Act 2000 (including for those consents, licences and footpath matters specifically to be discharged as a non-executive function by the Licensing, Health and Safety and General Purposes Committee) as follows:-
  - (a) creation of highways under Part III of the Act;
  - (b) maintenance of highways under Part IV of the Act;
  - (c) improvement of highways under Part V of the Act;
  - (d) construction of bridges over and tunnels under navigable water and diversion etc. of watercourses under Part VI of the Act;

- (e) provision of special facilities for highways under Part VII of the Act;
  - (f) provision of amenities on certain highways under Part VII(A) of the Act;
  - (g) stopping-up and diversion of highways under Part VIII of the Act including the making of gating orders;
  - (h) lawful and unlawful interference with highways and streets under Part IX of the Act;
  - (i) the making-up of private streets under Part XI of the Act.
- (2) Exercise all the powers and duties of the Council arising under the provisions of the New Roads and Street Works Act 1991 relating to the regulation of public utilities' powers to undertake street works, including the serving of notices and recovery of costs.
  - (3) Exercise all the powers and duties of the Council under the provisions of the Road Traffic Regulation Act 1984 relating to the making of traffic regulation orders, the establishment of pedestrian and school crossings, the provision of parking places and the placing of traffic signs, save for those orders where objections are raised, in which case, objections lodged to the making of a traffic regulation order will be considered by the Streetscene and Transport Services Overview and Scrutiny Committee, prior to a decision being made by Cabinet as to the confirmation of the order or otherwise.
  - (4) Exercise all the powers and duties of the Council under the provisions of the Traffic Management Act 2004 including the civil enforcement of traffic contraventions.
  - (5) Exercise all the powers and duties of the Council under the provisions of the Clean Neighbourhoods and Environmental Health Act 2005
  - (6) Exercise all the powers and duties of the Council under the provisions of the Land Drainage Act 1991 to facilitate or secure the drainage of land.
  - (7) Exercise all the powers and duties of the Council under the provisions of Section 18 of the Building Act 1984 relating to building over agreements and under Sections 84 and 85 of the Act to require works to be undertaken in relation to the paving and drainage of yards and passages.
  - (8) Exercise all the powers and duties of the Council under the provisions of the Reservoirs Act 1975.
  - (9) Exercise, in consultation with Ward members, the powers and duties of the Council under the provisions of Sections 247 and 257 of the Town and Country Planning Act 1990 relating to the stopping-up or diversion of highways, footpaths, bridleways and restricted byways.
  - (10) Take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991, the Land Drainage Act 1991, the Town and Police Clauses Act 1847 and the Clean Neighbourhoods and Environmental Health Act 2005.

- (11) Lodge objections to operators licence applications on highway safety and traffic management grounds under the provisions of the Transport Act 1968.
- (12) Approve the naming and numbering of streets in consultation with ward members.
- (13) Adopt highways to become maintainable at public expense in consultation with ward members.
- (14) Approve the siting of taxi ranks in consultation with ward members.
- (15) After consulting the local ward Councillors, approve or reject applications by Royal Mail for the installation of postal pouch boxes and agree the terms under which any approval is given (including the siting, design and specification of the installation works).
- (16) Consider and determine, in consultation with ward members and the police, all applications for the provision of on-street parking bays for the disabled.
- (17) Enter into agreements with developers for the execution of highway works under the provisions of Section 278 of the Highways Act 1980.
- (18) Exercise, in relation to sewage management contracts, the powers conferred upon United Utilities Plc by the provisions of the Water Industry Act 1991.
- (19) Authorise directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, and designate officers to carry out that function.

*In respect of Planning and related matters:*

The Director of Technical Services has authority:

(i) to determine all planning and related applications other than those listed under (a) below;

(ii) to take appropriate enforcement action on all matters relating to the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders, including the following:

- To take initial action to deal with breaches of planning control including the serving of Planning Contravention Notices to obtain relevant information in order to assess whether or not a breach of planning control has occurred.
- To serve Breach of Condition Notices where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.
- To serve Enforcement Notices or to withdraw, modify and reissue any Enforcement Notice following a decision by the Planning Committee to grant permission for development or not to proceed with enforcement action.
- In cases of urgency, in consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices unless the serving of such a notice would result in the significant loss of jobs

or the potential for substantial costs against the Council.

- In consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.

(For the avoidance of doubt) where it is proposed not to take appropriate enforcement action relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency, the Authority of Members of the Planning Committee must be sought.

(iii) to refuse applications in relation to telecommunications development.

(iv) where it is proposed to recommend approval of telecommunication development, after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

The Assistant Director has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

(a) Applications to be determined by Committee:

(i) "Major" applications (unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below) – "Major" applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8(Storage and Distribution) Uses , or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as "major" applications (other than minor amendments to existing permissions, and ancillary or small scale works).

(ii) Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.

(iii) Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.

(iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the Planning Committee the Member must, however, state the reason(s) on planning grounds for that request in writing and must make any request prior to the last date for comment as published on an application.

(v) Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing, unless the application is being recommended for refusal, in which case, the application shall remain under delegated powers, (unless a Member registers support in writing for an application on planning grounds).

The lead petitioner will be informed of the recommendation to refuse under delegated powers.

(vi) Any application recommended for refusal where a Member has registered support in writing for an application on planning grounds and has requested the application is determined by Planning Committee.

(vii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Technical Services Department.

(viii) Decisions that would require a Section 106 obligation or action under other powers, with the exception of applications requiring the provision of additional litter bins or where an applicant is required to provide the Council with a sum of £10,000 or less towards any minor traffic/highway improvements.

(ix) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.

(b) The Director of Technical Services is authorised to undertake the following functions and powers:

(1) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-

(a) To take appropriate action to advertise planning applications and display site notices.

(b) Reject an outline application because of insufficient details.

(c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.

(d) Serve planning control contravention notices and to hold discussions as a result of the "time and place" procedure under Section 171(C) of the Act.

(e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act and vary and revoke such orders.

(f) Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.

(g) Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

(h) Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-

(a) Part I – Building Regulations.

(b) Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.

(c) Part IV – Powers of entry, execution of works and enforcement.

(3) To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.

(4) To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.  
Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

(5) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.

(6) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.

(7) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.

(8) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.

(9) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.

(10) To respond to consultations from neighbouring local planning authorities on planning applications.

(11) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.

(12) After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.

(13) To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.

(14) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.



(15) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

*In respect of Cultural Services functions:*

- (29) Approve the setting and variation of charges and core admission prices to Cultural Services facilities and events (including those held in parks or other open spaces).
- (30) Accept bids for concessions at events.
- (31) Approve routine lettings for events on Cultural Services premises/land under control of Children and Young People's Department.
- (32) Approve free or concessionary use of Cultural Services facilities/equipment.
- (33) Approve the closure of Cultural Services facilities for essential maintenance.
- (34) Determine opening hours during holiday periods for Cultural Services facilities.
- (35) Accept bids for concessions at parks and open spaces.

*In respect of Community Safety functions:*

- (36) To give consent on behalf of the Council to any requests from the Police to seek a designation of an area under Part IV of the Anti-Social Behaviour Act 2003 for the dispersal of groups in consultation with the spokespersons for Housing and Community Safety and the Councillors for any wards that would be affected by the designation.
- (37) To act as the officer to be consulted, on behalf of the Council, by Merseyside Police when they wish to close a property owing to nuisance related to drug use, manufacture or sale, using Part 1 of the Anti-Social Behaviour Act 2003

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## Council – 18 October 2010

### Motions

The following motions have been submitted in accordance with the notice required by Standing Order 8(1) and are listed in the order received. The actual order in which they are debated will be determined by the party groups in accordance with Standing Order 5(3).

#### (1) WIRRAL'S FUTURE – BE A PART OF IT

**Proposed** by Councillor Simon Holbrook

**Seconded** by Councillor Lesley Rennie

- (1) Council welcomes the bold and innovative approach taken by the Conservative – Liberal Democrat joint administration in engaging widely with the public in the future shape and financing of Council services through the 'Wirral's Future – be a part of it' consultation.
- (2) Council thanks those members of the public, council staff and other stakeholders who have engaged in the consultation process and contributed their thoughts and ideas so far; and urges all those yet to make a response to make their contribution in the last few days before the consultation closes on 31st October.
- (3) Council thanks those officers of the Council who have worked tirelessly and enthusiastically to deliver the biggest ever consultation exercise carried out by the Council in such an efficient and cost effective manner.
- (4) Council further thanks those members of the independent task forces for bringing their knowledge and expertise to support the Council on the key challenges it has to face.
- (5) Council recognises that difficult decisions will need to be made to meet the financial challenges which are being faced by all local authorities.
- (6) Council notes that the final Budget decisions will rest with Full Council following reports to Cabinet on the consultation results by the independent task forces and that those reports and the evidence considered will all be publicly available.
- (7) Council is proud to be associated with this extension of democracy through its engagement with the public on these important questions.

## **(2) RENEWABLE ENERGY GENERATION**

**Proposed** by Councillor Gill Gardiner

**Seconded** by Councillor Simon Holbrook

Council welcomes the Government's announcement of its intention to give local authorities the power, through legislative changes, to sell excess electricity generated by them from renewable resources back to the National Grid.

Council notes:

- (a) That, at present, only 0.01% of electricity in England is generated by local authority owned renewables, despite the scope that exists to install projects on local authority owned land and buildings. In Germany the equivalent figure is 100 times higher.
- (b) That, at present, local authorities are able to put any renewable electricity they generate to local use, and benefit from the associated feed-in tariff for projects smaller than 5MW. The legislative changes will remove restrictions on selling any excess renewable electricity into the grid.
- (c) That the steps that are now being taken to extend the rights of Councils could mean up to £200m a year in new income for local authorities across England and Wales.
- (d) The potential environmental benefits to Wirral Council of this new Government policy in terms of meeting climate change targets, reducing the carbon budget and benefiting from Feed in Tariffs and other incentives to renewable generation.
- (e) The potential financial benefits to Wirral Council of this new Government policy in terms of reduced electricity bills and potential income.
- (f) The opportunity to integrate green technology such as wind turbines and solar panels for electricity generation and combined heat and power as part of the ongoing office accommodation change project.
- (g) The potential to explore partnership working with renewable energy technology companies and social housing providers to install micro-generation technology on their properties in order to generate cheaper electricity for the benefit of tenants and the Council.

Therefore, Council resolves:

- (1) To expand its renewable energy generation.
- (2) To instruct officers to ensure that renewable energy projects are an integral part of the office accommodation strategy.

(3) To instruct officers to report back to the appropriate Cabinet member and to the Sustainable Communities Overview and Scrutiny Committee at the earliest opportunity.

### **(3) INTERNATIONAL YEAR OF BIODIVERSITY**

**Proposed** by Councillor Phil Gilchrist

**Seconded** by Councillor Dave Mitchell

This Council recognises that 2010 has been declared the International Year of Biodiversity by the United Nations.

Council welcomes the fact that the Department for Environment, Food and Rural Affairs has announced a structural reform plan which recognises the need to:

- support and develop British farming and encourage sustainable food production;
- help to enhance the environment and biodiversity to improve quality of life; and
- support a strong and sustainable green economy, resilient to climate change.

And that the coalition Government launched a discussion document “An invitation to shape the Nature of England” in July with an ambitious foreword from Caroline Spelman as secretary of State for Environment, Food and Rural Affairs.

Council also recognises that a key commitment has been given to the publication of a White Paper on the natural environment by spring 2011 and that this will take account of the report published by Sir John Lawton in September 2010 and commissioned by Hilary Benn in September 2009.

Council notes that the report makes the following key points for establishing a strong and connected natural environment:

- That we better protect and manage our designated wildlife sites;
- That we establish new Ecological Restoration Zones;
- That we better protect our non-designated wildlife sites;

Council recognises that it has, with its range of parks, open spaces, and habitats managed for the people of Wirral, a key role in maintaining biodiversity.

Council, therefore,

(a) looks forward to the White Paper;

(b) would welcome updated reports to Cabinet and Overview and Scrutiny as appropriate;

(c) expresses its appreciation of the work being undertaken by officer, volunteers and local organisations to encourage, secure, maintain and protect biodiversity in Wirral.

And states its belief that the issue of biodiversity and the retention and creation of habitats for bees and other insects, should continue to be recognised and enshrined in relevant planning policies and preparations for the future management of parks and open spaces.

#### **(4) NEW INVESTMENT IN WIRRAL**

**Proposed** by Councillor Andrew Hodson

**Seconded** by Councillor Don McCubbin

Council:

(1) Supports the bid for a Local Enterprise Partnership for Merseyside that will enable greater focus on the needs of Wirral, partner local authorities and employers and thanks those officers involved in the bid.

(2) Believes private-sector led investment will help to rebalance Wirral's economy and is keen to attract new jobs to the Borough, particularly 'green' jobs and those which offer opportunities for additional apprenticeships.

Council, therefore, welcomes:

- continuing progress of the redevelopment of New Brighton
- investment in The Contact Company to create 244 jobs in Birkenhead
- meetings between the Leader of the Council and potential Chinese investors

#### **(5) COUNCIL TRANSPARENCY**

**Proposed** by Councillor Simon Mountney

**Seconded** by Councillor Sue Taylor

Council:

welcomes requests for information and believes the Freedom of Information Act has helped to open up public bodies.

However, Council believes that a request for information under the Act should be a last resort and that, in the first instance, more information should be made available to all residents by the Council.

Council therefore,

- (1) Welcomes the decision to publish details of supplier payments of £500 or more each month and notes that almost 200 enquiries from staff, residents and press have been received.
- (2) Thanks the independent organisation 'Openly Local' for their advice on making this information more accessible and user-friendly.

Council requests Cabinet consider further steps to open up Wirral Council to the public.

## **(6) ANTI-SLAVERY DAY AND CHILD TRAFFICKING**

**Proposed** by Councillor Chris Blakeley

**Seconded** by Councillor Wendy Clements

Council:

- (1) Notes that 18 October is the first observance of Anti-Slavery Day and welcomes the campaign to end child prostitution and the trafficking of children for sexual purposes by, among others, ECPAT UK.
- (2) Expresses concern that human trafficking is the third largest criminal industry in the world and that around 1.2 million children and young people are trafficked every year for sexual exploitation and cheap labour.
- (3) Welcomes the Coalition Government's creation of a National Crime Agency which will lead on a crack down of the trafficking of people, weapons and drugs. Council also welcomes new measures to tackle human trafficking within the immigration system as a priority.
- (4) Calls for close working between local and national Government and partners to provide appropriate care and protection for victims of trafficking.

## **(7) GREATER FREEDOMS FOR COUNCILS**

**Proposed** by Councillor Gerry Ellis

**Seconded** by Councillor Karen Hayes

Council:

- (1) Believes that local people know what is best for their communities and regrets the loss of local decision making under previous governments through the growth of unelected QUANGOs, ringfencing of budgets and national targets and performance indicators.
- (2) Welcomes the Coalition Government's pledge to abolish many of the 1,100 QUANGOs and for their powers to be returned to national and local government and full democratic oversight.

- (3) Supports the decision to remove much of the ringfencing of central government grants to local authorities and the enablement of greater local discretion in spending.

## **(8) RESTORING CIVIL LIBERTIES**

**Proposed** by Councillor Cherry Povall

**Seconded** by Councillor Peter Kearney

Council:

- (1) Believes that the British state has become too authoritarian, and that over the past decade it has abused and eroded fundamental human freedoms and historic civil liberties.
- (2) Endorses the decision by the Coalition Government to scrap the ID card scheme and the National Identity register.
- (3) Welcomes the decisions to protect child identity including the abolition of the ContactPoint database and ending the finger-printing of children at school without parental permission.
- (4) Looks forward to further protection of civil liberties from the outcome of the review of the Regulation of Investigatory Powers Act 2000.

## **(9) USE OF COUNCIL RESOURCES**

**Proposed** by Councillor Steve Foulkes

**Seconded** by Councillor Brian Kenny

- (1) Council is concerned that the Liberal Democrats have been reduced to using the Council's Friday mail run in a vain and hopeless attempt to persuade fellow councillors from the Labour Group to join them on death row, as they face total extinction in the May elections.
- (2) Council recognises the Liberal Democrat desperation as their party continues to haemorrhage members nationally, disillusioned by the growing number of broken promises the Coalition has forced upon them.
- (3) It also recognises their fear locally as the Conservatives shed crocodile tears while targeting Lib Dem seats in West Wirral in anticipation of Labour gains at Liberal Democrat expense elsewhere.
- (4) Council even recognises the uncertainty they must feel as the leader who promised them safety in a coalition with the Tories faces losing his seat himself.



- (5) However, despite all these pressures, Council would still appreciate the courtesy of a postage stamp on Political mail rather than having it delivered at the Council Tax payers' expense.

## **(10) PARKS & OPEN SPACES – CONSULTATION HYPOCRISY**

**Proposed** by Councillor Steve Foulkes

**Seconded** by Councillor Harry Smith

- (1) Council condemns the sheer hypocrisy of the Conservative Liberal Democrat Alliance who have preached extensively the values of consultation with staff, trade unions and the public, only to ignore all their own so called values as soon as a major decision has to be taken.
- (2) Council condemns their abject failure to listen to their own staff on ways of saving money, choosing instead to drive through the privatisation of everything within the Council's Parks and Countryside service, including the maintenance and administration of all Wirral's open spaces, which includes Wirral's coastline and estuaries.
- (3) Council further condemns their craven refusal to allow an in house bid, hiding behind difficulties in making "the separation between client and bid team", particularly as the Audit Commission report following up the HESPE PIDA makes it clear that this is quite possible if the proper procedures are followed.
- (4) Council finally condemns their complete failure to consult with the public before taking this decision, even though they have already set up a major budget consultation exercise which could have specifically covered this issue.

Council believes that these failures demonstrate that their commitment to consultation is purely for propaganda purposes only and is therefore a cynical sham.

Council further believes that a change in the way we operate such major services, which goes far beyond a simple change in a grounds maintenance contract, should be considered as a major policy change and therefore subject to a vote in full Council, which is currently denied to us.

## **(11) FREE SCHOOLS**

**Proposed** by Councillor Chris Meaden

**Seconded** by Councillor Phil Davies

- (1) Council condemns the introduction by the Conservative/Liberal Democrat Coalition Government of Free Schools, without any consideration for the impact these will have on existing schools and educational standards for all children.
- (2) Council notes that there has been no consideration of:

- The impact of creating an additional new school or schools at a time when other schools are being closed down because of falling pupil numbers and the cost of maintaining surplus places.
- The potential for increasing social divisiveness and unfairness in the system as Free Schools choose the pupils they want without any Local Authority control on how pupils are chosen or admitted.
- The danger that appropriate provisions made for children with special needs may be put at risk.
- The impact on already complex school admissions and exclusions policies.
- The possibility of lower educational standards as several Free Schools already established have confirmed they will not limit their appointments to qualified teachers.
- The possibility of driving all educational standards down as money is distributed more thinly to remaining schools.

(3) Council believes that the creation of Free Schools is a badly thought out, politically motivated decision which can only waste scarce resources and flies in the face of the real need, which is to provide good local schools, accessible to all.

## **(12) COALITION GOVERNMENT REALITY GAP**

**Proposed** by Councillor Jean Stapleton

**Seconded** by Councillor Ann McLachlan

(1) This Council expresses its deep concern about the “reality gap” opening up between the propaganda surrounding announcements of Government policy and the reality in practice.

(2) Council notes that the Cabinet Member for Work and Pensions, Ian Duncan Smith, has set out his plans at the Tory conference to change the Welfare Benefit system in favour of moving people off benefits into work, thereby reducing the numbers of people in poverty, and cutting the Welfare Benefits bill.

(3) However, Council notes:

- The Coalition Government says they want more people in work, yet their own figures show that their plans to cut the deficit will throw 100,000 more people out of work every year than Labour plans.
- They cancelled the two year Job Seekers guarantee which was aimed at giving jobseekers a guaranteed offer of a job, internship, volunteering placement or work experience if they were out of work for two years or more.
- They axed the Future Jobs Fund and slashed the Working Neighbourhood Fund, which are designed precisely to improve the number of jobs available and in particular to give opportunities to young people.
- On Wirral, without any consultation, £1.6m was axed from the Working Neighbourhood Fund which could have paid for more apprentices, helping Wirral residents into work.

- Four million in total was slashed from the Area Based Grant, without any consultation, affecting schools, children's services, Wirral jobs and other services.
- The Council is one of the largest employers on Wirral, yet Government plans to slash local government funding in the forthcoming Comprehensive Spending Review, leading to dramatic cuts in services, could see thousands of jobs going on Wirral alone.
- Increasing VAT to 20% will penalise the poor most and the Institute for Fiscal Studies has pointed out that the Coalition's budget was a regressive one, hitting the poor hardest.
- Introducing a cap on Housing Benefit, which is extensively used by those in work on low incomes, will lead to intensive overcrowding in unsuitable accommodation or to families being evicted and made homeless as the increase in top up fees makes their homes unaffordable.

(4) Council believes that this is not the record of a Government set on improving work opportunities and cutting poverty. Rather it is the record of a Government which, once again, will penalise the poor in order to help the rich.

### **(13) FUNDING FOR INSULATION IN HMRI AREAS**

**Proposed** by Councillor Harry Smith

**Seconded** by Councillor George Davies

- (1) Council expresses its concern that funding for insulation programmes in HMRI areas could be under threat after 2011, as outlined in the report to Sustainable Communities Overview and Scrutiny Committee on carbon reduction.
- (2) Council recognises that the HMRI initiative, and many other valuable programmes, will be subject to decisions made in the Comprehensive Spending Review in October which could see Departmental budget cuts of 25% or more.
- (3) Council would urge the Government to continue with Pathfinder, or a similar scheme, which has already produced major housing benefits for deprived communities in Rock Ferry, Tranmere, Birkenhead, Seacombe and Liscard.
- (4) Council recognises that, while progress has been made, there is substantial work still to be done to achieve the original HMRI goals which will require secure funding in the future.
- (5) Council welcomes the start of its own insulation programme for private sector homes outside HMRI areas and points out the real benefits already identified of the existing insulation programme in HMRI areas in terms of reducing fuel poverty, reducing Wirral's Carbon footprint by increasing energy efficiency and improving private sector housing stock.
- (6) Council believes that any removal of funding for this programme in HMRI areas would be very short sighted and would have serious consequences in Wirral's most deprived areas.

## **(14) THREAT TO DEMOCRACY**

**Proposed** by Councillor Phil Davies

**Seconded** by Councillor Steve Foulkes

(1) This Council notes that new EU procurement rules now in place can lead to much tougher penalties if procurement rules are broken, including the fact that the High Court has the power to set aside a signed contract, leading to potentially “significant and costly litigation” against the Council, with substantial damages being claimed, according to the latest Audit Commission report on Procurement, which followed the HESPE PIDA report.

(2) In order to ensure that the Council avoids any such litigation, the Audit Commission recommends that the Council should:

“Strengthen procurement and general governance policies and procedures to ensure the Council promotes the right culture, the risk and incidence of external challenge is managed and the benefits of procurement initiatives are not put at risk”. It also points out the need for “formal documentation to include the thought process leading up to agreed decisions.”

(3) This Council is therefore deeply concerned that no attempt has been made to manage the potential risk to the Council from the use of Task Forces, set up outside the normal procedures, without elected members, to advise Cabinet on the budget, which could include recommendations to outsource Council services.

(4) This Council believes serious risks exist because:

- There is no requirement on Task Force members to fill in any register of interests, or to declare any interests in a meeting, but the potential is there for a conflict of interest should individual members of a Task Force, or their companies, friends, family or associates, recommend to Cabinet the outsourcing of services for which they could subsequently tender if Cabinet agreed their recommendation.
- Members of the Task Force have been given access to financial information in their advisory role.
- There is no record of any selection or vetting procedure for Task Force members.
- There is no formal Cabinet record of the setting up of the Task Forces, or agreed terms of reference. The only Cabinet record, which does not refer in any way to the setting up of individual Task Forces, refers only in more general terms to (setting up a consultation procedure) leaving all details to the approval of the Leader and Deputy Leader of the administration, which is outside usual Constitutional procedures.
- Subsequent details of the setting up of the Task Forces, the role they had to play, the individuals who would sit on them, and the consultation time table were not taken to Cabinet, but announced in a press release.
- The draft questionnaire, apparently drawn up by members of the press office following input on options from the Task Forces, was not placed before

Cabinet for consideration, as has been normal practice in the past on major consultations, but was again publicised in the press and on the Council's web site.

- Although the Council has well established procedures for conducting independent customer satisfaction surveys which ensure a balanced response across Wirral's population, these have not been used.
- The questionnaire is flawed, with questions either unclear or open to accusations of bias.
- The Constitutional democratic processes of the Council have been ignored and the Constitutional ability to call the Executive to account by calling decisions into the Scrutiny Committees has been bypassed by operating outside the Council's normal procedures.
- Council further notes that this process not only puts the Council at risk, but it also unfairly places members of the Task Forces at risk because, without any way of registering or declaring their interests, they are left unprotected from public perceptions of cronyism or impropriety, whatever the actual circumstances, if they receive Council funds in the future, or bid for Council contracts, (whether or not they come under European procurement rules.)

(5) Council therefore refers this matter to the Audit and Risk Management Committee to consider what steps should be taken to protect both the Council and the members of the Task Forces in the future.

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