

COUNCIL

Monday, 13 December 2010

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

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

Apologies Councillors E Boulton

59 MAYOR'S COMMUNICATIONS

The Mayor referred to the recent death of Mrs Gertrude 'Robbie' Roberts (wife of Alderman Glyn Roberts) Mayoress of Wallasey 1962/63, died 18 November 2010 and the Council stood in silent tribute to her memory.

The Mayor welcomed Jessica Yung (Wirral's Young Poet Laureate) and Nico Russell who read out their poems, 'Promise of Remembrance' and 'A British Heart', respectively, before the start of the meeting.

60 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:

Councillor D Mitchell declared a prejudicial interest in respect of Motion 8 (Welfare Reforms) by virtue of having a member of his family in receipt of Social Security Benefits and left the chamber whilst this matter was considered.

Councillor P Reisdorf declared a personal interest in Motion 2 (Lib Dem Student Betrayal) by virtue of him being a full time student.

Councillor P Hayes declared a prejudicial interest in respect of Motion 8 (Welfare Reforms) by virtue of his employment and left the chamber whilst this matter was considered.

Councillor G Watt declared a personal interest in respect of Motion 8 (Welfare Reforms) by virtue of his daughter being in receipt of Education Maintenance Allowance.

Councillor I Lewis declared a personal interest in respect of Motion 6 (Cruise Liner Terminals) by virtue of his employment.

61 **PETITIONS**

In accordance with Standing Order 21, the Mayor received a petition submitted by Councillor G Ellis on behalf of 207 Hoylake residents requesting the Interim Director of Corporate Services to make immediate representations to the HSBC Bank requesting that the decision to close the Hoylake Branch be reconsidered.

62 **MINUTES**

The minutes of the meetings of the Council held on 12 and 18 October and 30 November, 2010, had been circulated to members and it was –

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

63 **PROCEDURE**

It was moved by Councillor Blakeley and seconded by Councillor Mitchell that,

“(1) Standing Order 5(3) be suspended and the order of business be varied so that the three questions from members of the public, for which notice had been given, be considered next and that Standing Order 11 be then suspended and question time be dispensed with.

(2) That the Objection to Cabinet minute 248 (9/12/10) ‘Budget Projections 2011-15’ be considered at item 5 on the agenda with the Notice of Motion, ‘Lib Dem Student Betrayal’ being considered as the fourth Notice of Motion.

(3) That during consideration of Cabinet minute 248 (9/12/10) ‘Budget Projections 2011-15’ and the associated Objection, the Budget and Policy Framework Procedure Rules 2 (a) and (b) be suspended.

(4) That Standing Order 7(8) be applied from 8.30pm.”

The Leader of the Labour Group referred to legal advice which his Group had received contained in a letter which had been circulated to all Members and which concluded that the Council would be acting unlawfully if it were to approve Cabinet minute 248 (9/12/10) 'Budget Projections 2011-15'.

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

“The Budget and Policy Framework Procedure Rules 2 (a) and (b) be not suspended and the Notice of Motion, 'Lib Dem Student Betrayal' be considered as the second Notice of Motion.”

The Mayor then sought advice from the Director of Law, HR and Asset Management, who advised the Council that in his opinion the approval of Cabinet minute 248 (9/12/10) 'Budget Projections 2011-15' would not contravene the Budget and Policy Framework Procedure Rules. However, if the Council suspended Procedure Rules 2 (a) and (b) there could be no question of the Council acting unlawfully.

The amendment was put and lost (24:40) (One abstention).

The motion was put and carried (40:24) (One abstention).

Resolved -

- (1) Standing Order 5(3) be suspended and the order of business be varied so that the three questions from members of the public, for which notice had been given, be considered next and that Standing Order 11 be then suspended and question time be dispensed with.**
- (2) That the Objection to Cabinet minute 248 (9/12/10) 'Budget Projections 2011-15' be considered at item 5 on the agenda with the Notice of Motion, 'Lib Dem Student Betrayal' being considered as the fourth Notice of Motion.**
- (3) That during consideration of Cabinet minute 248 (9/12/10) 'Budget Projections 2011-15' and the associated Objection, the Budget and Policy Framework Procedure Rules 2 (a) and (b) be suspended.**
- (4) That Standing Order 7(8) be applied from 8.30pm.**

64 **QUESTIONS**

(A) Mr A Elston, having given the appropriate notice in accordance with Standing Order 11, submitted the following question relating to road safety at Worcester Road:

“I was walking my dog. I was about to cross the road when a vehicle on the opposite side of the road on the service road turning circle, came up through the gap, across the pavement and onto the main road. The turning circle is next to Holy Cross Presbytery, could something be done here for instance for instance some bollards to prevent this happening again?”

Councillor Lesley Rennie, Cabinet Member for Streetscene and Transport Services, in response thanked Mr Elston for his query regarding road safety on Worcester

Road and went on to state, "As members are aware, Road Safety is a key priority for this Authority and we continue to make good progress in reducing the numbers of people injured on our roads.

I have raised the specific problem to which Mr Elston refers with the Director of Technical Services and I understand that the Road Safety Manager has visited Mr Elston to discuss his concerns.

It would appear that some irresponsible drivers are driving across a short section of footway to save themselves just a couple of seconds on their journey.

I understand that in the interest of continuing to protect pedestrians at this location the Director intends to introduce some minor physical measures to prevent this occurring, and that this is likely to be undertaken in the New Year."

At 6.45pm, in accordance with Standing Order 16(2), the Mayor adjourned the meeting due to a general disturbance from the public gallery.

The meeting reconvened at 6.55pm.

(B) Mrs L Brace, having given the appropriate notice in accordance with Standing Order 11, submitted the following question on flytipping:

"For over a year, I have regularly reported flytipping in my neighbourhood in areas ranging from Bidston Hill, Flaybrick Cemetery to the roadsides. What's dumped are items ranging from furniture, tyres, builders' waste to domestic rubbish.

In some cases, this rubbish has been deliberately set alight burning parts of Bidston Hill to the ground. Having this flytipping removed must cost Wirral Council a lot of money. What will be done to catch those involved and deal with the backlog of rubbish?"

Councillor Lesley Rennie, Cabinet Member for Streetscene and Transport Services, in response thanked Mrs Brace for her query regarding flytipping and went on to state, "During the past year there have been a number of fly-tipping incidents in the Bidston Hill, Flaybrick Cemetery locations. These have ranged from domestic waste to furniture and on occasions commercial type waste including frying oil.

Where appropriate, i.e. if the waste is likely to contain personal information, officers have investigated these incidents and in all cases arrangements have been made to have the waste removed. Unfortunately none of the incidents have produced any evidence sufficient to identify an offender. In consideration of the disparate location, frequency and nature of the fly tips it is likely that a number of different offenders are responsible and this makes it more difficult to plan a campaign to prevent further incidents.

The Director of Technical Services has recently purchased a number of 'No Fly-tipping' signs for use as a deterrent at hot spot locations and consideration is being given as to whether locations in this area would be appropriate. The Council also has available portable CCTV equipment for use in monitoring and detecting this type of offence. Not all locations are suitable due to public access, lighting, security etc and use of such equipment is strictly controlled. However, when the current operation has

finished officers will undertake a review to see if use of the equipment in the locations identified above is feasible or appropriate.”

(C) Mr J Brace, having given the appropriate notice in accordance with Standing Order 11, submitted the following question on gifts and hospitality:

“I note that at the Standards Committee meeting of 30 March, 2009 the Committee agreed that all Councillors were to be reminded about their responsibility to register gifts and hospitality (over the value of £25) within 28 days in the Register of Interests, as well as informing the Monitoring Officer.

I welcome the fact that Wirral Council currently publish online a Register of Interests for Councillors, but note with concern that currently any gifts and hospitality received (or offered) to Councillors are not currently shown on Wirral Council’s website.

At a time when public confidence in their elected representatives is low, I note that other borough councils, such as Stockton-on-Tees, Stevenage and Hartlepool publish the information contained in their gifts register on their websites.

Councillors should be open about decisions they make, selfless, honest and show integrity. Publishing the list of gifts and hospitality Councillors have received would help members of the public better understand any potential conflicts of interest that may arise as a result as well as counter any uncertainty that stems from the information not being made easily available.

Can you provide in your answer:

(a) details of gifts declared by each Councillor (both in their duties on Wirral Council and representing Wirral Council on outside bodies), names of donors and value if known for the last 12 months, and,

(b) a commitment that in future this information will be published on a regular basis on Wirral Council’s website in line with current practice at other local councils.”

Councillor Ian Lewis, Cabinet Member for Community and Customer Engagement responded as follows:

“Can I begin by thanking Mr Brace for his question and also say how much we should all value his work, and Leonora’s, to hold this Council to account.

Mr Brace will know that the new Government believes that we need to throw open the doors of public bodies, to enable the public to hold elected representatives to account. We also recognise that this will help to deliver better value for money in public spending, and help us cut the record deficit.

The Council will, of course, work with in existing laws to protect the personal data of residents while striking the right balance with promoting freedom of Information.

At the last Council, Cabinet was requested to consider further steps to open Wirral Council to the public. Mr Brace, perhaps more than most, will have noticed how the new Cabinet has reduced the number of exempt items discussed, to enable the

press and public to stay at meetings for longer. This followed Wirral becoming the first Council in Merseyside to publish all supplier spending of £500 or more.

The Leader also responded to longstanding calls from the public and released details of the Council's sponsorship deal with Tranmere Rovers.

We will soon publish all major supplier contracts, enabling the public to see not only what we spend, but what we spend it on. Later this week, Wirral Council will launch our new ePetition scheme that builds on the work undertaken to open up the Council through petitions and give people the right to address this Council.

We are also looking at how best to remove all controls over the broadcasting of Council meetings.

We recognise that, as well as being more open and transparent with the public, the Council has also been too secretive with its staff. The Leader has, since May, been in regular contact with staff, to keep them informed of the issues faced by the Council and to involve them in decision making. Many of the Council's staff, at all grades, have been in direct contact with the Leader, highlighting areas of waste and giving their ideas on making the Council work better.

In line with the plans outlined by the Coalition Government, we will also, in the New Year, publish online the job titles of every member of senior staff and organograms that include all positions. And we look forward to new protections for whistleblowers in the public sector, also promised by the new Government. That protection should, we hope, help the future Martin Morton's of the Council.

Mr Brace's remarks and questions are also directed at the conduct of elected members. Mr Brace tells us that councillors should be open about decisions they make, selfless, honest and show integrity. Equally, no councillor is above the law – whether local Government law, civil or criminal law on theft, fraud, bribery or defamation or any other matter.

We all abide by the various Local Government Acts and the guidance provided for councillors, including that from the Standards Board for England. In particular, all members receive training on receipt of gifts and hospitality, not least paragraphs 8 and 13 of the Code of Conduct. While the system introduced in Wirral as a result of that Code of Conduct is rigorous in the way gifts and hospitality are overseen, I accept the point by Mr Brace that the system must also be seen to be rigorous. The offer of all gifts and hospitality, of £25 or more, to a person undertaking their duties as a Wirral Councillor, whether accepted or declined, will therefore be listed on the Council's website.

We also welcome plans to regulate lobbying through introducing a statutory register of lobbyists.

A person may also, of course, be offered gifts and hospitality, when seeking election, and we shall therefore publish the election expense return submitted by each elected member.

We also welcome the work by the Government to pursue a detailed agreement on limiting donations and reforming party funding in order to remove big money from

politics. And, in the spirit of openness, the answer I have supplied will be issued as a news release this evening.”

Councillor A Jones queried why 2 members of the public had been refused permission to ask questions on student tuition fees and the Director of Law, HR and Asset Management responded that the two questions had been ruled out of order as they did not relate to the discharge of the Council’s functions in accordance with the procedure for public question time.

65 **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 199, Cabinet (4/11/10) Medium Term Financial Strategy.**
- (ii) Minute 200, Cabinet (4/11/10) Capital Strategy.**
- (iii) Minute 242, Cabinet (9/12/10) Wirral's Future: Be Part Of It: Task Force Options and Recommendations.**
- (iv) Minute 254, Cabinet (9/12/10) Proposed Constitutional Changes: Petitions.**
- (v) Minute 246, Cabinet (9/12/10) Calculation of Council Tax Base.**
- (vi) Minute 253, Cabinet (9/12/10) Provision for Inflation 2011-12.**
- (vii) Minute 245, Cabinet (9/12/10) Capital Programme and Financing 2011-15.**
- (viii) Minute 171, Cabinet (14/10/10) Wirral Strategic Housing Market Assessment Update and Affordable Housing Viability Assessment – Key Findings and Policy Implications for Wirral.**
- (ix) Minute 12, Licensing Act 2003 Committee (8/11/10) Draft Statement of Licensing Policy.**

66 **OBJECTION: CABINET MINUTE 248 (9/12/2010) BUDGET PROJECTIONS 2011-15**

Having suspended the Budget and Policy Framework Procedure Rules 2 (a) and (b) Councillor Green moved and it was seconded by Councillor Rennie, that –

“Minute 248, Cabinet (9/12/10) Budget Projections 2011-15, be approved.”

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

- “(1) This Council believes that the Cabinet resolution is in breach of the Council’s Constitution and that this breach could render the whole budget making process illegal, including the final budget passed at budget Council in March.
- (2) Council therefore urges all members to step back from this position, follow the Council’s Constitution, and, under the terms of paragraph 2a and b of the Budget and Policy Framework, seek all party approval on those parts of the resolution where it may be found and refer all other matters to Special Overview and Scrutiny Committee/s, (to be called with due urgency), according both to the Constitution and to the custom and practice of this Council.
- (3) Council notes that:
- The proposals contained within this resolution total £48million.
 - There has not been a single report to Cabinet on EVRs/Voluntary Severance, on which posts will be affected, or on what restructuring is necessary to protect services.
 - Restructuring costs have not been netted off the EVR figures,
 - No plans are presented to Council on what that restructuring will be, or what its cost will be.
 - There have been no reports to Cabinet detailing the £10.7m savings from the Strategic Change programme and their consequences.
 - The £10.7m is not broken down in the resolution.
 - This £10.7m has apparently been delivered despite claims from the Leadership earlier in the year that there was only half a million deliverable from the programme.
 - This was in direct contradiction to a draft report received by the Labour Leader prior to the elections, discussed with the DA, which indicated the potential for £15m savings.
 - The Interim Chief Executive used his powers to deny call in from the last Cabinet of the 9.5% reduction in fees to independent care home providers.
 - A number of staff who have not applied for EVR or voluntary severance will be put on the ‘at risk’ register because the services they work in will close following the decision of this Council meeting.
 - No prior scrutiny of these closures has taken place to investigate the consequences for service users or staff, or to consider potential timescales.
 - The budget proposals set out in this resolution which are not detailed for further consideration will be actioned at the conclusion of the Council meeting, including the authority for 306 people to leave the Council by the end of December, a further 100 or so to leave by June, and, according to a letter from the Leader of the Council sent to staff at 3am on Friday morning, a further 700 staff who were previously thought to be on a “maybe” list pending details of possible restructurings.
- (4) Council further notes that the intention of Scrutiny is to examine proposals in detail, call the Executive to account, and give the Cabinet the opportunity to revise decisions if it so wishes before, in budget and policy matters, they are presented to Council for a final decision.

(5) Council believes that the failure to allow this Scrutiny, as laid down in the Council's Constitution, could be perceived as a grave dereliction of democratic duty, as well as an illegal act."

In moving approval of this minute the Leader of the Council also referred to the work of the Council's 'champions' and that he was appointing a further 'champion', Councillor Don McCubbin as Wirral's Library Champion.

Following a debate and Councillor Green having replied, the objection was put and lost (24:40) (One abstention)

The minute, having been moved by Councillor Green and seconded by Councillor Rennie was then put and carried (40:24) (One abstention) and it was –

Resolved (40:24:1) – That minute 248, Cabinet (9/12/10) Budget Projections 2011-15, be approved.

67 **MATTERS FOR NOTING**

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

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

(a) (i) **Minute 224, Cabinet (25/11/10) Birkenhead High School for Girls Academy – Capital Works, Contract Award and Final Business Case Submission (Reason: waiving of call-in).**

(ii) **Minute 234, Cabinet (25/11/10) Change in VAT Rate January 2011 (Reason: waiving of call-in).**

(iii) **Minute 259, Cabinet (9/12/10) Contracts for Personal Support (Reason: waiving of call-in).**

(iv) **Minute 260, Cabinet (9/12/10) Bidston Moss Viaduct Update and Docks Link Roads Resurfacing (Reason: compliance with Contract Procedure Rule 5.2).**

(b) **Petition: To Help Improve Birkenhead Council Kennels – deferred to the February meeting of Council to enable the petitioner to attend.**

68 **MATTERS FOR DEBATE**

The matters listed for debate in accordance with Standing Order 5(2)(m) were dealt with as indicated in minutes 69 to 76 below.

69 **MOTION: PROTECTION OF OUR MOST VULNERABLE RESIDENTS OF WIRRAL**

Proposed by Councillor Jeff Green
Seconded by Councillor Lesley Rennie

- (1) Council believes that caring for vulnerable adults with learning and physical difficulties is one of the most important functions of a fair and responsible society.
- (2) Council thanks the Care Quality Commission for their report exposing the failures within the Council's provision of adult social services.
- (3) Council believes that this failure to protect our most vulnerable residents is a shameful failure of responsibility of senior Labour Councillors and that, by this failure, Wirral is reportedly the poorest-performing adult social services department in the country.
- (4) Council welcomes the Action Plan being implemented by the Interim Director of Adult Social Services to correct the failings of the past and gives its backing to the measures being undertaken by him, and the new Administration.
- (5) Council thanks the Liberal Democrat Cabinet Member and the members of the Interim Executive Board who meet regularly to ensure the changes identified by the CQC are implemented.
- (6) Council welcomes the contribution made to the consultation 'Wirral's Future' by adults and users of adult social services, their carers and families and voluntary, community and faith organisations.
- (7) Council calls upon the former Labour Leader of the Council and the former Cabinet Member for Social Care and Inclusion to apologise to Council and the people of Wirral for their abject failure in the conduct of their responsibilities.
- (8) Council believes this failure to deliver care and failure to apologise since publication of the CQC Report, demonstrates that Wirral Labour is incapable of caring for the most vulnerable.

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

Proposed by Councillor Moira McLaughlin
Seconded by Councillor Brian Kenny

Delete all after paragraph (1). Insert:

- (2) Council recognises that there were failures in the provision of services for those with Learning Disabilities, and that the then Cabinet Member for Adult Social Services and the then Leader of the Council both apologised publicly to service users for those failures and welcomed the recommendations of the Care Quality Commission.
- (3) Council recognises that criticisms centred around a failure to modernise at speed those services which are more traditional, such as day services, and on a continued reliance on residential care, rather than more community based alternatives.
- (4) Council believes that, while this has been recognised as a failure to provide the most up to date and stimulating alternatives, it arose from an attempt to tailor the pace of change to one which maintains the confidence of this vulnerable group of

users and carers, and recognises the reasons why some are fearful and resistant to change. Council accepts that this slower progress has led to an over-protective, segregated service, rather than modern, integrated provision"

- (5) Council further recognises that changes of the nature recommended by the Care Quality Commission will not be easy to achieve quickly precisely because they challenge the traditional way of providing services which users and their families and carers are familiar with and feel safe with, and that this is reflected in the responses to the consultation which urged retention of all Day Centres.
- (6) Council therefore believes that the Interim Director of Social Services should be supported in his moves to implement the Action Plan introduced following the Care Quality Commission report and that, while progress should be carefully monitored and scrutinised, it would not be appropriate for this issue to become a political football which can only distract from the very real and difficult issues that lie ahead.

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

The amendment was put and lost (24:40) (One abstention).

The motion was put and carried (40:24) (One abstention).

Resolved (40:24:1) -

- (1) Council believes that caring for vulnerable adults with learning and physical difficulties is one of the most important functions of a fair and responsible society.**
- (2) Council thanks the Care Quality Commission for their report exposing the failures within the Council's provision of adult social services.**
- (3) Council believes that this failure to protect our most vulnerable residents is a shameful failure of responsibility of senior Labour Councillors and that, by this failure, Wirral is reportedly the poorest-performing adult social services department in the country.**
- (4) Council welcomes the Action Plan being implemented by the Interim Director of Adult Social Services to correct the failings of the past and gives its backing to the measures being undertaken by him, and the new Administration.**
- (5) Council thanks the Liberal Democrat Cabinet Member and the members of the Interim Executive Board who meet regularly to ensure the changes identified by the CQC are implemented.**
- (6) Council welcomes the contribution made to the consultation 'Wirral's Future' by adults and users of adult social services, their carers and families and voluntary, community and faith organisations.**

(7) Council calls upon the former Labour Leader of the Council and the former Cabinet Member for Social Care and Inclusion to apologise to Council and the people of Wirral for their abject failure in the conduct of their responsibilities.

(8) Council believes this failure to deliver care and failure to apologise since publication of the CQC Report, demonstrates that Wirral Labour is incapable of caring for the most vulnerable.

70 MOTION: INCREDIBLE EDIBLE WIRRAL

Proposed by Councillor Peter Reisdorf

Seconded by Councillor Gill Gardiner

(1) Council applauds the success of the “Incredible Edible Todmorden” project and the work that they have done with Calderdale Council and other public bodies to make available land in their area in order to increase the amount of local produce grown and eaten in the town, improve sustainability and self sufficiency and promote healthy eating.

(2) Council, therefore, requests the appropriate officers:

(a) Make contact with the “Incredible Edible Todmorden” Group to learn more and assess whether such a project is feasible for Wirral communities.

(b) Review local funding sources, such as that available to local area forums, to assess whether any financial support could be available for local groups to progress such a community project if sufficient interest exists.

(c) Identify and engage with community leaders with experience of growing food and gardening who may wish to support such a project.

(d) Support any interested groups wishing to develop an “Incredible Edible Wirral” project to engage with residents, area forums, schools, social landlords, employers and other groups and organisations as may be appropriate, to identify sites that may be suitable for growing local food through community action.

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.

71 MOTION: WIRRAL'S FUTURE

Proposed by Councillor Jeff Green

Seconded by Councillor Simon Holbrook

(1) Council notes that the ‘Wirral’s Future – Be a part of It’ consultation generated more responses than any previous Council consultation – 2,972 on paper and 2,687 online, including 276 employers.

(2) Council thanks:

- (a) All residents who participated and gave their views.
- (b) The community groups and employers who hosted and welcomed visits from staff, as part of the 123 events and activities held across Wirral.
- (c) The independent members of the four task forces, from a wide variety of organisations, who gave their time, freely and willingly.
- (d) The members of the Consultation Project Team.
- (e) The staff who engaged with the public at roadshows, events and meetings and who collated the responses from the public.

(3) Council requests that:

- (a) the results of the consultation form the basis of a refreshed Corporate Plan, informed by the people's priorities as expressed during the consultation.
- (b) an annual consultation is carried out, to review all services and to enable residents, employers, Council employees, voluntary, faith and community groups to influence future Council policy and that the process for 2011/12 should start in January.

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

Proposed by Councillor Phil Davies
Seconded by Councillor Adrian Jones

Delete existing text and replace with the following:

Council believes that the 'Wirral's Future – Be a part of it' consultation was fundamentally flawed for the following reasons:

1. It failed to go through the Council's democratic procedures. Key decisions were taken by the Leader of the Council and announcements were made via press releases;
2. The Administration chose to ignore completely the Council's overview and scrutiny committees which were designed to undertake this type of work;
3. Members of the Task Forces were selected by the leadership, with no opportunity by opposition members to influence who sat on these bodies or the recommendations they put forward;
4. The questionnaire used in the exercise was of poor quality – it was too long and complicated; it used leading questions on issues such as the out-sourcing of Council services; and many of the questions contained confusing and ambiguous wording;
5. The response to the questionnaire represents only 1.8% of Wirral's population;

6. No evidence has been produced which demonstrates that all on-line versions of the questionnaire were completed by Wirral residents and that multiple copies of the questionnaire were not completed by one individual;

As a result of the above, Council agrees that it would be extremely unwise to base decisions about the budget and a new Corporate Plan on the outcome of this flawed consultation.

Council asks the Interim Chief Executive to report to a future Cabinet meeting on how a more rigorous, robust and representative consultation process can be carried out in the future.

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

The amendment was put and lost (24:40) (One abstention).

The motion was put and carried (40:24) (One abstention).

Resolved (40:24:1) -

(1) Council notes that the 'Wirral's Future – Be a part of It' consultation generated more responses than any previous Council consultation – 2,972 on paper and 2,687 online, including 276 employers.

(2) Council thanks:

- (a) All residents who participated and gave their views.**
- (b) The community groups and employers who hosted and welcomed visits from staff, as part of the 123 events and activities held across Wirral.**
- (c) The independent members of the four task forces, from a wide variety of organisations, who gave their time, freely and willingly.**
- (d) The members of the Consultation Project Team.**
- (e) The staff who engaged with the public at roadshows, events and meetings and who collated the responses from the public.**

(3) Council requests that:

- (a) the results of the consultation form the basis of a refreshed Corporate Plan, informed by the people's priorities as expressed during the consultation.**
- (b) an annual consultation is carried out, to review all services and to enable residents, employers, Council employees, voluntary, faith and community groups to influence future Council policy and that the process for 2011/12 should start in January.**

72 **MOTION: LIB DEM STUDENT BETRAYAL**

Proposed by Councillor Phil Davies

Seconded by Councillor Chris Meaden

- (1) This Council condemns the decision of the Conservative-Liberal Democrat coalition government to cut 80 per cent of teaching funding for universities and to ask the next generation to shoulder the bill through a tripling of tuition fees.
- (2) Council shares the anger of thousands of students at the actions of the Liberal Democrats whose Leader and several MPs, prior to the general election, signed a pledge to scrap university tuition fees for all students taking their first degree, and has now reneged on this promise by agreeing to treble these fees.
- (3) Council also condemns the abolition of the Education Maintenance Allowance which enabled many students from lower and middle income families to stay on at school or College after the age of 16 with a view to obtaining 'A'Levels or their equivalent and access higher education.
- (4) Council notes that these cuts will reduce social mobility and create a system in which only those young people from affluent families will be able to go to university.
- (5) Council therefore supports the campaign by students and others to stop these cuts and to develop a funding system which adequately resources universities, rejects any moves to make higher education elitist, and provides positive opportunities for young people to apply to study at university.
- (6) Council calls on all members of the Council to support this motion and thereby show solidarity with the youth of Wirral.

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

Proposed by Councillor Peter Reisdorf

Seconded by Councillor Dave Mitchell

Delete all and replace with:

- (1) Council notes that our Universities must be fully funded if they are to continue to provide high quality education to students.
- (2) Council believes it was a mistake for the Labour government to introduce tuition fees in 1998 despite a Manifesto commitment not to and furthermore believes it was a mistake for the Labour Government to introduce £3,000 per year top up fees in 2004.
- (3) Council notes that in 2009, the then Labour Government commissioned the Browne Report, because their funding policy had failed to produce enough resources for universities.
- (4) Council believes that the Government's proposals improve on the system introduced by the Labour Government in a number of ways, including:

- Increasing the repayment threshold from £15,000 to £21,000
- Ending upfront fees for part-time students
- More generous grants for lowest income students
- Ensuring all students will repay less per month than they currently pay
- Under the scheme, any student eligible for free school meals who is accepted for a place at university would have one year's fees paid by the state

(5) However, Council believes that instead of increasing top up fees, all tuition fees should be phased out so that students are not penalised with thousands of pounds worth of debt for entering into higher education.

(6) Council also believes that MPs should vote against any increase in tuition fees.

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

The amendment was put and lost (14:50) (One abstention).

The motion was put and lost (24:40) (One abstention).

73 **MOTION: CRUISE LINER TERMINAL**

Proposed by Councillor Ann Bridson

Seconded by Councillor Stuart Kelly

Council notes:

- (1) The success of the cruise liner day visits to the Liverpool Pier Head.
- (2) The restrictions, relating to EU competition rules arising from the use of public grant given to support the development of that same facility as a turnaround destination, currently preventing the Liverpool cruise liner terminal from handling ship turnarounds.
- (3) The existence of the facility to operate as turnaround port from Langton Dock, but the inadequacy and impracticality of that facility for cruise ships for docking and embarkation; and the absurdity of preventing the use of the Pier Head for ship turnarounds under competition given the close proximity of Langton Dock.
- (4) That each cruise ship turnaround generates an estimated £150,000 – money that would be spent across the city-region area.
- (5) The enthusiasm of cruise operators, such as Bibby Line and Fred Olsen, for the turnaround restrictions to be lifted.

Council welcomes:

- (6) The Liverpool Daily Post 'Get on Board' campaign, calling for the licence to be granted for cruise turnarounds.

- (7) The support for the campaign for a turnaround licence from Wirral MPs, including Esther McVey and Angela Eagle.

Therefore, Council,

Requests the Interim Chief Executive, in consultation with city-region colleagues to write to the Transport Minister, Theresa Villiers, urging the restrictions to be challenged leading to the granting of a license for the Liverpool Cruise Liner terminal to operate as a turnaround port.

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

Proposed by Councillor Chris Blakeley
Seconded by Councillor Les Rowlands

In paragraph (7) delete all after 'Wirral MPs' and add 'and MEPs'

In last paragraph delete 'Theresa Villiers' and insert 'Mike Penning'

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

Proposed by Councillor Steve Foulkes
Seconded by Councillor Phil Davies

Amend paragraph (7) to read:

- (7) The support for the campaign for a turnaround licence, from the four Wirral MPs, Esther McVey, Angela Eagle, Frank Field and Alison McGovern.

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

Councillor Bridson agreed to accept the amendments as a composite friendly amendment and the amended motion was put and carried (64:0)

Resolved (unanimously) -

Council notes:

- (1) The success of the cruise liner day visits to the Liverpool Pier Head.**
- (2) The restrictions, relating to EU competition rules arising from the use of public grant given to support the development of that same facility as a turnaround destination, currently preventing the Liverpool cruise liner terminal from handling ship turnarounds.**
- (3) The existence of the facility to operate as turnaround port from Langton Dock, but the inadequacy and impracticality of that facility for cruise ships for docking and embarkation; and the absurdity of preventing the use of the Pier Head for ship turnarounds under competition given the close proximity of Langton Dock.**

- (4) That each cruise ship turnaround generates an estimated £150,000 – money that would be spent across the city-region area.
- (5) The enthusiasm of cruise operators, such as Bibby Line and Fred Olsen, for the turnaround restrictions to be lifted.

Council welcomes:

- (6) The Liverpool Daily Post ‘Get on Board’ campaign, calling for the licence to be granted for cruise turnarounds.
- (7) The support for the campaign for a turnaround licence from the four Wirral MPs, Esther McVey, Angela Eagle, Frank Field and Alison McGovern and MEPs.

Therefore, Council,

Requests the Interim Chief Executive, in consultation with city-region colleagues to write to the Transport Minister, Mike Penning, urging the restrictions to be challenged leading to the granting of a license for the Liverpool Cruise Liner terminal to operate as a turnaround port.

74 **MOTION: WHY BRITAIN VOTED FOR CHANGE**

Proposed by Councillor Andrew Hodson
Seconded by Councillor Ian Lewis

- (1) Council notes that, instead of ending ‘Boom and Bust’ Labour brought us to the brink of bankruptcy. They doubled the national debt and left Britain with the biggest budget deficit in the G20. We are spending £120 million every single day just to pay off the interest on Labour's debt. This is Labour's legacy.
- (2) Ed Miliband and Alan Johnson were at the heart of the Labour Government that created this mess and they have no credible plan to clean it up. They disagree over whether to have a graduate tax or not, whether to have a 50p tax or not and whether unions should elect Labour's leader or not. We know what they are against but we don't know what they're for.
- (3) If we listened to Labour, our debt would be almost £100 billion higher by the end of the Parliament and we would be paying £4 billion more in debt interest alone by the time of the next election - money that goes to foreign creditors to help pay for their schools and hospitals rather than our own. Their approach would take us back to the brink of bankruptcy - that would mean less growth, less investment and fewer jobs.
- (4) Council further notes that, since losing control of the Council, the Labour Party has failed to offer solutions to the challenges arising from their Government's failure and, indeed, have failed to recognise that some of these challenges even exist.

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

Proposed by Councillor Anne McArdle
Seconded by Councillor Ann McLachlan

Delete all existing text and replace with the following:

- (1) Council acknowledges that the global recession was caused by the failure of the sub-prime mortgage market in America and the actions of the banks and bankers who took unacceptable risks in the pursuit of short term financial gain. It if had not been for the actions of the Labour Government in bailing out Northern Rock and subsequently other banks, then the financial stability of this country would have been very close to collapse.
- (2) Council should recognise that Labour's real legacy is one of new schools, of new hospitals, of high employment, low interest rates, pensioners lifted out of the poverty they were in after 18 years of a Tory Government.
- (3) The Labour Government acknowledged that the deficit had to be tackled, but not in a way that would asset strip the public sector, causing the loss of thousands of jobs, and decimating services to the people of the Wirral.
- (4) Council further notes that the Labour Group has, since May, repeatedly asserted the urgent need to address the ever increasing budget shortfall and that the ConDem administration have been found wanting in their strategy to tackle the shortfall, preferring instead to govern by press release.
- (5) Council notes that the country's finances were clearly in better shape than the Coalition Government claimed as they have recently agreed to lend Ireland £7bn, to be repaid over 4 years, as part of a rescue package to bolster their ailing economy.

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

Proposed by Councillor Mark Johnston
Seconded by Councillor Peter Reisdorf

Add:

- (5) Finally, Council notes that the Liberal Democrats, as part of the Coalition Government, have taken a number of steps to increase fairness in our society, alongside the measures necessary to deal with Labour's legacy of debt, including:
 - Raising the starting threshold for income tax,
 - Increasing top rate capital gains tax;
 - Linking pension increases to inflation, 2.5% or wages, whichever is the greatest
 - A £2.5bn pupil premium targeted at children in greatest need
 - A massive programme of constitutional reform including a referendum on fairer votes.

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

The amendment proposed by Councillor McArdle was put and lost (24:40) (One abstention).

The amendment proposed by Councillor Johnston was put and carried (40:24) (One abstention).

The motion, as amended, was then put and carried (40:24) (One abstention).

Resolved (40:24:1) –

- (1) Council notes that, instead of ending ‘Boom and Bust’ Labour brought us to the brink of bankruptcy. They doubled the national debt and left Britain with the biggest budget deficit in the G20. We are spending £120 million every single day just to pay off the interest on Labour’s debt. This is Labour’s legacy.**
- (2) Ed Miliband and Alan Johnson were at the heart of the Labour Government that created this mess and they have no credible plan to clean it up. They disagree over whether to have a graduate tax or not, whether to have a 50p tax or not and whether unions should elect Labour’s leader or not. We know what they are against but we don’t know what they’re for.**
- (3) If we listened to Labour, our debt would be almost £100 billion higher by the end of the Parliament and we would be paying £4 billion more in debt interest alone by the time of the next election - money that goes to foreign creditors to help pay for their schools and hospitals rather than our own. Their approach would take us back to the brink of bankruptcy - that would mean less growth, less investment and fewer jobs.**
- (4) Council further notes that, since losing control of the Council, the Labour Party has failed to offer solutions to the challenges arising from their Government’s failure and, indeed, have failed to recognise that some of these challenges even exist.**
- (5) Finally, Council notes that the Liberal Democrats, as part of the Coalition Government, have taken a number of steps to increase fairness in our society, alongside the measures necessary to deal with Labour’s legacy of debt, including:**
 - Raising the starting threshold for income tax,**
 - Increasing top rate capital gains tax;**
 - Linking pension increases to inflation, 2.5% or wages, whichever is the greatest**
 - A £2.5bn pupil premium targeted at children in greatest need**
 - A massive programme of constitutional reform including a referendum on fairer votes.**

75 MOTION: COMMERCIAL COCKLING

Proposed by Councillor Pat Glasman
Seconded by Councillor Adrian Jones

- (1) Council recognises that the people of Wirral take a keen interest in the preservation of their coastal environment. Council therefore condemns the way in which a commercial cockling operation was sprung on the people of Wirral without any prior consultation. Council notes that discussions started as early as June this year, that a Conservative Councillor is the Vice Chair of the North West and North Wales Sea Fisheries Committee and that Conservative Councillors were fully aware of the preparations taking place from November 5th.
- (2) Council believes this is yet another shabby example where the Conservative/Liberal Democrat administration have failed to live up to their own much stated commitment to consultation and therefore apologises to the people of Wirral for their failure to consult on an environmentally sensitive commercial enterprise as significant as this.

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

Proposed by Councillor David Elderton

Seconded by Councillor Ian Lewis

- (1) *delete all after 'any prior consultation' and replace with,* Council notes that Wirral's nominated members were given insufficient notice of the decision to open the beds at Leasowe for commercial activity and notes the apology to Councillor Denis Knowles from the Sea Fisheries Committee.
- (2) Council notes that, while the local authority has no jurisdiction or legal powers to prevent such a decision in future, believes that decisions affecting local communities should be made with greater involvement, engagement and consultation with local people and communities.
- (3) Council therefore welcomes the abolition of the Sea Fisheries Committee and the establishment of the Inshore Fisheries and Conservation Authority, with effect from April 2011, and is pleased to note the greater role for local people, including a nominated Member.
- (4) Council thanks the Council staff and contractors; the members of the Friends of the North Wirral Coastal Park and those local cocklers who collected litter for their work to rectify the damage caused by inconsiderate commercial cocklers at Leasowe.
- (5) Council welcomes the action to improve communication between the various parties involved and instructs the Interim Chief Executive to write to the Shadow Chairman and Chief Executive of the Inshore Fisheries and Conservation Authority to visit the coast at Leasowe and to meet with members, officers and community representatives.

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

The amendment was put and carried (40:24) (One abstention).

The motion, as amended, was then put and carried (40:24) (One abstention).

Resolved (40:24:1) –

- (1) Council recognises that the people of Wirral take a keen interest in the preservation of their coastal environment. Council therefore condemns the way in which a commercial cockling operation was sprung on the people of Wirral without any prior consultation. Council notes that Wirral's nominated members were given insufficient notice of the decision to open the beds at Leasowe for commercial activity and notes the apology to Councillor Denis Knowles from the Sea Fisheries Committee.**
- (2) Council notes that, while the local authority has no jurisdiction or legal powers to prevent such a decision in future, believes that decisions affecting local communities should be made with greater involvement, engagement and consultation with local people and communities.**
- (3) Council therefore welcomes the abolition of the Sea Fisheries Committee and the establishment of the Inshore Fisheries and Conservation Authority, with effect from April 2011, and is pleased to note the greater role for local people, including a nominated Member.**
- (4) Council thanks the Council staff and contractors; the members of the Friends of the North Wirral Coastal Park and those local cocklers who collected litter for their work to rectify the damage caused by inconsiderate commercial cocklers at Leasowe.**
- (5) Council welcomes the action to improve communication between the various parties involved and instructs the Interim Chief Executive to write to the Shadow Chairman and Chief Executive of the Inshore Fisheries and Conservation Authority to visit the coast at Leasowe and to meet with members, officers and community representatives.**

76 MOTION: WELFARE REFORMS

Proposed by Councillor Simon Holbrook
Seconded by Councillor Bob Moon

- (1) Council welcomes the Coalition Government's proposals for simplification and integration of the current complex system of benefits and tax credits and the replacement of a range of working-age welfare benefits with a "Universal Credit" from 2013 onwards.
- (2) Council believes that this will remove the "benefits trap", supporting people in the transition from benefits to work by ensuring benefits are tapered and that it will:
 - (a) Simplify and amalgamate the main welfare benefits into one single system;
 - (b) Ensure that work always pays; and
 - (c) Alleviate poverty by boosting take-up and encouraging job market participation.
- (3) Council further believes that:

- (a) This policy is about supporting people, especially those on the lowest incomes.
 - (b) The Universal Credit will streamline and simplify the system so that people will more easily know where they will stand if they take a job;
 - (c) With a single benefit, take-up will improve, helping to reduce in-work poverty;
 - (d) Combating high withdrawal rates of benefits as someone enters work or increases hours will increase people's ability to change their circumstances without ending up with less money at the end of the week;
 - (e) People will be able to keep more of their wage before the benefit taper kicks in;
 - (f) There will be no cash losers – where the new, simpler system would produce a lower entitlement than the present system, current recipients will be protected;
 - (g) That the use of sanctions will act as a deterrent and that the most severe sanctions are intended only to be applied in exceptional circumstances where people systematically and repeatedly abuse the system;
- (4) Therefore, Council calls on officers to work with partners to support residents in the transition to the proposed new system of working age benefits by ensuring that relevant information and advice on the new system and how they will be affected will be available through the call centre and one stop shop network.

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

Proposed by Councillor Ron Abbey
 Seconded by Councillor Stuart Whittingham

Delete everything and replace with the following:

- (1) This Council welcomes the intention of any reform which would enable more people on benefits to access work easily. However, it believes that the Coalition Government's welfare reforms are destined to fail because they are not accompanied by measures which would create jobs. Instead the Government has already announced in the CSR that 490,000 public sector jobs will be lost and this is likely to result in an equivalent number of job losses in the private sector.
- (2) Council does not believe that there will be no cash losers, particularly as the current Housing Benefit will form part of the Universal Credit in future and the government has already introduced a cap on Housing Benefit which will severely disadvantage those living in high rent areas and cause severe hardship to many families.
- (3) Council further deplores the government plans for fixed term tenancies for social housing, with a potential minimum of just two years, which will be reviewed if the tenant's financial circumstances improve. Council notes that this will act as a direct disincentive to work, with individuals forced to choose between a job or a roof over their head, which is in direct opposition to the government's stated welfare reforms to encourage individuals into work.
- (4) Council is strongly opposed to the announced changes to Disability Living Allowance which will remove the mobility component for those living in residential care and limit their ability to have any kind of social or working life outside the

residential setting. Council believes this is a retrograde step and, with further major cuts in the Disability Living Allowance budget projected for the future, sees this as a direct attack on those with disabilities which will worsen their living conditions and remove much of the progress made over the last decades which enable them to play a full part in society today.

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

The amendment was put and lost (24:38) (One abstention).

The Motion was put and carried (38:24) (One abstention).

Resolved (38:24:1) -

- (1) Council welcomes the Coalition Government's proposals for simplification and integration of the current complex system of benefits and tax credits and the replacement of a range of working-age welfare benefits with a "Universal Credit" from 2013 onwards.**
- (2) Council believes that this will remove the "benefits trap", supporting people in the transition from benefits to work by ensuring benefits are tapered and that it will:**
 - (a) Simplify and amalgamate the main welfare benefits into one single system;**
 - (b) Ensure that work always pays; and**
 - (c) Alleviate poverty by boosting take-up and encouraging job market participation.**
- (3) Council further believes that:**
 - (a) This policy is about supporting people, especially those on the lowest incomes.**
 - (b) The Universal Credit will streamline and simplify the system so that people will more easily know where they will stand if they take a job;**
 - (c) With a single benefit, take-up will improve, helping to reduce in-work poverty;**
 - (d) Combating high withdrawal rates of benefits as someone enters work or increases hours will increase people's ability to change their circumstances without ending up with less money at the end of the week;**
 - (e) People will be able to keep more of their wage before the benefit taper kicks in;**
 - (f) There will be no cash losers – where the new, simpler system would produce a lower entitlement than the present system, current recipients will be protected;**
 - (g) That the use of sanctions will act as a deterrent and that the most severe sanctions are intended only to be applied in exceptional circumstances where people systematically and repeatedly abuse the system.**

(4) Therefore, Council calls on officers to work with partners to support residents in the transition to the proposed new system of working age benefits by ensuring that relevant information and advice on the new system and how they will be affected will be available through the call centre and one stop shop network.

77 **VACANCIES**

The Council was requested to deal with the following appointments:

Outside Bodies

Environment

New **Inshore Fisheries and Conservation Authorities** (IFCAs) to be established on 1 April, 2011, **Shadow IFCA** established until 31 March, 2011 and the Council was requested to appoint one representative.

It was moved by Councillor A Jones and seconded by Councillor S Foulkes, that –

Councillor H Smith be appointed to this body.

It was moved by Councillor C Blakeley and seconded by Councillor J Green, that –

Councillor D Knowles be appointed to this body.

A vote was taken, Councillor H Smith receiving 24 votes and Councillor D Knowles receiving 30, Councillor D Knowles was therefore appointed as the Council's representative.

Housing and Community Safety

Beechwood and Ballantyne Community Housing Association – Board

Councillor D Realey to replace Councillor S Whittingham

Social Care and Inclusion

Wirral University Teaching Hospital Foundation Trust – Governors

Interim Director of Adult Social Services, H Cooper, to replace former Director, J Webb, as deputy.

Corporate Resources

West Kirby Charities

The appointment to this body was deferred at the request of the trustees.

Resolved – That the appointments be approved.