



Council

Town Hall
Wallasey

5 December 2008

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.20 pm on Monday, 15 December 2008** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects:

Contact Officer: Andrea Grant
Tel: 0151 691 8559
e-mail: andreagrants@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

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 - 20)

To receive as a correct record the minutes of the meeting of the Council held on 3 November 2008.

5. PROCEEDINGS OF CABINET AND COMMITTEES

To consider the following matters referred to the Council for decision (copies of the relevant reports are available on request):

5.1 Cabinet minute 254

Projected Budgets 2009-2011 (6 November)

Recommendation -

(1) In the light of the continued urgent need to close Wirral's £21million budget gap and avoid placing an unreasonable burden on Wirral's council tax payers, and in the light of the recommendations on Item 4 (Progress towards the Transformation of Adult Social Services) and Item 8 (Procurement Efficiencies), Cabinet recommends the following to Council:

| ADULT SOCIAL SERVICES | |
|---|-----------|
| | £ |
| In line with Cabinet report on item 4, paragraph 13.2, adopt the Fair Price model of Supported Living with Independent Supported Living Providers. | 650,000 |
| In line with Cabinet report item 4 paragraph 13.3 put in house Supported Living Services out to tender. This is a half year saving from September 09 to allow time for process. | 347,000 |
| In line with Cabinet report item 4 paragraph 7.2 put all Adult Social Services Transport services out to tender. This is a part year saving to allow time for the process. | 180,000 |
| In line with Cabinet report item 4 paragraph 14.1.d) fund the cost of Individualised Budgets from Reform Care Grant | 1,500,000 |
| Fund the Reform Team directly from the Efficiency Investment Budget in 2008/9 | 360,000 |
| Fund Reform Team from Efficiency Investment Budget in 2009/10 | 518,000 |
| FINANCE | |
| | £ |
| Fund Change team from Efficiency Investment Fund in 2008/9 | 635,000 |
| Fund Change team from Efficiency Investment Fund in 2009/10 | 635,000 |

| | |
|---|-----------|
| Fund Procurement and Creditors from Efficiency Investment Fund in 2008/9 | 1,022,000 |
| Fund Procurement and Creditors from Efficiency Investment Fund in 2009/10 | 1,022,000 |
| Fund Customer Services Development from Efficiency Investment Fund | 183,000 |
| Fund Customer Services Development from Efficiency Investment Fund | 183,000 |
| Corporate Procurement Efficiencies | 1,500,000 |
| | |
| REGENERATION. | |
| | £ |
| Conference and Seminar Attendance | 10,000 |
| Reduction in Training | 28,000 |
| Maximising external grant | 107,000 |
| Reduction in advertising as a consequence of Wirral Homes' decision to stop advertising in the Globe (Council's contribution no longer required). | 10,000 |
| Review of administration. | 138,000 |

5.2 Cabinet minute 267

Projected Budgets 2009-2011 (27 November)

Recommendation – That

(1) Cabinet recognises that the recession is having an impact on many of Wirral's families and it is essential to do everything possible to ensure that Wirral's council tax payers are not faced with the additional burden of high council tax increases. In order to further reduce Wirral's budget gap, and in the light of the reports and Cabinet recommendations on the Insurance Budget (Item 15), the Highway and Engineering Services Procurement Exercise (Item 9), and the Reconfiguration of Youth Services (Item 16), Cabinet recommends the following:

| CHILDREN'S SERVICES | |
|---|---------|
| | £ |
| The Schools budget be charged with the full cost of insurance, reflecting the risks assessed by the | 400,000 |

| | |
|--|---------|
| insurer and that the mechanism for doing this is agreed with the Schools' Forum. | |
| The Reconfiguration of the Youth Service is agreed in line with the report and consequential savings accepted as outlined in the recommendation. | 150,000 |
| TECHNICAL SERVICES | |
| | £ |
| The revenue savings of £320,000 arising from the HESPE exercise as outlined in the report be accepted. | 320,000 |
| FINANCE. | |
| | £ |
| The sum of £140,000 of increased income from Wirral Partnership Homes following the closure of their cash offices be accepted. | 140,000 |

(2) Cabinet asks that the efficiencies contained within this motion be referred to the relevant Scrutiny Committees * for urgent consideration before Council meets on December 15th. Should this prove impossible in any instance, then, because it is considered to be in the Council's best interests to implement proposed savings as early as possible, Cabinet asks Council to approve those items which have not been considered by scrutiny committees where there is all party support and, in so doing, to suspend paragraph 2(a) of the Budget and Policy Framework Procedure Rules and to deal with the proposals in accordance with paragraph 2(b), i.e. where there is no such agreement, absence of which should be indicated by the lodging of an objection within the timescale set by Standing Order 7(2), Council is asked to refer the relevant item to the appropriate overview and scrutiny committee for discussion and subsequent referral to the next Council meeting. Items already discussed by the relevant Scrutiny Committee will be dealt with in the normal way; and

(3) this motion is subject to any statutory requirements on staffing issues.

* **see item 8 below**

5.3 Cabinet minute 270

Calculation of Council Tax Base (27 November)

Recommendation:

That the Council be recommended that:

- (1) the Council Tax Base for 2009/10 be approved; and
- (2) in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the figure calculated by this Authority as

its Council Tax Base for the year 2009/10 shall be 104,276.

6. QUESTIONS

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

7. MATTERS FOR NOTING

The following matters are drawn to the Council's attention, as required by the Constitution:

- (i) Cabinet minute 278 (27 November) – Chancellor's pre-Budget Statement – Change in VAT (Reason: waiving of call-in);
- (ii) Cabinet minute 282 (27 November) – Update on Contractual Position in respect of Nursing Homes (Reason: waiving of call-in).

8. MATTERS REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEES

To consider and determine any references from overview and scrutiny committees.

- (a) The following references set out committees' comments on the Cabinet's savings proposals in minutes 254 and 267:

Regeneration and Planning Strategy (12 November) – minute 21

Resolved (4:3) (Councillors Keeley, Mountney and Rowlands dissenting in respect of savings items (i), (iii) and (iv)) That this Committee endorse the following budget savings:

- (i) Conference and Seminar Attendance - £10,000
- (ii) Reduction in Training - £28,000
- (iii) Maximising external grant - £107,000
- (iv) Review of administration - £138,000"

Finance and Best Value (26 November) – minute 37

Resolved – That the budget saving proposed by the Cabinet be endorsed.

Social Care, Health and Inclusion (4 December) – minute 63

Resolved (4:3) - That the savings proposals be endorsed.

- (b) References on the same Cabinet minutes from the following meetings will be reported separately:

Children's Services and Lifelong Learning (10 December)
Community and Customer Engagement (4 December)

Housing and Community Safety (8 December)
Streetscene and Transport Services (8 December)

9. NOTICES OF MOTION

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 motion on School Crossing Patrols was also submitted in accordance with Standing Order 17.

9.1 Decline in bee population

DECLINE IN BEE POPULATION

Proposed by Councillor Gilchrist
Seconded by Councillor Mitchell

(1) This Council expresses its thanks to Wirral's Environmental Health staff and to the Call Centre for its established and enlightened policy of assisting householders to understand the importance of bees.

(2) Council applauds the fact that enquirers are encouraged to contact local beekeepers for advice and are discouraged from thinking of bees as 'pests' in any way.

(3) Council notes that a series of written questions were asked in the House of Commons in May and July 2008 about declining bee numbers, colony losses and the funding of research into this serious situation.

(4) Council recognises that the British Bee Keepers Association organised a lobby of Parliament in November 2008 urging an increase in funding for research into the diseases which have led to the decline in the bee population.
http://www.britishbee.org.uk/bbka_research_campaign.php

(5) In view of this, Council asks that all Wirral's Members of Parliament be requested to pursue increasing this funding in view of the vital contribution that bees make to pollination and to sustainable agriculture.

9.2 Borderlands electrification

BORDERLANDS ELECTRIFICATION

Proposed by Councillor Holbrook
Seconded by Councillor Mitchell

- (1) This Council notes:
- its consistent support for the electrification of the Bidston to Wrexham Borderlands rail line;
 - the importance of the Borderlands rail line to the Wirral economy by linking the industries of Deeside with North Birkenhead, where greater employment opportunities are required;

- recent Government statements on the economic downturn, particularly the need to fund public works now, in order to get people back into work when the downturn is over.

(2) Council is dismayed at the recent Network Rail estimate for the electrification and upgrade of the line of £207m and notes this is more than three times the cost estimated for this work by Merseytravel. Council is perplexed at such wildly different estimates, and requests that an independent review of costs is jointly commissioned by Network Rail and Merseytravel to establish the true cost.

(3) Council also notes the application made by Merseytravel to take control of the track of the Merseyrail Network from Network Rail. Council believes by integrating management of the infrastructure with service delivery, greater efficiencies and investment can be secured for the benefit of local people and therefore supports this proposal.

(4) Council therefore:

(i) requests that Merseytravel should now widen these discussions to include the Welsh Assembly Government and seek agreement to take ownership of the Borderlands line as part of these proposals, so that its operation can be fully integrated into the Merseyrail network;

(ii) supports the electrification of the Bidston to Wrexham Borderlands rail line being undertaken by Merseytravel, with the possibility of a 25Kw overhead electrified line being considered as an alternative;

(iii) calls upon Wirral's MPs and North West MEPs to lobby the Government on these proposals on the Council's behalf.

9.3 The Economy

THE ECONOMY

Proposed by Councillor Mountney
Seconded by Councillor Rowlands

(1) This Council notes the impact the current economic climate is having, and will continue to have, on Wirral businesses and residents alike.

(2) Council further notes that National Government has provided little effective direct support to local businesses and residents of the Wirral.

(3) Council requests that the Chief Executive reports to the Cabinet and relevant scrutiny committees at the earliest possible opportunity, following urgent discussions with his senior officers and Wirral businesses, on the feasibility of introducing the following measures on Wirral:

(i) Merseyside Special Investment Fund to be requested to make emergency loans available to support businesses for cash-flow

purposes and not just capital or revenue expansion plans;

(ii) support for businesses on how to take up business rate relief;

(iii) that Council run a campaign to highlight the poor uptake of benefits across the Wirral, and that this Council should work with the Department of Work and Pensions to encourage the uptake of benefits, including pensions credits and income support, through the better use of our housing and council tax records;

(iv) that this Council further investigate the formation and support of a wider network of Credit Unions, the benefit of which would bring longer-term stability to both the businesses and residents of the Wirral;

(v) the establishment of a Winter Warmth Partnership (Wirral MBC, Social Care, PCT, Health Service, Fire Service). An emergency fund should be established that should step in when an individual's health is at risk. This partnership should also make referrals for benefit checks and fire safety checks through its partner members;

(vi) establish a website that promotes and advertises council contracts and encourages local companies to tender for them;

(vii) from 1 January 2009, this Council revising its payment terms from 30 days to 10 days for all small businesses that provide goods and services to the Council;

(viii) the Council consider the removal or reduction of parking charges at our shopping centres.

(4) Council further requests that officers work with local businesses and employers to ensure their needs are effectively communicated to central Government.

9.4 **Adult Social Care - Public Interest Disclosure**

ADULT SOCIAL CARE – PUBLIC INTEREST DISCLOSURE

Proposed by Councillor Mountney
Seconded by Councillor Watt

(1) This Council recognises that a number of concerns were raised by a Council 'whistleblower' in October 2007 under the Public Interest Disclosure Act 1998, which in turn has resulted in the Audit Commission issuing Wirral Council with a Public Information Disclosure report.

(2) Council notes the findings of the report:

- Although 30 accredited providers are used by the Council only 12 contracts have been signed and returned by providers.
- No formal arrangements have been established for the contract monitoring of supported living providers.
- There are no arrangements at present for feedback from service users where there is dissatisfaction with services or where quality standards have not been met.

- There remains a substantial risk that users receiving services from one of the Councils service providers are being charged unfairly.
- The Council does not always know the actual contributions that the provider requires service users to contribute for services they provide. Consequently the Council is not in a position to know whether the aggregate of charges levied on service users by the Council and contributions required by the provider are in compliance with the guidance of fairer charging. It is not clear who is currently ensuring that these service users are receiving adequate protection for the risk of financial abuse.

(3) Council notes the fact that these findings had previously been raised with officers of the Council by the whistleblower and, whilst thanking the Audit Commission for the production of this report and bringing the matter out into the open, condemns the fact that the Council's own procedures are so defective as to have needed the Audit Commission's intervention to bring them to the notice of the Council and the public.

(4) Council believes that this PIDA report and the Department's unwillingness to bring to the Council's attention the whistleblower's concerns regarding the treatment of those in our care demonstrates a lack of effective governance, management and leadership within the Department.

(5) Therefore this Council instructs the Chief Executive to appoint an independent person of sufficient standing and experience to investigate these matters fully, speedily and rigorously and to bring their findings to the Council's attention, including any disciplinary action, if required, at the earliest possible occasion.

9.5 **Strategic Asset Review**

STRATEGIC ASSET REVIEW

Proposed by Councillor Green
Seconded by Councillor Mrs Rennie

(1) Council believes:

that the mark of a just and fair society is how it treats its most vulnerable citizens and that local authorities have an important role to play in encouraging aspiration, healthy living and community spirit.

(2) Council notes:

(a) that 2008 is the National Year of Reading, a year-long celebration of reading, in all its forms, to increase awareness of the many values of reading – anything, any time, any place – for children, families and adult learners alike;

(b) that wards such as Upton, Seacombe, Bidston & St James and Leasowe & Moreton East, have below-average numbers of pupils who achieve L2 or better at Key Stage 1 for reading compared with the national average;

(c) that remarks by Andy Burnham [Secretary of State for Culture, Media and Sport] in July that the Government wishes local authorities to expand participation in swimming, in particular for the over-60s and under-16s, in their local communities and that £35 million was made available to modernise public swimming pool provision;

(d) that many leisure centres offer valuable alternative activities for young people to shine and achieve their full potential;

(e) that the programmes offered by local libraries and community and leisure centres reduce the likelihood of anti-social behaviour in areas and communities that have no other source of activity;

(f) that many community centres rely on a small and dedicated team of volunteers who in turn rely on the Council to provide and oversee professional support for maintenance, insurance, budgets, personnel and health and safety.

(3) Council welcomes:

the enactment of the Sustainable Communities Act in October 2008 to reverse the decline in local communities and neighbourhoods affected by the large-scale withdrawal of services and amenities.

(4) Council therefore:

(a) does not support the approval of the Cabinet to close libraries, leisure centres, museums and theatres;

(b) does not support the proposal to withdraw Council funding from community centres forcing their closure or demolition if they cannot find alternative funding within two years;

© believes that fundamental changes to the Wirral wide provision of services by the Council should have electoral support and, as such support for these proposals has not been demonstrated at the ballot box, a Wirral-wide referendum should be held before any decision for the wholesale closure of libraries, leisure centres, community centres, museums and theatres is implemented;

(d) believes that, if our local services are as derelict and starved of investment as the Leader of the Council claims, he is accountable and should accept his responsibility for this by submitting his resignation to the Council.

9.6 **School Crossing Patrols**

SCHOOL CROSSING PATROLS

Proposed by Councillor Leah Fraser
Seconded Councillor Anderson

(1) This Council recognizes and applauds the invaluable work carried out by school crossing patrols, and which they continue to do, to keep our primary school children safe from accidents and death when crossing the road outside schools.

(2) This Council recognizes that the criteria for deciding whether to provide a school crossing patrol are advisory only.

(3) This Council recognizes that, if 18 school crossing patrols are removed, 23 schools will be affected and road safety around them will worsen.

(4) Council is disappointed with the lack of consultation with schools over the removal of school crossing patrols.

(5) Council believes school budgets should be spent on services within school and not used to subsidise Council responsibilities.

(6) That Council, therefore, recognizes the need for the current number of school crossing patrols to be maintained for the safety of our primary school children.

9.7 **Transforming Wirral**

TRANSFORMING WIRRAL

Proposed by Councillor Foulkes
Seconded by Councillor Phil Davies

(1) Council welcomes the proposal in the Strategic Asset Report to invest £20m in new or modernised multi-purpose buildings which are fit for the 21st Century.

(2) Council notes that this will be in addition to the opening on 5 December of the Floral Pavilion, as part of a £60m development in New Brighton; the opening of the Council's new, state-of-the-art, Archive Centre; the brand new secondary school to be built in Woodchurch; the major waterfront development planned by Peel Holdings; Wirral PCT's proposed new Community Health facilities at the St. Catherine's site in Birkenhead and the new primary care centre at Victoria Central Hospital in Wallasey; Wirral Metropolitan College's proposed new campus and the potential for the creation of further Higher Education facilities under the University Challenge programme.

(3) Council welcomes this progress towards the regeneration of Wirral, and the plan to use Council assets in Seacombe to kick-start regeneration in one of Wirral's poorest wards, which is in accord with the aims of the Vision for Wirral within the Corporate Plan and which will help create a more prosperous and equal Wirral that we can all take pride in.

9.8 **Road to Damascus Conversion**

ROAD TO DAMASCUS CONVERSION

Proposed by Councillor Moira McLaughlin
Seconded by Councillor Harry Smith

(1) This Council notes with amazement the road to Damascus conversion of the Conservative Parliamentary Candidate for Wallasey to the cause of the Unions in their fight against privatisation and in the call to develop public service alternatives, as reflected in the call-in of minute 251 to the Social Care, Health and Inclusion Overview and Scrutiny Committee, which she signed.

(2) Cabinet further notes that this dramatic abandonment of Conservative Party ideology extended to an opposition to the open

tendering of transport provision, an area of privatisation previously dear to Conservative hearts, and is accompanied by a total disregard for the financial consequences to the Council, which included an estimated 20% reduction in transport costs at a saving of £360,000 in a full year.

(3) Cabinet further notes that declared Conservative opposition to Cabinet measures which would reduce council tax levels has now reached £8.5m, which, on its own, is the equivalent of an additional 7% increase in council tax, or £96 a year on a band D property, without taking into account any potential savings from the Strategic Asset Review.

(4) Council waits with fascination to see where the Conservative policy of total opposition to all Cabinet decisions will take them next and how high they are prepared to let council tax climb for the hard pressed residents of Wirral.

9.9 Illegal drugs - Apparatus

ILLEGAL DRUGS - APPARATUS

Proposed by Councillor Kenny
Seconded by Councillor Knowles

Council notes that the ready availability in retail outlets in Wirral and Merseyside generally of apparatus for the inhalation, ingestion and injection of illegal drugs may be hampering the national drive to reduce drug dependency and addiction. The Chief Executive is requested to investigate, in co-operation with the Borough's crime prevention partners, the feasibility of introducing local by-laws prohibiting the sale of such apparatus.

10. MATTERS FOR DEBATE

Pursuant to Standing Order 5(1)(m), and in accordance with Standing Order 5(3), to consider written comments on or objections or amendments to minutes, submitted under Standing Order 7(2), together with those motions, submitted under item 8 above or in accordance with Standing Order 17, that the Council agrees to debate at this meeting and any minority reports submitted in accordance with Standing Order 35(4).

11. VACANCIES

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

12. 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

This page is intentionally left blank

Agenda Item 4

COUNCIL

Monday, 3 November 2008

Present:

The Mayor (Councillor AER Jones) in the Chair
Deputy Mayor (Councillor A Hodson)

| | | |
|-------------|-------------|--------------|
| Councillors | RL Abbey | I Lewis |
| | T Anderson | AR McLachlan |
| | C Blakeley | C Meaden |
| | S Clarke | D Mitchell |
| | J Crabtree | R Moon |
| | G Davies | S Moseley |
| | P Davies | S Mountney |
| | WJ Davies | S Niblock |
| | F Doyle | A Pritchard |
| | W Duffey | J Quinn |
| | D Elderton | S Quinn |
| | G Ellis | M Redfern |
| | S Foulkes | P Reisdorf |
| | L Fraser | L Rennie |
| | G Gardiner | D Roberts |
| | J George | L Rowlands |
| | P Gilchrist | J Salter |
| | JE Green | H Smith |
| | J Hale | T Smith |
| | T Harney | W Smith |
| | K Hayes | P Southwood |
| | A Hodson | J Stapleton |
| | S Holbrook | S Taylor |
| | A Jennings | C Teggins |
| | P Johnson | G Watt |
| | AER Jones | R Wilkins |
| | J Keeley | J Williams |
| | S Kelly | P Williams |
| | B Kenny | K Wood |
| | D Knowles | |

Apologies

| | | |
|-------------|-----------|--------------|
| Councillors | A Bridson | M McLaughlin |
| | IO Coates | C Povall |
| | P Hayes | A Taylor |
| | D Kirwan | |

47 **MAYOR'S COMMUNICATIONS**

The Mayor referred to the recent death of Lt Commander Ian Fraser VC, DSC, RD and Bar, JP, RNR (Rtd) and Honorary Freeman of the Borough and Irene Sydonia McKenzie a member of the former Bebington Borough Council and the Council stood in silent tribute to their memory.

The Mayor referred to Councillor Jerry Williams' recently completed the Sydney Half Marathon, his 125th Half Marathon. Councillor Williams has also run 34 Marathons and ran in Sydney for local charities – Shopmobility and Christchurch Community Hall, Bebbington.

48 IAN FRASER VC

The Mayor paid tribute to Lt Commander Ian Fraser VC, DSC, RD and Bar, JP, RNR (Rtd) and Honorary Freeman of the Borough and called on the Council to partake in a period of personal reflection.

49 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 Kate Wood – a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) as a grandparent and a personal interest in Minute 59 (Merseyside Police Authority Estates Strategy) as a member of the Police Authority;

Councillor Adrian Jones - a personal interest in Minute 59 (Merseyside Police Authority Estates Strategy) as a member of the Police Authority;

Councillor Chris Blakeley – a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) as a member of Moreton Christmas Lights Association and Minute 65 (Sustainable Communities Act 2007) due to his employer being mentioned in the Motion;

Councillor Jeff Green – a personal interest in Minute 59 (Merseyside Police Authority Estates Strategy) as his brother was a serving police officer;

Councillor Harry Smith – a prejudicial interest in Minute 57 (Adult Social Care – Public Interest Disclosure) due to his involvement in the matter at appeal stage and left the Chamber whilst the matter was considered;

Councillor Sheila Clarke - a personal interest in Minute 59 (Merseyside Police Authority Estates Strategy) as her son-in-law was a serving police officer;

Councillor Frank Doyle – a prejudicial interest in Minute 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) due to his wife's employment and left the Chamber whilst the matter was considered;

Councillor Gerry Ellis – a prejudicial interest in Minute 57 (Adult Social Care – Public Interest Disclosure) due to his involvement in the matter at appeal stage;

Councillor Pat Williams - a prejudicial interest in Minute 57 (Adult Social Care – Public Interest Disclosure) due to his involvement in the matter at appeal stage;

Councillor Simon Mountney – a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) as a member of Moreton Christmas Lights Association;

Councillor Tom Anderson – a personal interest in Minute 59 (Merseyside Police Authority Estates Strategy) due to him being a beneficiary of a police pension;
Councillor Suzanne Moseley - a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) as a member of Moreton Christmas Lights Association;

Councillor Sarah Quinn – a prejudicial interest in Minute 57 (Adult Social Care – Public Interest Disclosure) due to her employment and left the Chamber whilst the matter was considered;

Councillor Tony Pritchard – a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) as a member of New Brighton Christmas Lights Association and due to the fact that his son is a recipient of music lessons;

Councillor Steve Foulkes - a personal interest in Minutes 53 (Proceedings of Cabinet and Committees) and 60 (Objection: Cabinet Minute 219 – Projected Budget 2009-2011) due to his involvement in fund-raising for Claughton Christmas Lights and his wife's employment.

50 **PETITIONS**

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

(a) Councillor John Salter on behalf of 131 signatories requesting traffic calming measures for the area known as the Tate Triangle in Poulton, Wallasey;

(b) Councillor John Salter on behalf of 81 residents of Mersey Court and Charter House, addressed to Wirral Partnership Homes, to set aside their decision on demolition;

(c) Councillor Peter Reisdorf on behalf of 44 signatories requesting an urgent investigation and action in respect of flooding problems in the Greasby area;

(d) Councillor Leah Fraser on behalf of 161 signatories objecting to the proposed withdrawal of school crossing patrols at Liscard Primary School and other locations in Wirral;

(e) Councillor Walter Smith on behalf of 84 signatories requesting action in respect of poor condition of highway in Beechwood Road, Bromborough;

(f) Councillor Tony Pritchard on behalf of 41 signatories requesting the installation of alley-gates between Meadow Street and Prescott Street, New Brighton;

(g) Councillor Andrew Hodson on behalf of 108 signatories requesting a pedestrian crossing on Telegraph Road in vicinity of Mill Lane, Heswall;

(h) Councillor Andrew Hodson on behalf of 240 signatories requesting pedestrian crossing on Telegraph Road in vicinity of Mill Lane, Heswall;

(i) Councillors Sheila Clarke and Cherry Povall on behalf of 507 signatories on behalf of Allport Hawks Junior Football Club to allow use of Leverhulme Playing Fields for their annual tournament;

(j) Councillors Sheila Clarke and Cherry Povall on behalf of 338 signatories requesting resurfacing of the highway in Brookhurst Avenue, Bromborough; and

(k) Councillor Jeff Green on behalf of 35 signatories requesting the introduction of a "Twenty's Plenty" zone in Circular Drive, Greasby.

Resolved - That the petitions be noted and referred to the appropriate chief officer and/or agency in accordance with Standing Order 34.

51 **MINUTES**

The minutes of the meetings of the Council held on 14th July 2008 and 20th October 2008 had been circulated to members, and it was –

Resolved - That the minutes be approved and adopted as a correct record, subject to the amendments set out below.

52 **AMENDMENTS**

The Council accepted the following corrections to the minutes within Council Volume 5/5A/:

Council – 20 October

Councillor Harney's apologies were recorded when he was in fact present.

Cabinet – 16 October

The reference in minute 219(3) (page 368) to Standing Order 12(1) should read as Standing Order 7(2)

Streetscene and Transport Services O & S Committee – 28 October

In minute 13 the word 'guidelines' should be inserted after 'RoSPA' in the final paragraph on page 603.

53 **PROCEEDINGS OF CABINET AND COMMITTEES**

Resolved - That,

(1) with the exception of any objection that may be upheld, the proceedings of the Cabinet and committees, as specified in the summons, insofar as they contain recommendations be approved and adopted and, insofar as they contain matters delegated by the Council to committees, be received or noted:

| | |
|---|--|
| Cabinet | 9 and 23 July, 4 and 25 September, 16 October |
| Audit and Risk Management Committee | 30 September |
| Employment and Appointments Committee | 18 July, 24 September |
| Licensing Act 2003 Committee | 29 September |
| Licensing, Health & Safety and General Purposes Committee | 15 September |
| Pensions Committee | 29 September |
| Planning Committee | 15 and 31 July, 21 August, 18 September, 9 October |
| Standards Committee | 30 September |
| Children's Services and Lifelong Learning Overview and Scrutiny Committee | 16 September, 28 October |
| Community and Customer Engagement Overview and Scrutiny Committee | 6 and 30 October |
| Corporate Services Overview and Scrutiny Committee | 3 September, 27 October |
| Culture, Tourism and Leisure Overview and Scrutiny Committee | 25 September |
| Environment Overview and Scrutiny Committee | 24 September, 28 October |
| Finance and Best Value Overview and Scrutiny Committee | 22 September, 28 October |
| Housing and Community Safety Overview and Scrutiny Committee | 8 and 25 September |
| Regeneration and Planning Strategy Overview and Scrutiny Committee | 10 September |
| Social Care, Health and Inclusion Overview and Scrutiny Committee | 2 September, 2 October |
| Streetscene and Transport Services Overview and Scrutiny Committee | 8 September, 28 October |

Therefore, the following matters were approved by the Council:

Performance Management Framework: Annual Review of Corporate Plan for 2009/10 (Cabinet Minute 196).
 Projected Budget 2009-2011 (Cabinet Minute 219)
 Appointments to the City Region Housing and Spatial Planning Board (Cabinet Minute 229)
 Review of Constitution (Cabinet Minute 230)
 Appointments to Growth Point Executive Board (Cabinet Minute 234)
 Appointment of co-opted members Housing and Community Safety O & S Committee Minute 11)
 Appointment of additional co-opted member (Social Care, Health and Inclusion O & S Committee Minute 24)
 The appointment of Mr Alec Nuttall as an independent member, to serve until 31 October 2010 (Standards Committee Minute 15).
 Appointment of deputy for the Non-District Employers' representative (Pensions Committee Minute. 37)

The following matter was noted by the Council due to the waiving of Contract Procedure Rule 5.2

Skills Audit Tool (Cabinet Minute 165)

The following matter was noted by the Council due to the waiving of call-in:

My Place: Wirral's Proposals (Cabinet Minute 209).

54 **QUESTIONS**

Dave Pearson, Vice-Chair of Devonshire Park Residents Association, having given the appropriate notice in accordance with Standing Order 5(1)(j), submitted the following question:

"Following the publication of the regional spatial strategy, is the Council aware that, should the current housing moratorium policy be changed, areas such as Devonshire Park could be left without protection against inappropriate housing development. Our question relates to Local Planning Guidelines:

Given their success in other areas such as Noctorum, the residents of Devonshire Park are keen to engage with the Council to identify how specific guidelines could be developed to maintain the unique character and balance of our area. In light of this aspiration, what concrete steps can both the residents and the Council take to progress this matter?"

Councillor Jean Stapleton responded to the questioner.

Having noted that no questions had been submitted by any Council members under Standing Order 11(2)(b), the Council agreed without a vote to dispense with the remainder of Question Time.

55 **ANNUAL REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES**

The Council received the Annual Reports relating to the ten Overview and Scrutiny Committees.

Resolved – That the Annual Reports of the Overview and Scrutiny Committees be received.

56 **MATTERS FOR DEBATE**

The matters listed for debate in accordance with Standing Order 5(1)(l) were dealt with as indicated in minutes 57 to 66 below.

57 **ADULT SOCIAL CARE - PUBLIC INTEREST DISCLOSURE**

Proposed by Councillor Mountney
Seconded by Councillor Watt

(1) This Council recognises that a number of concerns were raised by a Council 'whistleblower' in October 2007 under the Public Interest Disclosure Act 1998, which in turn has resulted in the Audit Commission issuing Wirral Council with a Public Information Disclosure report.

(2) Council notes the findings of the report:

Although 30 accredited providers are used by the Council only 12 contracts have been signed and returned by providers.

No formal arrangements have been established for the contract monitoring of supported living providers.

There are no arrangements at present for feedback from service users where there is dissatisfaction with services or where quality standards have not been met.

There remains a substantial risk that users receiving services from one of the Councils service providers are being charged unfairly.

The Council does not always know the actual contributions that the provider requires service users to contribute for services they provide. Consequently the Council is not in a position to know whether the aggregate of charges levied on service users by the Council and contributions required by the provider are in compliance with the guidance of fairer charging. It is not clear who is currently ensuring that these service users are receiving adequate protection for the risk of financial abuse.

(3) Council notes the fact that these findings had previously been raised with officers of the Council by the whistleblower and, whilst thanking the Audit Commission for the production of this report and bringing the matter out into the open, condemns the fact that the Council's own procedures are so defective as to have needed the Audit Commission's intervention to bring them to the notice of the Council and the public.

(4) Council believes that this PIDA report and the Department's unwillingness to bring to the Council's attention the whistleblower's concerns regarding the treatment of those in our care demonstrates a lack of effective governance, management and leadership within the Department.

(5) Therefore this Council instructs the Chief Executive to appoint an independent person of sufficient standing and experience to investigate these matters fully, speedily and rigorously and to bring their findings to the Council's attention, including any disciplinary action, if required, at the earliest possible occasion.

In accordance with Standing Order 9(q), Councillor Simon Holbrook moved a motion, seconded by Councillor Steve Foulkes, that discussion of this matter be deferred to the next meeting of the Council.

The Director of Law, HR and Asset Management advised the Council that it was preferable, but not a legal requirement, that the matter be deferred in order for the Cabinet and Audit and Risk Management Committee to consider the matter accordingly.

The motion was put and carried, with the Council dividing as follows:

For the motion (33) - Councillors RL Abbey, JA Crabtree, WJ Davies, George Davies, PL Davies, F Doyle, S Foulkes, G Gardiner, John George, PN Gilchrist, T Harney,

SA Holbrook, AT Jennings, SE Kelly, Brian Kenny, DT Knowles, Ann McLachlan, CM Meaden, GD Mitchell, RK Moon, SAM Niblock, Jean Quinn, M Redfern, PTC Reisdorf, DE Roberts, J Salter, PA Smith, WW Smith, PM Southwood, JV Stapleton, CM Teggin, R Wilkins, KJ Williams.

Against the Motion (22) - Councillors T Anderson, C Blakeley, SL Clarke, WA Duffey, DM Elderton, GJ Ellis, Mrs L Fraser, JE Green, J Hale, Karen Hayes, AC Hodson, PSC Johnson, J Keeley, I Lewis, SD Moseley, SR Mountney, A Pritchard, Mrs LA Rennie, SL Rowlands, Sue Taylor, GCJ Watt, and Mrs K Wood.

Abstainers (2) – Councillor A Jones and P Williams

The Motion was carried (33:22).

RESOLVED: That consideration of this matter be deferred to the next meeting of the Council.

58 **GLOBAL FINANCIAL CRISIS**

Proposed by Councillor PL Davies

Seconded by Councillor Kenny

(1) This Council congratulates Gordon Brown on the decisive action he has taken in the current financial crisis and his role in bringing governments together in Europe, and America, to set up the appropriate government intervention and recapitalisation of banks needed to stabilise markets and prevent a financial meltdown that would have devastated the lives of everyone.

(2) Council notes that the EU Commission President, Jose Manuel Barroso, recognised his contribution when he said “I want to pay a very sincere tribute to the role that Prime Minister Brown has played and is playing in these matters. He has acted as an impetus to the action that we have been taking collectively. He has been very clear from the beginning that he was developing a British response, but also seeking to contribute to a Europe-wide solution and also to a global solution.”

(3) Council further endorses his actions in seeking a new, global regulatory and warning system that will prevent any such financial collapse again in the future.

(4) Council notes that the Conservative Party Leader, David Cameron, has been conspicuous by his silence and refusal to condemn the irresponsible actions of bankers and hedge fund managers.

(5) Council also notes that a number of key donors to Tory Funds, as outlined in Channel 4's Dispatches programme “Cameron's money men” are hedge fund managers or bankers, including Lord Ashcroft, and that some donors to Tory funds were linked to the short-selling of Bradford and Bingley shares before the practice was banned.

(6) Council condemns the Conservative policy over the past decades, both here in Britain and through the Republican party in the States, which has seen an almost fundamentalist crusade for total de-regulation, followed by irresponsible short-term

'get rich quick' behaviour by the banks and money men, followed by a collapse in the system requiring taxpayers money as a bail out.

(7) Council further condemns the Conservatives for their outrageous behaviour in attempting to blame Labour while refusing to condemn those closer to home who are really to blame.

Amendments submitted in accordance with Standing Order 7(3):

Proposed by Councillor Green
Seconded by Councillor Mrs Rennie

Delete all and insert:

(1) Council notes with concern the reality of one quarter's reduction in Gross Domestic Product and the very real threat this poses to jobs in Wirral and the local economy.

(2) Council therefore instructs officers to bring an urgent report to the Regeneration and Planning Strategy Overview and Scrutiny Committee on measures the Council can take now to support local businesses, for example:

improving from 30 days to 10 days for the payment to small businesses for goods and services that the Council has received;

a review of whether parking charges can be reduced or removed at key locations to protect local shops and businesses.

(3) Council further requests that officers work with local businesses and employers to ensure their needs are effectively communicated to central Government.

FURTHER AMENDMENT:

Proposed by Councillor Holbrook
Seconded by Councillor Teggins

Delete paragraphs (1) and (2) and replace with:

(1) This Council welcomes the action taken by Gordon Brown and the Government in the current financial crisis and his role in bringing governments together in Europe, and America, to set up the appropriate government intervention and recapitalisation of banks needed to stabilise markets and prevent a financial meltdown that would have devastated the lives of everyone.

Renumber paragraph (3) as (2), delete the words 'endorses his' and replace with 'welcomes the Government's'.

Delete remainder of the motion and replace with:

(3) However, Council notes that the origins of the global financial crisis lie in the progressive de-regulation of the banking and finance industries, which has

undermined long-term stability through irresponsible lending and reckless risk taking for short-term profits. Council further notes these policies began in the UK under the leadership of Margaret Thatcher, but continued under John Major, and were further supported and developed by Tony Blair and Gordon Brown

(4) Council notes that the current situation has not arisen without forewarning and in particular notes the concerns raised by Vince Cable MP since 2003 about the high levels of personal debt in the UK; notes that his advice on Northern Rock and warnings on the banking crisis have consistently been borne out by events; and notes that his current advice is for a substantial cut in interest rates to minimise the effects of the impending recession.

(5) Council condemns the Conservatives for their outrageous behaviour in attempting to blame Labour and similarly condemns Labour for their failure to acknowledge their share of responsibility.

Following a debate, the first amendment was put and lost (21:37). The second amendment was put and lost (18:41). The motion was put and lost (19:40).

Resolved: The Motion was lost.

59 **MERSEYSIDE POLICE AUTHORITY ESTATES STRATEGY**

Proposed by Councillor Holbrook

Seconded by Councillor Harney

(1) This Council notes the Merseyside Police Authority Estate Strategy proposals for the modernisation of its estate in Wirral.

(2) This Council notes in particular that:

- the modernisation is intended to provide buildings that are fit for purpose to deliver policing in the 21st century for the benefit of the people of Wirral;
- the proposals include investment in a new Area Command Centre in Birkenhead, replacing Mortimer Street and Laird Street Police Stations;
- the network of neighbourhood stations will be maintained;
- there is a commitment to maintaining current response times.

(3) This Council also notes that its own Strategic Asset Review is under way.

(4) This Council therefore welcomes the Merseyside Police Authority's commitment to the modernisation of its estate and the considerable investment in Wirral, and looks forward to working with the Merseyside Police Authority to determine the most mutually beneficial use of the assets of both authorities in the Borough including the use of community rooms in Police Authority or Council buildings.

Amendment submitted in accordance with Standing Order 7(3)

Proposed by Councillor Leah Fraser

Seconded by Councillor Blakeley

Add the following to the motion:

(5) This Council recognises and applauds the invaluable work that Merseyside Police has done, and continues to do, to drive down crime in Wirral.

(6) This Council recognises that much of the success of the reduction in crime has come about as a result of close neighbourhood and community policing and the relationships and trust built up with communities, elected members and partner agencies.

(7) Council therefore, while welcoming Merseyside Police's commitment to the modernisation of its estate strategy, requests that a commitment is given by them that, when reviewing their strategy, no further communities will lose their police station.

(8) Council further asks that any changes to the current location of response vehicles do not result in any potential increases in response times or any lack of response.

Following a debate, the amendment was put and carried unanimously.

Resolved: That

(1) This Council notes the Merseyside Police Authority Estate Strategy proposals for the modernisation of its estate in Wirral.

(2) This Council notes in particular that:

- the modernisation is intended to provide buildings that are fit for purpose to deliver policing in the 21st century for the benefit of the people of Wirral;
- the proposals include investment in a new Area Command Centre in Birkenhead, replacing Mortimer Street and Laird Street Police Stations;
- the network of neighbourhood stations will be maintained;
- there is a commitment to maintaining current response times.

(3) This Council also notes that its own Strategic Asset Review is under way.

(4) This Council therefore welcomes the Merseyside Police Authority's commitment to the modernisation of its estate and the considerable investment in Wirral, and looks forward to working with the Merseyside Police Authority to determine the most mutually beneficial use of the assets of both authorities in the Borough including the use of community rooms in Police Authority or Council buildings.

(5) This Council recognises and applauds the invaluable work that Merseyside Police has done, and continues to do, to drive down crime in Wirral.

(6) This Council recognises that much of the success of the reduction in crime has come about as a result of close neighbourhood and community policing and the relationships and trust built up with communities, elected members and partner agencies.

(7) Council therefore, while welcoming Merseyside Police's commitment to the modernisation of its estate strategy, requests that a commitment is given by them that, when reviewing their strategy, no further communities will lose their police station.

(8) Council further asks that any changes to the current location of response vehicles do not result in any potential increases in response times or any lack of response.

60 **OBJECTION: CABINET MINUTE 219 (PROJECTED BUDGET 2009-2011)**

Proposed by Councillor Green
Seconded by Councillor Mrs Rennie

(1) This Council notes the proposed cuts brought forward by the Cabinet and further notes:

the shameless betrayal of residents by the Liberal Democrats, of those people who had signed their petition to retain the Eric Service as a free service. Council believes that the increases in incidents of 'fly tipping', witnessed when a charge was previously levied, will reoccur with the resulting impact on Wirral's environment;

the road safety impact that the removal of school crossing patrols at 18 locations across Wirral will have and the genuine concern that this will raise with parents and residents for children's safety;

the spiteful way in which Council's support for Christmas lights has been removed and the charges for school music lessons increased.

(2) Council also objects to the way the Cabinet has sought to treat some of our most vulnerable young people by reducing funding for out-of-borough placements.

(3) Council reaffirms its belief that bringing youngsters back to Wirral should only be done when a safe and secure placement that fully meets an individual child's needs can be secured, rather than cutting the budget and 'going from there'.

(4) Council further notes the lack of information provided at Cabinet relating to the number of redundancies that the cuts contained in their proposal will create and believes this omission to be evidence of the callous approach that is being taken by the ruling Labour/Liberal Democrat administration to the Council's workforce.

(5) Council therefore refuses to accept any of the cuts contained in minute 219 of Cabinet on 16 October 2008.

The motion was put and lost, with the Council dividing as follows:

For the motion (22) - Councillors T Anderson, C Blakeley, SL Clarke, WA Duffey, DM Elderton, GJ Ellis, Mrs L Fraser, JE Green, J Hale, Karen Hayes, AC Hodson, PSC Johnson, J Keeley, I Lewis, SD Moseley, SR Mountney, A Pritchard, Mrs LA Rennie, SL Rowlands, Sue Taylor, GCJ Watt, and Mrs K Wood.

Against the Motion (34) - Councillors RL Abbey, JA Crabtree, WJ Davies, George Davies, PL Davies, S Foulkes, G Gardiner, John George, PN Gilchrist, T Harney, SA Holbrook, AT Jennings, A Jones, SE Kelly, Brian Kenny, DT Knowles, Ann McLachlan, CM Meaden, GD Mitchell, RK Moon, Jean Quinn, Sarah Quinn, M Redfern, PTC Reisdorf, DE Roberts, J Salter, H Smith, PA Smith, WW Smith, PM Southwood, JV Stapleton, CM Teggin, R Wilkins, KJ Williams.

Abstainers (2) – Councillor S Niblock and P Williams

Resolved: The Objection was lost and Cabinet Minute 219 was confirmed accordingly.

61 **NATIONAL MINIMUM WAGE**

Proposed by Councillor Stapleton
Seconded by Councillor McLachlan

- (1) This Council notes that:
- 2008 marks the tenth anniversary of this Labour Government's passing of the National Minimum Wage Act;
 - around one million workers across the UK have benefited thanks to a raise in the National Minimum Wage. Workers aged 22 and over will now be paid a minimum of £5.73 an hour; those aged 18-21 will be paid a minimum of £4.77 an hour and those aged 16 and 17 will be paid a minimum of £3.53 an hour;
 - the Government is also proposing a further clampdown on bosses who fail to pay the minimum wage, with tough new penalties set to come into force next April;
 - when David Cameron campaigned against the National Minimum Wage, wages of as little as £1.20 an hour were common and legal. He said that the minimum wage "would send unemployment straight back up". Contrary to his prediction, this Labour Government has delivered a rising minimum wage and more people in work than ever before.

(2) This Council therefore wishes to recognise and celebrate 10 years of the National Minimum Wage as landmark legislation which has helped thousands of Wirral residents and millions of British citizens to maintain a decent standard of living.

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.

62 **BICYCLE RECYCLING SCHEME**

Proposed by Councillor Jean Quinn
Seconded by Councillor Gilchrist

(1) This Council notes:

(i) the urgent need to step up our efforts to combat climate change through increased recycling and reduction in car use;

- (ii) the need to address the serious socio-economic and health inequalities in Wirral;
- (iii) the need to provide activities and employment and training opportunities for disaffected young people; those not engaged in education, employment or training (NEETS), and those involved with anti-social behaviour.

(2) This Council believes that cycling can provide a means of cheap and sustainable travel and improve health and well-being, and has the potential to provide disaffected young people with rewarding and enjoyable activities, as well as skills and training.

(3) This Council also believes that access to cheap bicycles is essential if those who can most benefit from cycling are to be encouraged to become involved.

(4) This Council notes the growing number of bicycle recycling schemes throughout the country providing access both to affordable bikes and employment and training opportunities for disadvantaged people.

(5) This Council therefore requests officers to investigate bicycle recycling schemes elsewhere, together with sources of funding, with a view to establishing a Wirral Bicycle Recycling Scheme.

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

Resolved (unanimously): That the motion be approved.

63 OBJECTION: CABINET MINUTE 230 (REVIEW OF CONSTITUTION)

Proposed by Councillor Blakeley
Seconded by Councillor Green

This Council notes that the Scrutiny Call-in Guidelines have not been subjected to consultation with all elected members and that therefore members have been denied an opportunity to input their thoughts and ideas. Therefore this Council does not accept this change to the Constitution and asks that all elected members be canvassed for their views on this important matter.

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

Resolved (22:37): That the objection be not approved and Cabinet Minute 230 be confirmed accordingly.

64 CAMPAIGN FOR GURKHA RIGHTS

Proposed by Councillor Harry Smith
Seconded by Councillor Walter Smith

(1) This Council notes that Gurkhas have played an active front line part in the British Army's activities in times of war and peace for nearly 200 years. In this period

approximately 300,000 have fought alongside United Kingdom soldiers, with 45,000 of them being either killed or wounded.

(2) Council notes that the Government announced in September 2004 a change in immigration rules that allowed Gurkhas who had served in the British Army to settle in the United Kingdom with their families.

(3) Council notes with concern, however, that this offer has only been extended to cover those Gurkhas who had served at least four years and who had been discharged after 1 July 1997.

(4) Council believes that, given the exceptional service that they have given to the United Kingdom, Gurkhas and their families should be given fast track eligibility for either the right to remain or citizenship.

(5) Council agrees to send this motion to Wirral's MPs to ask for their support and instructs the Chief Executive to write to the Local Government Association asking them to lobby the Government on this matter.

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

Resolved (unanimously): That the motion be approved.

65 **SUSTAINABLE COMMUNITIES ACT 2007**

Proposed by Councillor Green

Seconded by Councillor Mrs Rennie

(1) This Council welcomes the Sustainable Communities Act 2007, giving central government a duty to assist local authorities with new powers and opportunities to promote sustainable and successful local communities and neighbourhoods.

(2) Furthermore, Council welcomes the cross-party support for the Act in the House of Commons and supports Nick Hurd MP in his concerns that "the decline and loss of local services is having a clear and serious impact on the prosperity of local communities". Locally, in Wirral, this can be seen over many years, under all Governments, in the decisions by a variety of agencies, quangos, public sector organisations and Government departments to reduce or remove local services such as:

Over half of Wirral post offices closed
Wards 6 & 7 at Victoria Central Hospital closed
Remploy's CCU closed
Closure of Withens Lane College

(3) This Council recognises the duty for Government to produce a local spending plan that details the overall spending of taxes in an area and welcomes the 'local policy proposal' of the Act giving local communities the opportunity, through their council, to put forward ambitious local policy proposals within the overall spending limits.

(4) This Council therefore requests that Cabinet 'opts in' to the Sustainable Communities Act and requests from the Community and Customer Engagement Overview and Scrutiny Committee a detailed plan and recommendation for Cabinet on how Wirral will move forward to determine the nature and level of assistance from Central Government.

Amendment submitted in accordance with Standing Order 7(3)

Proposed by Councillor Kelly
Seconded by Councillor Holbrook

Delete paragraphs (2) (3) and (4) and insert:

(2) Council notes that the Act became law in October 2007 with a cross-party campaign led by David Drew MP (Labour), Nick Hurd MP (Conservative) and Julia Goldsworthy MP (Lib Dem) and supports the bottom-up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help that central government gives in reversing community decline and promoting thriving, sustainable communities by giving local authorities the power to make proposals to government on the action government must take to reverse community decline and promote sustainable communities, and argues for a transfer of public money and function from central to local control.

(3) Council notes that the Act defines the sustainability of local communities broadly as:

the improvement of the local economy;
protection of the environment;
promotion of social inclusion; and
participation in civic and political activity.

(4) Council notes the possible benefits of choosing to opt into the Act:

(i) Assistance from government - the Act gives government a legal duty 'to assist local authorities in promoting the sustainability of local communities'. So by 'opting in' local authorities are signing up to receive that 'assistance'.

(ii) Power to determine that assistance - the Act gives local authorities power to determine the nature of the assistance that they receive from government.

(iii) Transferring functions and monies from central to local control - the Act enables local authorities to request, via the LGA, the transfer of functions from government or government agencies to themselves.

(iv) access to Central Spending Accounts Information - the requirement in the Act for the government to 'open the books' means that local authorities will know how much extra money they can access if they push for a transfer of functions.

Add new paragraph:

(5) Council requests officers to conduct an options appraisal on all of the implications of opting into the Act, and report back to the relevant Council committees and the Cabinet.

Further amendment:

Proposed by Councillor Foulkes
Seconded by Councillor Phil Davies

Delete all paragraphs after the first paragraph and insert:

(2) This Council notes the sudden conversion of the Conservative Party, locally and nationally, to the concept of Community, famously denied when they were previously in power. Council further questions whether this conversion is purely altruistic or merely a cynical vote-catching exercise aimed at marginal wards or constituencies.

(3) Council notes the concern expressed by the Conservatives over the loss of services in the Wallasey Constituency, while failing to recognise new initiatives which benefit the community such as the setting up of new children's centres and the regeneration of the Floral Pavilion, much loved by the community, as well as initiatives such as the Millennium Centre in Leasowe and the new and refurbished PFI schools.

(4) Council recognises that work has already begun on strengthening community involvement with the introduction of the "You Decide" initiative and the participatory budgeting scheme, which give local people real choice on how local authority money is spent in their area, in addition to the Community Fund initiatives already in place for use by the local Area Forums, the Youth Parliament and the Older People's Parliament.

(5) None the less, Council welcomes the cross-party support for the Act in the House of Commons and reaffirms its belief in the importance of Sustainable Communities.

(6) Council therefore asks that a report be taken to the Cabinet which outlines the latest position on the Act and the regulations governing its implementation and sets out the benefits, financial implications, procedures and timescale for making any community representations to Government for consideration by the agreed selector.

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

The first amendment was put and carried unanimously. The second amendment was put and carried (37:22).

Resolved (37:22): That

(1) This Council welcomes the Sustainable Communities Act 2007, giving central government a duty to assist local authorities with new powers and opportunities to promote sustainable and successful local communities and neighbourhoods.

(2) This Council notes the sudden conversion of the Conservative Party, locally and nationally, to the concept of Community, famously denied when they were previously in power. Council further questions whether this conversion is purely

altruistic or merely a cynical vote-catching exercise aimed at marginal wards or constituencies.

(3) Council notes the concern expressed by the Conservatives over the loss of services in the Wallasey Constituency, while failing to recognise new initiatives which benefit the community such as the setting up of new children's centres and the regeneration of the Floral Pavilion, much loved by the community, as well as initiatives such as the Millennium Centre in Leasowe and the new and refurbished PFI schools.

(4) Council recognises that work has already begun on strengthening community involvement with the introduction of the "You Decide" initiative and the participatory budgeting scheme, which give local people real choice on how local authority money is spent in their area, in addition to the Community Fund initiatives already in place for use by the local Area Forums, the Youth Parliament and the Older People's Parliament.

(5) None the less, Council welcomes the cross-party support for the Act in the House of Commons and reaffirms its belief in the importance of Sustainable Communities.

(6) Council therefore asks that a report be taken to the Cabinet which outlines the latest position on the Act and the regulations governing its implementation and sets out the benefits, financial implications, procedures and timescale for making any community representations to Government for consideration by the agreed selector.

66 **CONSTITUTION - AMENDMENTS**

Further to the review of the Constitution, the results of which were reported to the meeting in July, the Cabinet had proposed some more amendments, which required approval by the Council.

Resolved (unanimously): That the Constitution be amended in accordance with Cabinet Minute 230.

67 **VACANCIES**

The Council was requested to deal with the following appointments:

Standards Committee

The panel authorised by the Standards Committee, having interviewed four applicants, has recommended the appointment of Mr Alec Nuttall as an independent member, to serve until 31 October 2010.

Housing and Community Safety Overview & Scrutiny Committee

Ann Holme and Peter Smith have been nominated to serve as co-opted members of the Committee, with Jackie Marks as their named deputy, for the remainder of the municipal year.

Social Care, Health and Inclusion Overview & Scrutiny Committee

The Committee has requested that provision be made for a nominee of the Local Involvement Network (LINKs) to serve as a co-opted member.

Pensions Committee

The Pensions Committee has requested that the Non-District Employers' Representative (Jayne Brown) be entitled to send a deputy when she is unable to attend. The deputy would be entitled to vote.

(b) Other bodies

Joint Scrutiny Committee for Cheshire and Wirral NHS Partnership Trust
Two Conservative deputies – Councillors Anderson and Clarke

Wirral University Teaching Hospital Foundation Trust
Councillor Green to replace Councillor Watt

Beechwood and Ballantyne Community Housing Association
Councillor Meaden to replace Councillor Crabtree

Mersey Maritime Board
Councillor Moon to replace Councillor Gardiner.

School Admissions Forum
Standing Advisory Committee on Religious Education (SACRE)
Joint Consultative Committee Heads and Teachers
Oaklands Management Committee
Councillor Doyle to replace Councillor Harney

Members' Equipment Strategy Group
Members' Training Group
Councillor Southwood to replace Councillor Harney

Resolved – That the appointments set out above be approved.

This page is intentionally left blank