



Council

Town Hall
Wallasey

7 December 2012

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.15 pm on Monday, 17 December 2012** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects :

Contact Officer: Andrew Mossop
Tel: 0151 691 8501
e-mail: andrewmossop@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MAYOR'S COMMUNICATIONS

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

3. PETITIONS (Pages 1 - 4)

A. To receive petitions submitted in accordance with Standing Order 21.

B. The following petitions are referred to the Council for consideration in accordance with Standing Order 34 (1) –

- (1) A petition of 3167 signatures, submitted by Ross Quinn opposing the £100m cuts to jobs and services in Wirral.

The front sheet of the petition is attached and, in accordance with the Petition Scheme, the petition organiser has been invited to address the Council for up to five minutes. The Council should debate the matter for a maximum of 15 minutes before deciding how to respond to the petition.

- (2) A petition of 7644 signatures, submitted by Vikki Ogilvie asking the Council to keep the Wirral Dog warden service operated from Birkenhead Council Kennels.

The front sheet of the petition is attached and, in accordance with the Petition Scheme, the petition organiser has been invited to address the Council for up to five minutes. The Council should debate the matter for a maximum of 15 minutes before deciding how to respond to the petition.

4. MINUTES (Pages 5 - 44)

To receive as a correct record the minutes of the meeting(s) of the Council held on 9 and 15 October, 2012.

5. LEADER'S ANNOUNCEMENTS

6. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 45 - 90)

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

In accordance with Standing Order 7(1), these matters will be taken as approved except in respect of any to which objections or amendments are submitted in accordance with Standing Order 7(2).

A. Cabinet – 29 November 2012

Minute 132
Welfare Reform – Local Council Tax Support Scheme

Minute 133
Insurance Fund Budget 2013/2014

B. Licensing Act 2003 Committee

Minute 13
Draft Statement of Principles under the Gambling Act 2005
(The Draft Statement is attached for the Council's consideration)

C. Pensions Committee

Minute 39

Filming/Recording by the Public of Council Committee Meetings
(See also the Notice of Motion – 'Recording and Filming Within Council Meetings')

7. MATTERS FOR NOTING (Pages 91 - 98)

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

A. Cabinet – 18 October 2012

Minute 108

Capital Monitoring 2012/13 – Period 5 (August)

Minute 109

Revenue Monitoring 2012/13 – Period 5 (August)

B. Cabinet – 8 November 2012

Minute 121

Capital Monitoring 2012/13 – Period 6 (September)

Minute 122

Revenue Monitoring 2012/13 – Period 6 (September)

Minute 125

Efficiency Investment Fund (EIF)

C. Cabinet – 29 November 2012

Minute 135

Level of General Fund Balances

Minute 136

Capital Programme Review

8. QUESTIONS

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

Note: Questions from members of the public must be submitted in writing or by email by no later than 5.00pm on Friday, 7 December, 2012.

9. MATTERS REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEES

To consider and determine any references from overview and scrutiny

committees.

10. NOTICES OF MOTION (Pages 99 - 106)

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

1. Cutting Too Far and Too Fast
2. Using the Sustainable Communities Act
3. Planning Application APP/11/01418
4. Recording and Filming Within Council Meetings
5. An Emergency Plan to Help People Cope with Benefit Cuts
6. Council Budget
7. Power to the People – Collective Energy Switching
8. Safeguarding our Children and Young People
9. Strengthening Communities in Wirral

11. MATTERS FOR DEBATE

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

12. VACANCIES (Pages 107 - 110)

To receive nominations, in accordance with Standing Order 25(6), in respect of any proposed changes in the membership of the Cabinet and committees, and to approve nominations for appointments to outside organisations.

13. 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 'D. J. R.', located at the bottom left of the page.

Acting Director of Law, HR and Asset Management

Agenda Item 3

Campaign against £100 million worth of cuts to Wirral Council

Lead Petitioner: Ross Quinn, 2, Lynton Rd, Wallasey, Merseyside, CH45 3JW

We the undersigned oppose the £100 million cuts to jobs and services to Wirral, being forced through by the Government. We are against all redundancies, job losses, cuts in services and privatisations. We call upon the Councillors to support this campaign and oppose this.

Name	Address	Signature
KEVIN LEWIS	76 UPPER BRASSEY STREET	
D JONES	1 PATTEN STREET	
P GAMES	36 TUNNETT RD WALLASEY	
K GARNER	36 TUNNETT RD WALLASEY	
JM EULLOCH	78 BRASSEY ST	
AMACINALLY		
J WILSON	2 GAMLIN ST. B. HEAD	
Z. RUSSELL	9, CHIFFEND. ST. B. HEAD.	
G SILCOCK	6 WILFRED OWEN DR B. HEAD	
M. ELLIS	76, LAIRD STREET B. HEAD	
J. WILLIAMS	1 RADSTOCK RD WALLASEY	
J CROSS	196 LANSDOWNE RD	
W HILLON	51 EPRINGTON RD CLACKHAY	
J T CHADWICK	54 HOMEBAKE HSE OXTON	
J A FURNESS	168 Higher Beb Rd	
S Howell	26 Lollyd Ave	
P Howell	30, CAWENDISH ST	
D. Ramm	1 Buttermere Ave	
J. CASH	60 PORTLAND ST	
G PIERCY	21 PATTEN ST	
J HICKEY	41 DAMSCOURT ST.	
G. W. LEE	50 HOLMVILLE BEB.	
A Smith	40 PORTLAND STREET	
M. HUSSELYBURY	156 CORPORATION RD	
A PRETON	3 ASHFORD ROAD	
Ob Jolly	78 UPPER BRASSEY ST.	
LEE. R. JONES	31 COLLIN RD	
M BROOKS	4, COLWYN ST	
J TAYLOR	124, HOLYAKE RD	
A PARRY	89 ST. ANTON	
J KIDD	6 BIDSTON GREEN DRIVE	
E. KENNEDY	54 NORMAN ST	

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Petition to [Action Petitioned For]

<p>Petition summary and background</p>	<p>Save Wirral Dog Warden Service - The Friends of Birkenhead Council Kennels</p>
<p>Action petitioned for</p>	<p>The future of services operated from the Birkenhead Council Kennels is under threat of closure. The Friends Group and supporters in its official capacity will make every endeavour to ensure a service can remain within the Wirral.</p> <p>Please sign this petition to keep this service on the Wirral.</p>

Printed Name	Signature	Address	Comment	Date
A. P. HMMER		SANDY LANE		16/11/12
B. A. WATKIN		69 IRISH RD		
D. ROBERTS		CH64 6RQ	SIGNED FOR US	
S. COLLIER		CH60.8PA		
A. BRIGHT		9. CH46.6ES		
M. FOULDS		17. BRENKILLERINE		16-11-12
M. HONNES		24. CH49 OTZ.	ARE YOU KIDDING. WE, SHARPEFUL.	16/11/12
C. LAWRENCE		351, LEASWAP RD CH46 2LS		17/11/12
D. NEHIR		12 OSWIFIELD		17/11/12
B. SORSKY		4 LIGHTON COTTAGES	BIG BAD IDEA!	17/11/12
R. HARWOOD		BOATHOUSE LMC CH64 3TD. NORTH DRIVE		

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COUNCIL

Tuesday, 9 October 2012

Present: The Mayor (Councillor Gerry Ellis) in the Chair
Deputy Mayor (Councillor Dave Mitchell)

Councillors	RL Abbey	P Hackett	T Norbury
	C Blakeley	T Harney	D Realey
	A Brighthouse	P Hayes	L Rowlands
	W Clements	S Hodrien	J Salter
	A Cox	M Hornby	H Smith
	J Crabtree	AER Jones	T Smith
	G Davies	C Jones	W Smith
	P Davies	P Kearney	M Sullivan
	WJ Davies	B Kenny	A Sykes
	D Dodd	A Leech	J Walsh
	P Doughty	AR McLachlan	G Watt
	D Elderton	M McLaughlin	I Williams
	S Foulkes	C Meaden	KJ Williams
	P Gilchrist	B Mooney	P Williams
	P Glasman	S Mountney	S Williams
	R Gregson	S Niblock	

<u>Apologies</u>	Councillors	E Boulton	D McCubbin
		L Fraser	C Muspratt
		JE Green	C Povall
		J Hale	L Rennie
		A Hodson	D Roberts
		P Johnson	J Stapleton
		M Johnston	S Whittingham
		S Kelly	J Williamson
		A McArdle	

44 MINUTES

The minutes of the meeting of the Council held on 11 October, 2011, having been circulated to all Members, it was:

Resolved – That the minutes be approved and adopted.

45 YOUTH PARLIAMENT

Before the commencement of the Youth Parliament in the Council Chamber a performance was given by members of Wirral Youth Theatre in the Civic Hall.

The young people and Councillors assembled in the Council Chamber at 6.15 pm. The Mayor welcomed the young people and thanked Maureen McDaid, Principal Manager, CYPD Planning & Resources Branch Commissioning/Participation, her team and the officers for organising the event. The Mayor explained the purpose of

the evening and gave a brief outline of proceedings. The Mayor then invited Upton Hall to present their proposal.

The following proposal was put by Upton Hall's Proposer, Leah Simpkin:

In light of the Olympic success should there be more sporting provision easily available to the young people of Wirral?

Upton Hall's Opposing proposal was put by Jessica Kelly.

The debate was then opened to Councillors and young people for their contributions.

The Upton Hall seconder Janine Lewis then closed the debate.

The proposal was put and lost (14:38).

The following proposal was put by Prenton High Schools Proposer, Courtney Needler:

We propose that in all Wirral parks, there should be either an internet café or wi-fi café so that young people can meet and have access to these facilities after schools and at the weekends. We believe that through being available to the wider community these facilities will increase the number of people currently visiting the parks.

Prenton High Schools Opposing proposal was put by Hannah Cook.

The debate was then opened to Councillors and young people for their contributions.

The Prenton High School seconder Rosie Trickett then closed the debate.

The proposal was put and lost (6:52).

The following proposal was put by the Oldershaw Proposer, Megan Jones:

We believe that because of the current economic climate and the increase of university fees more young academic young people are opting for apprenticeships, this is resulting in young people with less than 5 A-Cs at GCSE are being denied an employment option. Therefore we call on Wirral Council to guarantee that employment opportunities for young people will be guaranteed in any Wirral Council regeneration contracts and there will be a guarantee of 25% of jobs created by these contracts will be for apprenticeships for young people.

Oldershaw's Opposing proposal was put by Charles Heath.

The debate was then opened to Councillors and young people for their contributions.

The Oldershaw seconder Ryan Barker then closed the debate.

The proposal was put and carried (36:20).

The following proposal was put by Birkenhead Academy for Girls Proposer, Annapreet Bhullar:

“Where there are areas of lower average life expectancy, this is due to lifestyle choices”.

Birkenhead Academy for Girls Opposing proposal was put by George Anderson.

The debate was then opened to Councillors and young people for their contributions.

The proposal was put and lost (8:42).

Councillor Geoffrey Watt sought advice from the Acting Director of Law, HR and Asset Management regarding Declarations of Interest for the following item. The Acting Director of Law, HR and Asset Management advised that this was a matter for members themselves to decide. Councillor Geoffrey Watt then declared a prejudicial interest in the following item by virtue of being a serving member of the Council and indicated that he would withdraw from meeting during this debate.

Councillor Watt having declared a prejudicial interest left the meeting whilst this item was considered.

The following proposal was put by Wirral Youth Theatre’s Proposer, Nichole Buntain:

Public Services like Youth Services on Wirral provide support for young people who need it. The message we are now getting is that services have to be more targeted and only work with young people who need very intensive and what will be expensive support. We understand that there is less money but if youth services like Wirral Youth Theatre and Pilgrim Street Arts Centre are cut, more young people will eventually need more resources and this will cost more in the long run. We have been told “we are all in this together”, therefore we are proposing to Council that MPs, Councillors and Officers should have their expenses cut to help save the services that young people really need and value.

Wirral Youth Theatre’s Opposing proposal was put by Lauren Pierce.

The debate was then opened to Councillors and young people for their contributions.

The Wirral Youth Theatre seconder Tanya Thomas then closed the debate.

The proposal was put and lost (22:11) (48 abstentions)

Councillor Geoffrey Watt returned to the meeting

The following proposal was put by Wirral Grant Panel Proposer, Charlotte Knaggs:

In light of the recent shooting of police officers in Manchester, should all police officers be armed with guns? We ask Wirral Council through its' representatives on the Police Authority, to convey to the members of the Police Authority the result of the vote in this debate.

Wirral Grant Panel Opposing proposal was put by Katie Everson.

The debate was then opened to Councillors and young people for their contributions.

The Wirral Grant Panel seconder Rikki Killen then closed the debate.

The proposal was put and lost (7:45).

The debate concluded with speeches from the party groups (Councillors Harney, Wendy Clements and Phil Davies) who paid tribute to the young people and thanked them for the very high standard of the debate. The young people were also encouraged to offer suggestions to improve the Youth Parliament next time.

The Mayor closed the meeting by thanking all those present for their participation. He thanked the party groups, Maureen McDaid and the staff of the Youth Service for enabling this Parliament and the young people for their attendance and contributions to the debate.

COUNCIL

Monday, 15 October 2012

Present: The Mayor (Councillor Gerry Ellis) in the Chair
Deputy Mayor (Councillor Dave Mitchell)

Councillors	RL Abbey	T Harney	D Realey
	C Blakeley	P Hayes	L Rennie
	E Boulton	S Hodrien	D Roberts
	A Brighthouse	M Hornby	L Rowlands
	W Clements	M Johnston	J Salter
	A Cox	AER Jones	H Smith
	J Crabtree	C Jones	T Smith
	G Davies	P Kearney	W Smith
	P Davies	S Kelly	J Stapleton
	WJ Davies	B Kenny	M Sullivan
	D Dodd	A Leech	A Sykes
	P Doughty	D McCubbin	J Walsh
	D Elderton	AR McLachlan	G Watt
	S Foulkes	M McLaughlin	S Whittingham
	L Fraser	C Meaden	J Williamson
	P Gilchrist	B Mooney	I Williams
	P Glasman	S Mountney	KJ Williams
	JE Green	C Muspratt	P Williams
	R Gregson	S Niblock	S Williams
	P Hackett	T Norbury	
	J Hale	C Povall	

Apologies Councillors A Hodson A McArdle
P Johnson

46 DECLARATIONS OF INTEREST

Councillors A McLachlan, D Realey and H Smith declared a non-pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of their appointment to the Board of Beechwood and Ballantyne Community Housing Association.

Councillors R Abbey and A Leech declared a non-pecuniary interest, in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of their appointment to the Board of Leasowe Community Homes.

Councillors T Harney and S Whittingham declared a non-pecuniary interest, in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of their appointment to the Board of Wirral Partnership Homes.

Councillor G. Davies declared a non - pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of his appointment to the Wirral Partnership Homes – Community Fund Working Group.

Councillor D Mitchell declared a pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of him being in receipt of benefits and subsequently left the chamber during the vote on this matter.

Councillors D Dodd and S Niblock declared a non-pecuniary interest in Motion 7 (Cuts to Fire and Rescue Service) (see minute 61 post) by virtue of their appointment on the Merseyside Fire and Rescue Authority.

Councillor M Sullivan declared a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of him being a Friend of Pensby Library and a member of Pensby Reading Group.

Councillor W Clements declared a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of her being a Friend of Greasby Library.

Councillor L Fraser declared a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of her being a Friend of Wallasey Village Library.

Councillor M Hornby declared a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of him being a Friend of Irby and Greasby Libraries.

Councillor P Doughty declared a non-pecuniary interest in item 6 (c) (Cabinet Minute 92 (27/9/12) – Local Development Framework for Wirral – Core Strategy – Publication of Proposed Submission Draft) (see minutes 51 and 60 post) by virtue of his employment.

Councillors C Blakeley and M McLaughlin declared a non-pecuniary interest in Motion 10 (Police Cuts) (see minute 64 post) by virtue of their appointment on the Merseyside Police Authority.

Councillor J Green declared a non-pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of his appointment to the Board of Wirral Partnership Homes and a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of him being a Friend of Irby Library.

Councillor D McCubbin declared a non-pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of his appointment to the Board of Wirral Partnership Homes and a non-pecuniary interest in Motion 16 (Libraries as Centres of their Communities) (see minute 70 post) by virtue of him being a Friend of Pensby and Irby Libraries.

Councillor D Roberts declared a non-pecuniary interest in Motion 4 (Welfare Benefit Cuts) (see minute 59 post) by virtue of her appointment to the Board of Wirral Partnership Homes and a non-pecuniary interest in Motion 7 (Cuts to Fire and Rescue Service) (see minute 61 post) by virtue of her appointment on the Merseyside Fire and Rescue Authority.

Councillor L Rennie declared a non-pecuniary interest in Motion 7 (Cuts to Fire and Rescue Service) (see minute 61 post) by virtue of her appointment on the Merseyside Fire and Rescue Authority and a non-pecuniary interest in Motion 10 (Police Cuts) (see minute 64 post) by virtue of her husband's employment and her being in receipt of a police pension.

Councillor S Williams declared a disclosable pecuniary interest in Motion 10 (Police Cuts) (see minute 64 post) by virtue of his previous employment and subsequently left the chamber during the vote on this matter.

Councillor C Muspratt declared a disclosable pecuniary interest in Motion 10 (Police Cuts) (see minute 64 post) as notified to the Acting Director of Law, HR and Asset Management and subsequently left the chamber during the vote on this matter.

47 **MAYOR'S COMMUNICATIONS**

The Mayor's Chaplain, Revd Dr David Chester, led the Council in prayers.

The Mayor congratulated Councillors Phil Davies, Steve Foulkes, Chris Meaden and Harry Smith on their 21 years service to the Council.

The Mayor asked that the Council join him in sending the best wishes of the Council to Councillor Peter Johnson, who was unwell in Arrowe Park Hospital.

The Mayor thanked everybody who had supported the Mayor's Ball.

The Mayor introduced Stephen Gerrard, Interim Head of Legal and Member Services, who would be with the Council for the next six months.

48 **PETITIONS**

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

Councillor B Kenny on behalf of 168 signatories requesting residents' parking on Rodney Street and Vincent Norton Court, Birkenhead.

Councillor H Smith on behalf of 32 signatories requesting support for installing alley gates in Upper Brassey Street, Bidston.

Resolved - That the petitions be noted and referred to the appropriate chief officers in accordance with Standing Order 34.

49 **MINUTES**

The minutes of the meeting of the Council held on 16 July, 2012, had been circulated to members and it was –

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

50 LEADER'S ANNOUNCEMENTS

The Leader of the Council, Councillor Phil Davies, addressed the Council on the following matters:

The Council had met the 'Investors in People' standard and had had its status renewed. Following two weeks on site and around 190 interviews with staff the assessors reported positive progress and noted that all areas for development they identified were already in the Council's Improvement Plan.

He thanked all staff involved in the Ricoh Women's Open Golf Championship at the Royal Liverpool Golf Club in September. The Council had received positive feedback from the organisers and national TV coverage helped to showcase the Borough.

The Leader thanked all Council staff who had helped deal with the impact of the flooding from the abnormal rainfall last month. With a particular thanks to the Council's Highways staff and staff from Adult Social Care who had helped residents in areas which were badly affected.

Wirral Council's Pest Control Team had been recognised by the Cabinet Office for providing the highest standards of customer care to the people of Wirral. The Leader congratulated all members of the team.

The Leader also congratulated the Merseyside Pension Fund which was named 'Winner' for its work in communications within public sector pension schemes at the 'Professional Pensions', Scheme of the Year Awards. Its success, at what were considered the premier pension industry awards, came in recognition of its innovative approach to communicating the Government's proposals for a new Local Government Pension Scheme from 2014, specifically its dedicated website and newsletter. The Fund's website on scheme reform had drawn interest from other funds and had been hailed as exemplary by the Local Government Association.

All 14 of the Borough's open spaces received Green Flag Awards in recognition of high standards of maintenance and management and excellent facilities. The Leader expressed his thanks to the Mayor who organised a celebration in recognition of the work that went into setting such high standards and particular thanks to the Council's staff and also the many volunteers and Friends Groups who had helped to look after the Borough's parks and open spaces.

The Leader announced that last month had seen a prestigious national conference held at the Floral Pavilion on the legacy of the Olympic and Paralympic Games, with Dame Tanni Grey-Thompson as the key note speaker.

A number of members had attended an event recently to celebrate 10 years of the Get Into Reading initiative which had helped literally thousands of people in the Borough to improve their literacy levels, secure employment and improve their health.

The Leader was pleased to announce that Councillor Moira McLaughlin had been appointed Carers' Champion and that he was reviewing other 'Champions' and would make an announcement shortly. He would encourage all members to sign up to become 'Digital Champions' and help address the digital exclusion agenda.

The Leader was also pleased to announce that a new 'park & ride' service would open shortly at Bidston and Birkenhead North stations. He thanked all staff from the Council and Merseytravel who had worked hard to deliver this scheme.

The Leader announced that he would like to review the role of Full Council and would be discussing this with the other Party Leaders and the Improvement Board.

51 **MATTERS REQUIRING APPROVAL BY THE COUNCIL**

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

One matter from Cabinet on 27 September, 2012, minute 92 (Local Development Framework for Wirral – Core Strategy – Publication of Proposed Submission Draft) was submitted for approval but was the subject of an objection (see minute 60 post).

A report of the Director of Finance (Council Budget Decisions) was submitted for approval but was the subject of two amendments (see minutes 58 and 62 post).

In respect of minute 74 (Cabinet – 6/9/12), and in accordance with Standing Order 11 (2) (a), Councillor Phil Gilchrist had submitted a question to the Leader of the Council to which Councillor Phil Davies responded accordingly.

On a motion by Councillor P Davies and seconded by Councillor A McLachlan, it was –

Resolved – That the following matters be approved:

- (i). **Minute 74 (Cabinet – 6/9/12) - Revenue Monitoring 2012/2013 – Month 3 (June 2012)**
- (ii). **Minute 75 (Cabinet – 6/9/12) - Capital Monitoring Report 2012/2013 – Period 3 (June 2012)**
- (iii). **Minute 80 (Cabinet – 6/9/12) - Local Development Framework - Joint Waste Local Plan for Merseyside and Halton**
- (iv). **Minute 83 (Cabinet – 18/9/12) - Senior Management Restructure**
- (v). **Minute 90 (Cabinet – 27/9/12) - The Flood and Water Act 2010 - Ordinary Watercourse Consenting and Enforcement**
- (vi). **Minute 29 (Employment and Appointments Committee – 24/9/12) - Appeals Sub-Committee**
- (vii). **Report and recommendations of the Independent Panel on Members' Allowances held on 23 July, 2012**

52 **QUESTIONS**

Mr J Brace, having given the appropriate notice in accordance with Standing Order 11, submitted a question on the introduction of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Councillor Ann McLachlan (Cabinet Member – Improvement and Governance) responded that the Acting Director of Law, HR and Asset Management had emailed a written response to Mr Brace and Councillor Jeff Green suggested that this response should be circulated to all Members.

53 **MATTERS FOR DEBATE**

The Leader of the Council suggested, and it was agreed that Motion 5 (Hillsborough Independent Panel Report) be considered as the first debate and the matters listed for debate in accordance with Standing Order 5(2)(m) were dealt with as indicated in minutes 54 to 71 below.

54 **MOTION: HILLSBOROUGH INDEPENDENT PANEL REPORT**

Proposed by Councillor Paul Hayes
Seconded by Councillor Jeff Green

- (1) This Council remembers the death of the 96 who lost their lives going to a football match in Sheffield's Hillsborough stadium on April 15 1989, including twelve citizens of this borough.
- (2) Council welcomes the full and unambiguous apology from the Prime Minister on behalf of the Government for the length of time it has taken to discover the truth of how those who should have protected our citizens actually behaved and commends the tenacity, dignity and courage of the friends and family of those who lost their lives. They have tirelessly pursued a campaign for truth and justice whilst the burden of grief lays heavy on their hearts, their bravery and determination serves as an example to us all.
- (3) Council welcomes the publication of the report by the Hillsborough Independent Panel, and on behalf of the people of Wirral, Council thanks all members of the Panel for finally succeeding in what previous enquiries have failed to do: uncovering the truth.
- (4) Council believes that after truth justice must follow. Council urges all prosecuting authorities to consider the findings of the Hillsborough Independent Panel and asks them to relentlessly pursue those culpable for the deaths of so many and the subsequent attempt to evade justice by repeated lies in a concerted attempt to lay the blame with brave survivors and fans.
- (5) Council again repudiates the views of those who have peddled lies about Liverpool fan's involvement in this tragedy. We hope those guilty of this horrendous slander are now silenced by their shame.
- (6) Council therefore resolves:

- (i). To ask that the Chief Executive, on behalf of the Council, writes to the Hillsborough Families Support Group, the Hillsborough Justice Campaign and Hope for Hillsborough to express our continued support for their campaigns for justice and thanking them for their steadfast examples of courage and dignity.
- (ii). To ask that the Acting Director of Children's Services, following the recent example of certain Liverpool Schools, seeks to facilitate a discussion between the Head Teachers of Wirral's Schools on how learning about the Hillsborough Stadium disaster can be incorporated into their school's curriculum; ensuring that all future generations know the truth of what happened on that day.

The Leader of the Council and Councillor Dave Mitchell associated their respective Groups with the remarks of Councillor Hayes in moving the motion and it was then –

Resolved (unanimously) – That the motion be approved.

55 **PROCEDURE**

The Acting Director of Law, HR and Asset Management advised the Council that in light of advice received from the Interim Director of Finance, Councillor Green's amendment to Motion 1 (Meeting Our Budget Challenge), Motion 12 (Regeneration Reserves Take a Hit), Motion 14 (Making Progress with 20MPH Zones Where They Are Requested, Needed and Accepted), Motion 17 (A Moral Contract Broken) and Amendment 3 (Report of the Interim Director of Finance – Council Budget Decisions) needed to be revised and amended wording was then circulated to all Members.

The Mayor then adjourned the meeting at 7.00pm to enable circulation and consideration of the amended wording.

The meeting reconvened at 7.20pm.

Council then resolved to accept the amended motions and amendments as circulated.

It was then agreed that Motions 1 (Meeting Our Budget Challenge) and 2 (Neighbourhood Funding Cuts) and Amendment 3 (Report of the Interim Director of Finance – Council Budget Decisions) be considered as one debate with separate votes taken on each.

56 **MOTION: MEETING OUR BUDGET CHALLENGE**

Proposed by Councillor Phil Davies
Seconded by Councillor Ann McLachlan

- (1) This Council is facing a huge budgetary challenge with a potential overspend in 2012/2013 of £17million and the need to save around £100million over the next three years. This equates to around one-third of the net Council budget.

- (2) Council notes that achieving budget and financial stability is one of the key priorities in the Improvement Plan agreed between the Council and the Local Government Association.
- (3) Council welcomes the new approach to budget-setting which aims to introduce more rigour, openness and transparency into the process.
- (4) Council supports the measures which have been taken to address our budget challenge, i.e.
 - (a) A freeze on all non-essential services and recruitment and the moving of unallocated reserves to help bridge the gap in this year's budget.
 - (b) A review of the Capital Programme involving a pause on spending whilst each scheme is reviewed.
 - (c) Monthly budget monitoring reports produced by the Interim Director of Finance to ensure Members are fully informed as to progress in controlling the potential overspend.
 - (d) An urgent re-structuring of senior management by the Chief Executive with the aim of establishing a strong corporate management function and achieving significant savings.
 - (e) A major consultation initiative to inform the 2013/2015 budget linked to a new Corporate Plan, involving the public, key partners and elected members.
 - (f) The production of a clear budget timetable by the Interim Director of Finance including special Scrutiny Committee meetings before Cabinet reach its final decisions on next year's budget.
- (5) Council welcomes the responsible approach taken by all parties to this budget challenge and recognises the importance of ensuring that all members can contribute to the budget process. This will lead to greater transparency in decision-making and will help to improve the culture within the organisation.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Jeff Green
Seconded by Councillor Lesley Rennie

- (1) This Council is facing a huge budgetary challenge with a potential overspend in 2012/2013 of £17million and the need to save around £100million over the next three years. This equates to around one third of the net Council budget.
- (2) However Council notes that the saving of circa £100million is not required as a result of Government Cuts with two thirds of that total, i.e. With £67million needing to be found as a result of increased costs.

- (3) Council notes that achieving budget and financial stability is one of the key priorities in the Improvement Plan agreed between the Council and the Local Government Association.
- (4) Whilst Council supports many of the measures that have been taken to address our budget challenge. It does not support the withdrawal of Neighbourhood funding and asks for that to be reconsidered immediately.

However Council does support the following:

- (a) A freeze on all non-essential services and recruitment and the moving of unallocated reserves to help bridge the gap in this year's budget.
 - (b) A review of the Capital Programme involving a pause on spending whilst each scheme is reviewed.
 - (c) Monthly budget monitoring reports produced by the Interim Director of Finance to ensure Members are fully informed as to progress in controlling the potential overspend.
 - (d) An urgent re-structuring of senior management by the Chief Executive with the aim of establishing a strong corporate management function and achieving significant savings.
 - (e) A major consultation initiative to inform the 2013/2015 budget linked to a new Corporate Plan, involving the public, key partners and elected members.
 - (f) The production of a clear budget timetable by the Interim Director of Finance.
 - (g) Full scrutiny of Cabinet decisions by special Scrutiny Committee meetings after Cabinet reaches its final decisions on next year's budget
- (5) Council welcomes the responsible approach taken by all parties to this budget challenge and recognises the importance of ensuring that all members can contribute to the budget process. This will lead to greater transparency in decision-making and will help to improve the culture within the organisation.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Alan Brighthouse
Seconded by Councillor Phil Gilchrist

Delete 4(a) and 4(b) and rebadge 4(c), (d), (e) and (f) as 4(a), (b), (c) and (d)

Following a combined debate (see minutes 57 and 58 post) and Councillor Phil Davies having replied, the amendment proposed by Councillor Green was put and lost (19:43) (One abstention).

The amendment proposed by Councillor Brighthouse was put and lost (7:55) (One abstention).

The motion was put and carried (36:26) (One abstention).

Resolved (36:26) (One abstention) –

- (1) This Council is facing a huge budgetary challenge with a potential overspend in 2012/2013 of £17million and the need to save around £100million over the next three years. This equates to around one-third of the net Council budget.**
- (2) Council notes that achieving budget and financial stability is one of the key priorities in the Improvement Plan agreed between the Council and the Local Government Association.**
- (3) Council welcomes the new approach to budget-setting which aims to introduce more rigour, openness and transparency into the process.**
- (4) Council supports the measures which have been taken to address our budget challenge, i.e.**
 - (a) A freeze on all non-essential services and recruitment and the moving of unallocated reserves to help bridge the gap in this year's budget.**
 - (b) A review of the Capital Programme involving a pause on spending whilst each scheme is reviewed.**
 - (c) Monthly budget monitoring reports produced by the Interim Director of Finance to ensure Members are fully informed as to progress in controlling the potential overspend.**
 - (d) An urgent re-structuring of senior management by the Chief Executive with the aim of establishing a strong corporate management function and achieving significant savings.**
 - (e) A major consultation initiative to inform the 2013/2015 budget linked to a new Corporate Plan, involving the public, key partners and elected members.**
 - (f) The production of a clear budget timetable by the Interim Director of Finance including special Scrutiny Committee meetings before Cabinet reach its final decisions on next year's budget.**
- (5) Council welcomes the responsible approach taken by all parties to this budget challenge and recognises the importance of ensuring that all members can contribute to the budget process. This will lead to greater transparency in decision-making and will help to improve the culture within the organisation.**

57 **MOTION: NEIGHBOURHOOD FUNDING CUTS**

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Council notes the reported potential overspend for this financial year of £17million and believes the first act of the Labour Administration in May, to abolish the plans proposed by the Conservative and Liberal Democrat Groups to establish all party Business Delivery and Strategic Change Programme Boards to ensure delivery of promised savings and service delivery performance, has been demonstrated to be particularly short sighted and foolish.
- (2) Council disagrees with the Labour Administration that supporting local communities to identify their own priorities and plan, with Council support, to achieve them is non essential spending, noting that this decision will impact directly on local communities priorities to
 - Improve road safety through 20 mph zones
 - Tackle fly tipping
 - Improve street cleanliness and reduce dog fouling
 - Improve community safety
 - Clean up children's play areas
 - Improve winter resilience through provision of additional grit bins
 - Improve pavements, provide drop kerbs and fix pot holes
 - Support to local organisations that do so much to develop and improve their communities
- (3) Council expresses its alarm that the decision to cut the resources intended for local community priorities was made by the Labour administration behind closed doors and does not believe that local communities should pay the price of the Labour administration's failure to control departmental spending or achieve the savings it agreed and placed in its own Special Cabinet A.O.B Strategic Change Programme.
- (4) In conclusion, Council believes that despite the complete lack of transparency regarding what or how the administration determine 'appeals' against the secret decisions it takes, if it believes there are the resources available to spend £200,000 on expanding its HR Dept and an extra £300,000 on new Executive Directors, the administration should take this opportunity to think again and reverse its decision to cut neighbourhood funding for local communities

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

Delete everything and replace with the following:-

- (1) Council recognises that neighbourhood funding grants have been suspended, not cut. In taking this action the Administration has acted responsibly to

address a potential £17m overspend in 2012-13 and in the knowledge that the Council will need to achieve savings of £100million over the next 3 years, equivalent to one-third of our total budget.

- (2) The underlying cause of this budget shortfall is the austerity policy pursued by the Conservative/Liberal Democrat coalition government. Council believes this policy is fundamentally flawed and calls on the government to adopt measures which encourage growth.
- (3) The Council's financial position has been exacerbated by poor budgetary practices and inept decisions which have been inherited from the previous Tory/LibDem administration.
- (4) Council recognises the opportunities which the Administration has put in place to enable all-party discussions around the budget and other strategic issues, eg. the Leaders Board.
- (5) Council notes the transparent process which has been put in place to publish decisions about in-year expenditure, i.e. inclusion on agendas for Cabinet which can be called-in. Council is furthermore surprised at the Conservative Group's negative comments on the senior management re-structuring and the re-structure of Human Resources and Organisational Development given that they agreed to both of these items at Employments & Appointments Committee.

Following a combined debate (see minutes 56 ante and 58 post) and Councillor Jeff Green having replied, the amendment was put and carried (36:26) (One abstention).

The substantive motion was put and carried (36:26) (One abstention).

Resolved (36:26) (One abstention) –

- (1) Council recognises that neighbourhood funding grants have been suspended, not cut. In taking this action the Administration has acted responsibly to address a potential £17m overspend in 2012-13 and in the knowledge that the Council will need to achieve savings of £100million over the next 3 years, equivalent to one-third of our total budget.**
- (2) The underlying cause of this budget shortfall is the austerity policy pursued by the Conservative/Liberal Democrat coalition government. Council believes this policy is fundamentally flawed and calls on the government to adopt measures which encourage growth.**
- (3) The Council's financial position has been exacerbated by poor budgetary practices and inept decisions which have been inherited from the previous Tory/LibDem administration.**
- (4) Council recognises the opportunities which the Administration has put in place to enable all-party discussions around the budget and other strategic issues, eg. the Leaders Board.**

- (5) Council notes the transparent process which has been put in place to publish decisions about in-year expenditure, i.e. inclusion on agendas for Cabinet which can be called-in. Council is furthermore surprised at the Conservative Group's negative comments on the senior management restructuring and the re-structure of Human Resources and Organisational Development given that they agreed to both of these items at Employments & Appointments Committee.

58 **AMENDMENT:REPORT OF THE INTERIM DIRECTOR OF FINANCE - COUNCIL BUDGET DECISIONS**

Proposed by Councillor Tom Harney
Seconded by Councillor Stuart Kelly

Paragraph 12.1

Add to paragraph c

...and believes it should be allocated to its original purpose, the Working Neighbourhood Fund, and that officers draw up proposals to target the reserve to create and protect jobs, apprenticeships and opportunities for business within Wirral.

Delete paragraph d and insert

Officers be instructed to carry out a thorough review of all council balances, reserves and provisions currently standing at £86.2 million and identify, as a matter of urgency, those whose value is in excess of the risk involved. Particular attention should be paid to the Housing Benefit Reserve (£11.1m), the Insurance Fund (£9.6m) and Management of Other Risks (£32.5m).

Add to Paragraph e

..., except that Council believes that the spending freeze has impacted unfairly on a number of council budgets. Council therefore resolves that Cabinet reviews the following budget lines:

- the Neighbourhood Funding process involving the Neighbourhood Forums
- the implementation of 20mph zones in a phased programme
- payment of £250 to staff earning less than £21k

and to implement an open and transparent process to enable further budgets to be released after the revenue budget is brought back into balance.

Following a combined debate (see minutes 56 and 57 ante) and Councillor Phil Davies having replied, the amendment was put and lost (26:36) (One abstention).

The report of the Interim Director of Finance was also subject to a further amendment (see minute 62 post).

It was then agreed unanimously that Standing Order 7(8) be applied.

59 **MOTION: WELFARE BENEFIT CUTS**

Proposed by Councillor George Davies
Seconded by Councillor Steve Foulkes

This Council condemns the decision by the Conservative/LibDem Government to cut spending on welfare benefits by £7billion in 2014/2015 at the same time as cutting income tax for the very richest.

Cuts in benefits such as Incapacity Benefit, Council Tax Benefit, Housing Benefit and Disability Living Allowance, and Crisis Loans will hit the poor the hardest.

Universal Credit, the flagship of the government's welfare reforms, according to former Welfare Reform Minister, Frank Field, is 'practically unachievable' and heading for disaster.

Furthermore, according to a leaked account of a briefing to senior civil servants, Chancellor of the Exchequer, George Osborne, is drawing up plans to announce up to £10bn of extra cuts in welfare spending next year.

In view of the fact that the government appears unwilling to reverse these disastrous reforms, it is incumbent on the Council to take steps to mitigate the impact of benefit cuts on Wirral residents.

One practical measure would be to assemble a team of officers with expertise in this area from the local authority and other partners such as Registered Social Landlords and the Citizens Advice Bureau to provide advice and guidance to local residents who are likely to be affected by these changes.

Council therefore asks the Chief Executive to report to Cabinet on this proposal together with any other practical measures which may assist benefit recipients and any adjustments which may be required to assist Council staff in One Stop Shops etc to deal with the impact of these changes.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Tom Harney

Delete paragraphs 1 – 4. Delete the words “In view of the fact that the government appears unwilling to reverse these disastrous reforms” in paragraph 5 and insert...

Council recognises that successive Governments have sought to reform Housing Benefit, to create the conditions for people to be better off in work, to support families with low incomes and to support people with disabilities.

Council recognises that the scale of the reforms required and the pressures on the national finances led the Coalition Government to plan the introduction of the Universal Credit and to make savings such that *(it is incumbent on the Council)*

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

The amendment was put and lost (25:36) (One abstention).

The motion was put and carried (36:25) (One abstention).

Resolved (36:25) (One abstention) –

This Council condemns the decision by the Conservative/LibDem Government to cut spending on welfare benefits by £7billion in 2014/2015 at the same time as cutting income tax for the very richest.

Cuts in benefits such as Incapacity Benefit, Council Tax Benefit, Housing Benefit and Disability Living Allowance, and Crisis Loans will hit the poor the hardest.

Universal Credit, the flagship of the government's welfare reforms, according to former Welfare Reform Minister, Frank Field, is 'practically unachievable' and heading for disaster.

Furthermore, according to a leaked account of a briefing to senior civil servants, Chancellor of the Exchequer, George Osborne, is drawing up plans to announce up to £10bn of extra cuts in welfare spending next year.

In view of the fact that the government appears unwilling to reverse these disastrous reforms, it is incumbent on the Council to take steps to mitigate the impact of benefit cuts on Wirral residents.

One practical measure would be to assemble a team of officers with expertise in this area from the local authority and other partners such as Registered Social Landlords and the Citizens Advice Bureau to provide advice and guidance to local residents who are likely to be affected by these changes.

Council therefore asks the Chief Executive to report to Cabinet on this proposal together with any other practical measures which may assist benefit recipients and any adjustments which may be required to assist Council staff in One Stop Shops etc to deal with the impact of these changes.

60 **OBJECTION: CABINET MINUTE 92 (27/9/12) - LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - CORE STRATEGY - PUBLICATION OF PROPOSED SUBMISSION DRAFT**

Proposed by Councillor Stuart Kelly
Seconded by Councillor Dave Mitchell

Delete recommendations (2), (3), (4), (5) and (6) and insert:

- (2) Council believes that the principles underpinning the interim housing policy for new housing development are needed more than ever in order to continue to ensure that housing development is properly focused and targeted within the former Housing Market Renewal Initiative boundary and regeneration priority areas.
- (3) Council believes that a relaxation of restrictions on development outside regeneration priority areas would have a detrimental affect on the attractiveness of existing, cleared sites within Wirral's former HMRI boundary

where the market for new housing is already weak. This would represent a major risk to the delivery of Wirral's new-build housing programme with Lovell and Keepmoat, with implications for the funding agreement with the HCA which is based on pre-agreed outputs for new-build starts and completions, and notes that this is the view expressed by the Council's Housing Strategy Team.

- (4) Council, therefore, requires that the LDF policies retain the principles and policies currently outlined within the current interim planning policy for new housing development for the purposes of development control and regeneration.
- (5) Following the changes outlined above (paragraphs (2) – (4)), the Proposed Submission Draft Core Strategy and its supporting documents contained within the Document Library are approved for publication for the purposes of further consultation prior to submission to the Secretary of State; however, that their use as a material consideration for the purposes of development control is not approved during the consultation process, in order to protect the integrity of the consultation process.
- (6) Council notes the following documents contained within the Document Library; however, that their use as a material consideration for the purposes of development control is similarly not approved during the consultation process.
 - Wirral Employment Land and Premises Study Update (BE Group, 2012)
 - Wirral Strategic Housing Land Availability Assessment Update 2012 (Wirral Council and A.P. Sheehan 2012)
 - Wirral Retail Strategy Update 2012 (GVA, March 2012)
 - Wirral Open Space Assessment (Wirral Council and Strategic Leisure, 2012)
 - Assessment of Wirral Core Strategy Transport Impacts (Mott MacDonald, July 2012)
 - Habitats Regulations Assessment Report
 - Statement of Consultation

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

The objection was put and lost (26:36) (One abstention)

Resolved – That Cabinet minute 92 (27/9/12) - Local Development Framework for Wirral – Core Strategy – Publication of Proposed Submission Draft, be thus approved.

61 **MOTION: CUTS TO FIRE AND RESCUE SERVICE**

Proposed by Councillor Darren Dodd
Seconded by Councillor Steve Niblock

Council notes that Merseyside Fire and Rescue Service have made tough choices in the past two years to freeze firefighters pay and reduce back office spending. This has made MFRS one of the most cost efficient fire authorities in the country.

Council notes that the Merseyside Fire and Rescue Service is bracing itself for 27% budget cuts for the financial years 2013-2015, one of the largest cuts for any fire authority in the country. Council also notes the words of the Merseyside Chief Fire Officer that 'The grant cut will lead to more fires, fire deaths and injuries on Merseyside. Reductions in stations, appliances and firefighters will have a significant impact on our frontline emergency response and prevention work'.

Council believes that these cuts will have a devastating effect on Wirral and will put lives at risk with the most vulnerable in society expected to be most at risk.

Council puts on record its thanks for firefighters in Wirral who put their lives at risk everyday to keep us safe.

Council condemns the cuts that will endanger lives here in Wirral and urges the Government to think again.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Lesley Rennie
Seconded by Councillor Wendy Clements

- (1) Council notes that the financial deficit of this Country, left by the last Labour Government will necessitate strong and decisive action by the Coalition Government to rebuild a stable economy for future generations.
- (2) Council further notes that all public services will face difficult challenges in relation to their future funding.
- (3) Merseyside Fire and Rescue Service is recognised as an 'Excellent Authority', with strong financial governance, delivering an excellent service to the communities it serves and providing it's staff with the most up to date equipment, training and personal protection. Merseyside Fire and Rescue Service sets the standards which all other Fire Services, nationally and internationally to aspire to.
- (4) This Council thanks the many brave men and women of MFRS who put their lives at risk in order to protect the people of Merseyside.
- (5) The financial settlement for MFRS in future years is as yet unknown and therefore it is premature to speculate as to what savings may have to be made. Council resists all attempts at 'scaremongering' and speculative outbursts in relation to future funding for the Service.
- (6) Council supports the 'All Party Lobby' of Government to secure a fair deal for Merseyside Fire and Rescue Service.
- (7) Council further notes that the people of Wirral can be assured that they will always receive an excellent service from MFRS as protection for both public and Firefighters alike will always be the priority for the Service.

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

The amendment was put and lost (26:36) (One abstention).

The motion was put and carried (43:19) (One abstention).

Resolved (43:19) (One abstention) –

Council notes that Merseyside Fire and Rescue Service have made tough choices in the past two years to freeze firefighters pay and reduce back office spending. This has made MFRS one of the most cost efficient fire authorities in the country.

Council notes that the Merseyside Fire and Rescue Service is bracing itself for 27% budget cuts for the financial years 2013-2015, one of the largest cuts for any fire authority in the country. Council also notes the words of the Merseyside Chief Fire Officer that ‘The grant cut will lead to more fires, fire deaths and injuries on Merseyside. Reductions in stations, appliances and firefighters will have a significant impact on our frontline emergency response and prevention work’.

Council believes that these cuts will have a devastating effect on Wirral and will put lives at risk with the most vulnerable in society expected to be most at risk.

Council puts on record its thanks for firefighters in Wirral who put their lives at risk everyday to keep us safe.

Council condemns the cuts that will endanger lives here in Wirral and urges the Government to think again.

62 **AMENDMENT: REPORT OF THE INTERIM DIRECTOR OF FINANCE - COUNCIL BUDGET DECISIONS**

Proposed by Councillor Jeff Green
Seconded by Councillor Lesley Rennie

Recommendations 12.1 That Council

Agree parts a, b, c and d

Delete e and replace with:

Agrees that before any decision is taken that a full report is presented to Council which shows what has been stopped, what has been approved and what process was adopted in determining these matters. Council believes that this will demonstrate complete openness and transparency in the decision making process.

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

The amendment was put and lost (26:36) (One abstention).

Resolved – That the recommendations in the Interim Director of Finance’s report be thus approved as follows:

- (1) **An increase in the 2012/13 revenue budget of £677,000.**
- (2) **That the provision of broadband improvements is being delivered by BT, through the upgrading of their infrastructure estate be noted.**
- (3) **That in the light of (2), the Broadband earmarked reserve of £7 million is no longer required for that purpose be noted.**
- (4) **The re-deployment of the Broadband earmarked reserve of £7 million to General Fund Balances.**
- (5) **Revenue savings resulting from the spending freeze will increase the level of General Fund Balances, in preparation for the rise in the level of risk in 2013/14.**

63 **MOTION: EXTENDING SMOKE FREE ENVIRONMENTS**

Proposed by Councillor Stuart Kelly
Seconded by Councillor Phil Gilchrist

- (1) Council notes that the Part One of the Health Act 2006 prohibits smoking in enclosed areas. (www.legislation.gov.uk/ukpga/2006/28/part/1)
- (2) Council further notes that Section Four of the Act allows the Secretary of State to designate additional areas as smoke free places for the purposes of the Act. (www.legislation.gov.uk/ukpga/2006/28/section/4)
- (3) Council therefore calls upon the Secretary of State for Health to use the powers available to him under Section Four of the Health Act 2006 to designate the areas near and around doorways and main entrances to the following public places as designated areas for the purposes of the Act;
 - Schools and other places of compulsory education
 - Children’s play areas
 - Sports and Leisure centres including swimming pools
 - Hospitals and buildings in the ownership of, or contracted, to provide NHS services.
- (4) The terms of this motion to be brought to the attention of Wirral’s Members of Parliament and the Secretary of State for Health, and their response to be reported back to the Council.

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.

64 **MOTION: POLICE CUTS**

Prior to moving this motion, Councillor Moira McLaughlin, asked, and it was agreed, that paragraph (3) of Councillor Blakeley's amendment be incorporated into her motion.

Proposed by Councillor Moira McLaughlin
Seconded by Councillor George Davies

This Council deplores the fact that more than 16,000 police officers in England and Wales are to be cut over the next four years. These job losses would be a consequence of cutting the police budget by a fifth by 2014/2015. Far from protecting frontline policing as David Cameron promised at the last election there will be 16,000 fewer police officers fighting crime, solving serious cases, or keeping our country safe. Cutting so fast and so deep into police budgets is crazy. It is completely out of touch with communities across the country, who want to keep bobbies on the beat.

On Merseyside, the Comprehensive Spending Review announced in 2010 presented Merseyside Police Authority with two very significant financial challenges, the estimated requirement of £61.4m of revenue savings over the review period 2011/2012 to 2014/2015 and the front loading of the savings requiring £38.5m to be saved over the initial two year period. By the end of 2012/2013 it is anticipated that the Force will have lost 624 Police Officers posts, and 178 Police Staff posts.

On Merseyside the police performance, between 2006-2011, showed 50% reduction in anti-social behaviour, vehicle crime down by 55%, household burglary down by 28%, robbery by 39% and all crime by 30%. In January, figures from the British Crime Survey showed that personal crime, including theft, robbery and violence, had gone up by 11% over the last year, the steepest increase for more than a decade.

Council condemns the depth of these cuts, and believes that without the officers to carry out foot patrols, the coalition's aims on policing cannot be realised.

Council also puts on record its deepest sympathy and condolences to the family, friends and colleagues of PCs Nicola Hughes and Fiona Bone and asks that the Chief Executive writes to Sir Peter Fahy, Chief Constable of Greater Manchester Police to convey that message.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Chris Blakeley
Seconded by Councillor Mike Hornby

Delete all and replace with:

This Council fully supports the coalition Governments Police reforms and whilst recognising the need to make savings notes that Her Majesty's Inspectorate of Constabulary has confirmed that the police are making the savings they need, while protecting the frontline, increasing neighbourhood policing and cutting crime.

Council recognises that we have the best police officers in the world. They do their work unarmed, they live in the communities they police, they operate with the consent of the public, and in recent days, we were reminded of the bravery of our police officers, when PCs Nicola Hughes and Fiona Bone were shot and killed while carrying out their day to day duties

But for the sake of police officers and the public, there are many things about policing that need to change. That is why the Government will:

- Free the police from bureaucracy to cut crime;
- Reward officers who develop skills;
- Reconnect the public and the police to ensure that they act according to local needs;
- Place a new emphasis on tackling serious and organised crime;
- Make sure the police are well-led by single-minded crime fighters; and
- Cut down on waste and inefficient spending

Council notes that Police officers join the force because they want to catch criminals and keep their communities safe. But for too long they have been hamstrung by red tape and form filling. That is why the Government are cutting police bureaucracy, which if fully implemented in every force could save up to 4.5 million police hours per year. That is the equivalent of putting over 2,100 police officers back on the streets. The Government has also restored police discretion over some charging decisions, saving up to 50,000 hours per year.

Council welcomes the latest crime statistics which shows that across England and Wales recorded crimes for the year ending March 2012 was - a year-on-year fall of 4.2% Homicides are now at their lowest level since 1983 Violence against the person is down 7.2% year-on-year, from 822,000 to 763,000 Offences against vehicles (includes car theft) also fell 7.2% year-on-year, to 417,444 Criminal damage decreased by 10% to 631,221

These national figures are replicated across Merseyside with crime and anti social behaviour recorded at one of the lowest levels ever.

Council welcomes the introduction of Police and Crime Commissioners and the abolition of the 43 Police Authorities and the savings that will bring that can be diverted into frontline policing. Council notes that in the case of the Merseyside Police Authority, over £1.5 million has been spent on Members Allowances and expenses since 2006.

Council notes that Police and Crime Commissioners will be powerful representatives of the public leading the fight against crime and ASB. They will ensure that:

- The public can better hold police forces and senior officers to account;
- There is greater public engagement in policing both in terms of priority setting and active citizenship;
- There is greater public – rather than Whitehall – ownership of force performance; and,
- The public have someone ‘on their side’ in the fight against crime and ASB.

Police and Crime Commissioners will ensure that the police are held to account democratically, not bureaucratically by Whitehall. This is part of the deal for the police: removing micro-management by central government in local policing, in return for much greater responsiveness to and engagement with the public.

The Commissioner will hold the Chief Constable to account for the full range of his or her current responsibilities. Police and Crime Commissioners will have five key roles as part of their mission to fight crime and ASB:

- Representing and engaging with all those who live and work in the communities in their force area and identifying their policing needs;
 - Setting priorities that meet those needs by agreeing a local strategic plan for the force;
 - Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, and playing a role in wider questions of community safety;
 - Setting the force budget and setting the precept. Our intention is to make precept raising subject to referendum. Further detail will be set out by the Department for Communities and Local Government (in England) and the Welsh Assembly Government (in Wales); and,
 - Appointing - and, where necessary, removing - the Chief Constable.
- (1) Council therefore instructs the Chief Executive to contact at the earliest opportunity following the PCC elections on November 15, 2012 the newly elected Police Crime Commissioner and invite them to address all Council Members.
 - (2) Council puts on record its thanks to the Chief Constable of Merseyside Police and all officers, past and present for the excellent work they have done and continue to do in driving down crime, with crime levels across Merseyside at the lowest levels they have been for many years.
 - (3) Council also puts on record its deepest sympathy and condolences to the family, friends and colleagues of PCs Nicola Hughes and Fiona Bone and asks that the Chief Executive writes to Sir Peter Fahy, Chief Constable of Greater Manchester Police to convey that message.

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

The amendment was put and lost (25:35) (One abstention).

The motion was put and carried (42:18) (One abstention).

Resolved (42:18) (One abstention) –

This Council deplores the fact that more than 16,000 police officers in England and Wales are to be cut over the next four years. These job losses would be a consequence of cutting the police budget by a fifth by 2014/2015. Far from protecting frontline policing as David Cameron promised at the last election there will be 16,000 fewer police officers fighting crime, solving serious cases,

or keeping our country safe. Cutting so fast and so deep into police budgets is crazy. It is completely out of touch with communities across the country, who want to keep bobbies on the beat.

On Merseyside, the Comprehensive Spending Review announced in 2010 presented Merseyside Police Authority with two very significant financial challenges, the estimated requirement of £61.4m of revenue savings over the review period 2011/2012 to 2014/2015 and the front loading of the savings requiring £38.5m to be saved over the initial two year period. By the end of 2012/2013 it is anticipated that the Force will have lost 624 Police Officers posts, and 178 Police Staff posts.

On Merseyside the police performance, between 2006-2011, showed 50% reduction in anti-social behaviour, vehicle crime down by 55%, household burglary down by 28%, robbery by 39% and all crime by 30%. In January, figures from the British Crime Survey showed that personal crime, including theft, robbery and violence, had gone up by 11% over the last year, the steepest increase for more than a decade.

Council condemns the depth of these cuts, and believes that without the officers to carry out foot patrols, the coalition's aims on policing cannot be realised.

Council also puts on record its deepest sympathy and condolences to the family, friends and colleagues of PCs Nicola Hughes and Fiona Bone and asks that the Chief Executive writes to Sir Peter Fahy, Chief Constable of Greater Manchester Police to convey that message.

65 **MOTION: MAKING WORK PAY AND REFORMING WELFARE**

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Council believes British people are overwhelmingly in favour of having a welfare state. Opinion polls for BBC News and the British Attitudes Survey confirm that more than 90% agreed there was a need for a benefits system that provides a safety net for everyone who needs it.
- (2) Council notes that, on housing benefit alone, the UK now spends £114billion and that the Coalition is implementing changes that will cut £7bn from welfare spending, including changes to housing benefit, through the Welfare Reform Act.
- (3) In particular, Council welcomes the overall cap on a family's benefits of £26,000 so that, from April 2013, this limit will be put on the amount of benefit that people aged 16 to 64 can get. The benefit cap means that people should not get more in benefit payments than the average wage paid to people in work.
- (4) The benefit cap will limit the total income a claimant can receive from benefits including Housing Benefit, Income Support and Jobseeker's Allowance.

- (5) The cap does not, however, apply if a person qualifies for Working Tax Credit, or receives Disability Living Allowance, Personal Independence Payment (from April 2013), Attendance Allowance, Industrial Injuries Benefits or War Widow's or War Widower's Pension.
- (6) Council does however, have concern, that the Labour Party's response to the cap on benefits is, at best, confused. Council notes that the Shadow Secretary for Work and Pensions, Liam Byrne, has welcomed a cap on benefits but wants the level to be regionalised but Council is concerned that this would not be possible without also regionalising levels of the benefits listed above.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor George Davies
Seconded by Councillor Steve Foulkes

Delete everything after paragraph 1 and add the following:

Council condemns the hypocrisy of the Conservative/Liberal Democrat coalition government for supporting vicious cuts in welfare benefits while awarding tax cuts to millionaires. Clearly, we are not all in this together.

Council calls for the government to abandon their regressive policy on benefit cuts and agrees that Labour is the only party with genuine one-nation policies which can bring people together and rebuild Britain.

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

The amendment was put and carried (36:26) (One abstention).

The substantive motion was put and carried (36:26) (One abstention).

Resolved (36:26) (One abstention) –

- (1) Council believes British people are overwhelmingly in favour of having a welfare state. Opinion polls for BBC News and the British Attitudes Survey confirm that more than 90% agreed there was a need for a benefits system that provides a safety net for everyone who needs it.**
- (2) Council condemns the hypocrisy of the Conservative/Liberal Democrat coalition government for supporting vicious cuts in welfare benefits while awarding tax cuts to millionaires. Clearly, we are not all in this together.**
- (3) Council calls for the government to abandon their regressive policy on benefit cuts and agrees that Labour is the only party with genuine one-nation policies which can bring people together and rebuild Britain.**

66 **MOTION: REGENERATION RESERVES TAKE A HIT**

Proposed by Councillor Mark Johnston
Seconded by Councillor Dave Mitchell

- (1) Council recognises we live in unprecedented times given UK and global financial pressures. Council is fully aware that significant spending cuts are a reality and that Council services will need to adapt.
- (2) Council welcomes the fact that in the “What really matters to Wirral” consultation documents, the Leadership of Council has identified three key areas of priority of service delivery:
 - protecting our vulnerable adults and children
 - tackling poverty and inequalities in health
 - creating jobs and attracting investment.
- (3) Council welcomes the forthcoming round of public consultation and Members involvement in helping debate and discuss budget implications. Given the Council is committing to consultation, it seems ironic that Cabinet have recently made a decision to raid £7million of regeneration funding from the Working Neighbourhood Fund to prop up a “potential” over spend of £17million. Council question the wisdom of a transfer of reserves from such a critical area of priority.
- (4) Sensible stewardship would dictate that transfers of reserves should take place as the financial picture is confirmed. The next half of the year will see remedial actions and stronger financial reporting. Therefore Council would request that any significant reserve transfers must be subject to review if the financial position improves.
- (5) Sensible stewardship would also dictate that a balance is struck between a reserve committed to one of the three key pillar areas of Council delivery and the budget position. Regenerating our communities, job creation and job security all have a huge impact and affect on child poverty, crime, health, inward investment, benefit dependence, future wealth creation and almost every other sphere of our resident’s living standards.
- (6) Council therefore asks the Cabinet’s decision to raid £7million of critical regeneration funding be referred back to Cabinet.
- (7) Council also asks Cabinet to consider how a £7million regeneration funding could be used for regeneration and employment projects, taking account of the public consultation process and hearing the views of the Economy and Regeneration Overview and Scrutiny Committee.

Ideas for consideration should include:

- Additional funding for apprenticeships
- Renovation of the Council’s commercial stock and incentives for new rentals
- Using funding to kick start a First Time Buyers Mortgage scheme preferably linked to a stalled housing scheme in the East of the Borough.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Phil Davies
Seconded by Councillor Ann McLachlan

Delete everything after paragraph 2 and replace with the following:-

- (3) In the light of the potential £17million overspend, Council agrees with the decision of Cabinet on the 6 September to use the £7million of reserves within the Director of Regeneration, Planning and Housing's budget to help balance the books. This money was originally earmarked to deliver super fast broadband into our business areas, however, BT has recently announced that it will be upgrading their exchanges in Wirral and this funding is therefore no longer required for this purpose.
- (4) Council believes that sensible stewardship of the budget requires urgent action to be taken now to deal with the overspend rather than wait until the end of the financial year.
- (5) Council notes the ideas proposed for additional expenditure, many of which are already Council policy and requests that members exercise responsibility in relation to the budget and in particular refrain from proposing growth in the Council's budget unless they can identify how this can be paid for.

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

The amendment was put and carried (55:7) (One abstention).

The substantive motion was put and carried (55:7) (One abstention).

Resolved (55:7) (One abstention) –

- (1) Council recognises we live in unprecedented times given UK and global financial pressures. Council is fully aware that significant spending cuts are a reality and that Council services will need to adapt.**
- (2) Council welcomes the fact that in the "What really matters to Wirral" consultation documents, the Leadership of Council has identified three key areas of priority of service delivery:**
 - **protecting our vulnerable adults and children**
 - **tackling poverty and inequalities in health**
 - **creating jobs and attracting investment.**
- (3) In the light of the potential £17million overspend, Council agrees with the decision of Cabinet on the 6 September to use the £7million of reserves within the Director of Regeneration, Planning and Housing's budget to help balance the books. This money was originally earmarked to deliver super fast broadband into our business areas, however, BT has recently announced that it will be upgrading their exchanges in Wirral and this funding is therefore no longer required for this purpose.**

- (4) Council believes that sensible stewardship of the budget requires urgent action to be taken now to deal with the overspend rather than wait until the end of the financial year.
- (5) Council notes the ideas proposed for additional expenditure, many of which are already Council policy and requests that members exercise responsibility in relation to the budget and in particular refrain from proposing growth in the Council's budget unless they can identify how this can be paid for.

67 **MOTION: PENSIONS**

Proposed by Councillor Adrian Jones
Seconded by Councillor Pat Glasman

Council notes with profound concern the deepening problems for retired people in Wirral under the Tory/LibDem Collaboration government's dogma-driven austerity burdens.

The TUC's tenth annual PensionsWatch survey has revealed that directors of the UK's top companies have built up pension pots worth an average of £4.3million. But most people who have worked for a life-time in low or middle-income occupations will experience increasing hardship during retirement.

TUC analysis of official labour market data reveals that for half a million people approaching state pension age, who are in any case because of disability or poor health too ill to work, the future is especially bleak. The research shows that employment rates for those approaching the current statutory pension age are low, with just 54 per cent of men aged 60-64 and 62 per cent of women aged 56-60 in work. Council is concerned that in Wirral the government's policy of accelerating the rise in the state pension age will simply push ever more of our citizens into poverty. This will drive many of Wirral's older people into a new "limbo zone" where those in their mid-60s will be too young for a pension, but too old to have any realistic chance of a job. With a benefits system that gets meaner and tougher each year, even 66 year olds who have worked for decades before stopping work, will be treated as work-shy scroungers.

Council calls on all Wirral MPs and councillors to recognise that protection for the rich, and poverty for the many, was not honestly stated in any party's election promises and to support this motion calling for an early general election.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Les Rowlands
Seconded by Councillor Simon Mountney

Delete all and replace with:

Council notes and condemns the fact that under Labour pensions and pensioners where treated disgracefully:

In 1997 Gordon Brown abolished the Dividend Tax Credit paid to pension funds and companies. This meant that pension funds were no longer able to claim a tax credit on the payment receipt of dividends. Independent experts have estimated that this cost pension funds up to £150 billion pounds, during this time Labour gave the over 80s 25p increase in the state pension.

Therefore:

This Council applauds the fact that this Government believes that people deserve dignity and respect in old age, and that they should be provided with the support they need.

Council notes that:

- This Government has delivered the biggest ever cash increase to the state pension – in April 2012, the state pension increased by £5.30 a week. This is thanks to the triple lock, which makes sure the basic state pension will always rise by the highest of average earnings, inflation, or 2.5 per cent.
- David Cameron was elected on a promise to protect universal benefits for pensioners and that is what he has done. Conservatives in Government have protected these benefits including: the winter fuel allowance, free TV licenses, free bus passes and free prescriptions.
- The Government is reforming the complex state pension system, so that there is a single-tier basic state pension. This will deliver a fair, sustainable, simple state pension.
- The Government has introduced automatic enrolment – so that most people in work are automatically included in a workplace pension scheme. This will boost the number of people saving for their pension, which plummeted under Labour.
- The Government has restored the link to earnings for the basic state pension, which is now uprated by the highest increase of earnings, inflation, or 2.5 per cent.

Council therefore embraces the coalition Governments approach in ensuring that all pensioners from whatever walk of life are treated fairly,

Council recognises Labours attempts to airbrush history due to the then labour government's disastrous policies on pensions.

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

The amendment was put and lost (26:36) (One abstention).

The motion was put and carried (36:26) (One abstention).

Resolved (36:26) (One abstention) –

Council notes with profound concern the deepening problems for retired people in Wirral under the Tory/LibDem Collaboration government's dogma-driven austerity burdens.

The TUC's tenth annual PensionsWatch survey has revealed that directors of the UK's top companies have built up pension pots worth an average of £4.3million. But most people who have worked for a life-time in low or middle-income occupations will experience increasing hardship during retirement.

TUC analysis of official labour market data reveals that for half a million people approaching state pension age, who are in any case because of disability or poor health too ill to work, the future is especially bleak. The research shows that employment rates for those approaching the current statutory pension age are low, with just 54 per cent of men aged 60-64 and 62 per cent of women aged 56-60 in work. Council is concerned that in Wirral the government's policy of accelerating the rise in the state pension age will simply push ever more of our citizens into poverty. This will drive many of Wirral's older people into a new "limbo zone" where those in their mid-60s will be too young for a pension, but too old to have any realistic chance of a job. With a benefits system that gets meaner and tougher each year, even 66 year olds who have worked for decades before stopping work, will be treated as work-shy scroungers.

Council calls on all Wirral MPs and councillors to recognise that protection for the rich, and poverty for the many, was not honestly stated in any party's election promises and to support this motion calling for an early general election.

68 **MOTION: MAKING PROGRESS WITH 20MPH ZONES WHERE THEY ARE REQUESTED, NEEDED AND ACCEPTED**

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Tom Harney

Council welcomes the progress being made on the introduction of 20mph zones in Wirral.

This progress has included the budgetary provision first made in March 2010, the Council's clear instruction of July 2011 regarding the need for progress and the subsequent consultation process that took place with Neighbourhood Forums in the Summer of 2012.

Council is concerned that the detailed consultation work has not yet commenced. It is required to establish zones where they are requested, needed and accepted.

In order that as much progress can be made as possible with the programme, Council considers that resources should be released once the revenue budget has been balanced to enable the consultation process to proceed, for the results to be considered and for sufficient resources required for the 20mph schemes to be released.

Council believes that the Neighbourhood Forums are ideally placed to consider the results of this consultation process and move the schemes forward.

Council recognises that the delay in the consultation may require a re-phasing of the project but, for areas adversely affected by traffic and which have expressed a long-

standing desire for action, the original aims of increasing safety and reducing accidents remain as important here as in any other authority and that sufficient resources should be allocated to enable progress.

Therefore, Council resolves that:

- (1) each Neighbourhood Forum should be made aware of the considerations that emerge in the light of the consultation;
- (2) each Neighbourhood Forum should have an opportunity to ensure that the funding available for their area is used to maximum effect;
- (3) each Neighbourhood Forum should have the ability to recommend the transfer of funding associated with any zone where progress is not supported by residents into measures to improve road safety and reduce accidents in their area;
- (4) Neighbourhood Forums should be provided with sufficient information to assess the cost of 20mph areas and the power to vire the maximum possible money available to them to 20mph zones.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Harry Smith
Seconded by Councillor Jerry Williams

Delete everything after the second paragraph and insert the following:

Council notes the decision of Cabinet on the 6 September to freeze all expenditure in view of the potential £17m overspend on the 2012-13 budget.

Council notes the report to Cabinet on the 18 October by the Interim Director of Technical Services which highlights that Wirral has been awarded extra Local Sustainable Transport Funding to support the Council's LTP programme which includes £220,000 for use by Area Forums (i.e. £20k per Area Forum).

In view of the importance of improving road safety throughout the Borough Council instructs the Director to release this funding with immediate effect and to consult with each Area Forum with a view to using this allocation to implement 20mph schemes or other road safety schemes.

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

The amendment was put and carried (55:7) (One abstention).

The substantive motion was put and carried (62:0) (One abstention).

Resolved (62:0) (One abstention) –

- (1) **Council welcomes the progress being made on the introduction of 20mph zones in Wirral.**

- (2) This progress has included the budgetary provision first made in March 2010, the Council's clear instruction of July 2011 regarding the need for progress and the subsequent consultation process that took place with Neighbourhood Forums in the Summer of 2012.
- (3) Council notes the decision of Cabinet on the 6 September to freeze all expenditure in view of the potential £17m overspend on the 2012-13 budget.
- (4) Council notes the report to Cabinet on the 18 October by the Interim Director of Technical Services which highlights that Wirral has been awarded extra Local Sustainable Transport Funding to support the Council's LTP programme which includes £220,000 for use by Area Forums (i.e. £20k per Area Forum).
- (5) In view of the importance of improving road safety throughout the Borough Council instructs the Director to release this funding with immediate effect and to consult with each Area Forum with a view to using this allocation to implement 20mph schemes or other road safety schemes.

69 **MOTION: NEW BRIGHTON**

Proposed by Councillor Pat Glasman
Seconded by Councillor Harry Smith

This Council welcomes the successful work carried out by staff of the Waste Management section of Technical Services and the Biffa Contractors in New Brighton during the summer period 2012.

New Brighton brings a lot of visitors and spending to Wirral and following a period of adjustment we now have a system in place to cope with the large numbers of people and the ensuing waste which is generated as a result.

This Council thanks all the staff concerned who rose to the challenges in the press and other media.

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.

70 **MOTION: LIBRARIES AS CENTRES OF THEIR COMMUNITIES**

Proposed by Councillor Tom Harney
Seconded by Councillor Pat Williams

Council recognises the high regard in which libraries are held by the people of Wirral.

It believes that they are the centres of their communities, and believes this should be built upon.

It therefore resolves –

- (1) that each Neighbourhood Forum should be asked to work with the Library service to include in their area plan developments which will enhance the role of the library in their community.
- (2) that information about the contribution volunteers are making in libraries in various parts of the country should be made available to the Neighbourhood Forums.
- (3) that the Neighbourhood Forums need to be aware of the particular needs of various groups such as children, older people, people with special needs, and asked to investigate the ways in which their needs can be better catered for in the library.
- (4) that they be asked to ensure that all groups in the community have a chance to give their views.
- (5) that an action plan be drawn up with a timetable so that the results can be reported back to the Overview and Scrutiny Committee and thence to Cabinet with concrete recommendations.

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: A MORAL CONTRACT BROKEN**

Proposed by Councillor Mark Johnston
Seconded by Councillor Stuart Kelly

- (1) Council fully recognises the unprecedented financial challenge that Wirral faces and believes our energy and resource must be given to creating solutions and Council recognises that all Members, Officers and the Public are a valuable source of ideas.
- (2) Council recognises that the Labour Group has secured a majority of seats and, therefore, has a mandate to lead and that such times require sensible opposition, high levels of co-operation and political maturity from all three parties.
- (3) Council is rightly alarmed that a “potential” £17m deficit has been identified for this financial year and recognises that remedial action is required. Council is encouraged by the new style and energy of Officer leadership and is especially encouraged by new monthly finance reporting systems and senior officers now feeling accountable for budgets, aided by stronger information.

- (4) Whilst recognising the need for immediate action to remedy the “potential” deficit, Council calls on the Administration to immediately review its decision to freeze the Neighbourhood Fund grants of £735,350.
- (5) The Chief Executive has called for the “*urgent not to crowd out the important*”, an excellent value by which we should all measure our decision making. Council feels this last minute funding freeze to our vital and vibrant Voluntary & Faith Groups sector fails to meet this value test.
- (6) Council believes we entered a Moral Contract with our Communities when we offered this funding, started an application process and set a decision making process.
- (7) Council believes that breaking this Moral Contract carries with it a huge reputational risk – 181 vital community activities planned and ready to deliver that will now not take place.
- (8) We, therefore, call on Council to re-establish this vital community focused funding and, by doing so, support the community life of our Wards, encourage grassroots volunteering and stand by our vibrant and vital Voluntary Sector.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

Delete everything after paragraph 2 and replace with the following:

- (3) Council notes with regret that the moral contract between government and people is fundamentally breached by the withdrawal of circa £100 million from Wirral’s funding by the Tory-led national government. This has meant that urgent prioritisation has been necessary to protect front line services, in particular to those in our care.
- (4) Council notes that members have a responsibility to deliver a legal budget and therefore welcomes the remedial action taken by the Cabinet to deal with the potential overspend for 2012/13.
- (5) Council notes that the Neighbourhood Fund grants have been suspended pending a review of all items of expenditure to ensure that the Council can deliver a legal budget.
- (6) Council is encouraged by the professionalism, confidence, and dedication, of officer leadership and welcomes the new administration’s monthly finance reporting mechanism. Council notes with pleasure that senior officers now feel supported in their accountability for budgets, aided by stronger information, which is helping to improve the quality of budget-setting practices.

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

The amendment was put and carried (36:26) (One abstention).

The substantive motion was put and carried (36:26) (One abstention).

Resolved (36:26) (One abstention) –

- (1) Council fully recognises the unprecedented financial challenge that Wirral faces and believes our energy and resource must be given to creating solutions and Council recognises that all Members, Officers and the Public are a valuable source of ideas.**
- (2) Council recognises that the Labour Group has secured a majority of seats and, therefore, has a mandate to lead and that such times require sensible opposition, high levels of co-operation and political maturity from all three parties.**
- (3) Council notes with regret that the moral contract between government and people is fundamentally breached by the withdrawal of circa £100 million from Wirral's funding by the Tory-led national government. This has meant that urgent prioritisation has been necessary to protect front line services, in particular to those in our care.**
- (4) Council notes that members have a responsibility to deliver a legal budget and therefore welcomes the remedial action taken by the Cabinet to deal with the potential overspend for 2012/13.**
- (5) Council notes that the Neighbourhood Fund grants have been suspended pending a review of all items of expenditure to ensure that the Council can deliver a legal budget.**
- (6) Council is encouraged by the professionalism, confidence, and dedication, of officer leadership and welcomes the new administration's monthly finance reporting mechanism. Council notes with pleasure that senior officers now feel supported in their accountability for budgets, aided by stronger information, which is helping to improve the quality of budget-setting practices.**

72 **VACANCIES**

The Council was requested to deal with the following appointments:

Statutory Committees and Panels

Children's Services And Lifelong Learning

1. Fostering Panel

Councillor Tom Harney to replace Councillor Mark Johnston

Advisory Committees and Working Parties

Corporate Services

2. Members' Training Steering Group

Approve an increase in the membership from 1:1:1 to 2:1:1 and that:

Councillor Ann McLachlan to be appointed as additional member and as Chair.
Councillor Pat Glasman to replace Councillor Paul Doughty.

Outside Bodies

Housing And Community Safety

3. Wirral Partnership Homes – Board members

Approve membership of the Board to be changed from 2:2:1 to 3:2 and, Councillor Chris Jones to replace Councillor Tom Harney.

Regeneration And Planning Strategy

4. Chrysalis (General Partner) Limited - Director

Councillor Ann McLachlan to replace Councillor Phil Davies

Social Care And Inclusion

5. Wirral University Teaching Hospital Foundation Trust - Governors

Note that representation on the WUTH Foundation Trust is being reduced to two Members and that consequently membership will be 1:1 as follows:

Councillor Jeff Green)
Councillor Irene Williams) Appointed for 3 years until 16 September 2013

Deputy: Director of Adult Social Services

Resolved – That the amendments to membership and appointments listed above, be approved.

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REFERRALS TO COUNCIL – 17 DECEMBER 2012

A. Cabinet - 29 November 2012

132. WELFARE REFORM - LOCAL COUNCIL TAX SUPPORT SCHEME

A report by the Interim Director of Finance informed the Cabinet that the Council was required to establish a Local Council Tax Support Scheme, known as Council Tax Support (CTS), to replace Council Tax Benefit (CTB) from April 2013. This was a key strand of the Government's wider Welfare Reform Review. The Director informed that the Scheme also brought with it reduced funding from Central Government.

It was proposed that a new Local Council Tax Support Scheme would replace CTB for 2013/14 that would manage the £3.2 million shortfall in Government funding that had been based upon current, and increasing, levels of CTB. The Cabinet was told that there were associated costs that increased the shortfall to a maximum of £3.635 million. In addition, the change also increased the likely level of non-collection of Council Tax by up to £1 million gross/£0.85 million net, and this needed to be included within the Budget Projections for 2013/14.

It was noted that the Council must approve a Scheme by no later than 31 January 2013 or the Government default Scheme, requiring the shortfall to be fully funded by the Council, would be imposed. The Cabinet was asked to recommend a Scheme to the Council.

The Scheme options were as follows:

- Scheme 1 - Grant reduction contained within claimant base
- Scheme 2 – Transitional Grant Scheme
- Scheme 3 – Government Default Scheme

The Cabinet was informed that the adoption of a Localised Scheme included the need to change financial modelling to support the Scheme. Government support would reduce by around £3.2 million in 2013/14 and the Council had to determine whether to meet this loss from alternative savings or to fund all, or part of this, from a reduction in awards to current CTB recipients. Depending upon the decision taken there could be increased challenges ahead in collecting the sums due.

Scheme 1 was recommended as this, essentially, ensured the Scheme could be funded from within the reduced resources available.

Councillor Phil Davies commented that he found the report very difficult to accept. The Council would be imposing an additional burden on some of the poorest people living in the Borough. It was regrettable that the Government had transferred this Benefit to the Council without adequate funding. Under the circumstances he questioned whether the Government was serious about localism as he considered that this made a mockery of it. It was imperative that the Council was given sufficient funds to deliver the new Scheme if the adverse impact upon the poorest in the Borough was to be avoided. Councillor Davies

commented that the Government was imposing a charge of 22% on people on low incomes and consequently, as a Councillor he felt uncomfortable in moving the recommendations.

RESOLVED: That

- (1) it is recommended to the Council that:**
 - (a) eligible Pensioners and Vulnerable Groups (disabled, disabled child and war pensioners) be protected under the Local Council Tax Support Scheme;**
 - (b) the Local Council Tax Support Scheme proposed for 2013/14 be Scheme 1 with the associated proposals that will see Working Age Claimants meet 22% of the Council Tax payable in order to meet the £3.2 million reduction in Government Grant;**
 - (c) the annual increase in caseload, estimated at 1% (£300,000) per year be included with the Budget Growth Projections for 2014/15 onwards;**
 - (d) the potential losses on collection of £1 million gross/£0.85 million net be incorporated within the Council Tax Base calculation and that this reduction in Council Tax Income be reflected in the Budget Projections for 2013/14, funded from the change in the Council Tax discounts; and**
 - (e) thanks be extended to those residents who participated in the Council Tax Benefit consultation, ensuring the consultation was meaningful.**
- (2) the Cabinet is appalled at the Government's decision to transfer responsibility for helping people on low incomes to pay their Council Tax to local authorities, but to cut the funding for this by 10 %, resulting in a shortfall for Wirral of £3.5 million;**
- (3) Councils like Wirral have been placed in the awful position of being forced to choose between reducing support to some of the poorest people in the Borough or removing funding from other Council services;**
- (4) the Government's transitional grant scheme will not help Wirral as it will leave a shortfall of £1.4 million which will have to be found by cuts elsewhere;**
- (5) the Cabinet believes that this policy makes a mockery of Localism. If the Government is not prepared to transfer both powers and adequate funding to Councils then genuine devolution will never be achieved;**
- (6) the Cabinet calls on the Government to rethink this ill-judged policy as a matter of urgency; and**

- (7) **the four Wirral MPs be requested to lobby the Government for more funding on the Council's behalf.**

133. INSURANCE FUND BUDGET 2013/2014

A report by the Interim Director of Finance set out the elements which made up the Insurance Fund, the cost of running the Risk and Insurance Section and the Budget for 2013/14, as the Insurance Fund was one element of the Council budget setting process.

The Cabinet noted that there was a net increase in costs of £44,000 in 2013/14. However, as the 2012/13 increase had been offset by the use of the Budget Surplus Reserve, the increase was £180,000 (£141,000 for General Fund services and £39,000 for Schools). There had also been the return of £529,396 of Fund balances back to Council General Fund balances.

RESOLVED: That

- (1) **the Insurance Fund budget be agreed;**
- (2) **the release of £529,936 from the Insurance Fund to General Fund balances be agreed; and**
- (3) **as part of the impending procurement of insurance contracts, options for reducing external premiums through greater self-insurance and/or restrictions in cover be explored and the options and risks/benefits of each be reported to the Cabinet.**

B. Licensing Act 2003 Committee – 7 November 2012

13. DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Acting Director of Law, HR and Asset Management sought Members' approval of the Draft Statement of Principles under The Gambling Act 2005 in order that it may be presented to Council for approval on 17 December 2012.

The Licensing Manager reported that the draft Statement of Principles had been circulated for consultation subsequent to its approval by Members at the Licensing Committee on 25 July 2012. It was reported that the consultation period had closed on 31 October 2012 and only one response had been received from the National Casino Industry Forum which did not comment on the policy itself but promoted the value of casino premises to the local area.

Councillor Niblock listed a number of minor typographical amendments to be made to the draft document.

Resolved - That the Draft Statement of Licensing Principles be approved as a Draft to be considered by Council on 17 December 2012 for approval as the Licensing Authority's Statement of Principles to be applied under The Gambling Act 2005.

C. Pensions Committee – 20 November 2012

39. FILMING/RECORDING BY THE PUBLIC OF COUNCIL COMMITTEE MEETINGS

The Chair of the Pensions Committee referred to an advice note sent to Members from Surjit Tour, Acting Director of Law, HR and Asset Management Monitoring Officer. The Chair detailed the contents of the advice note and invited comments from the Committee.

On a motion by Councillor Harry Smith and seconded by Councillor Ann McLachlan it was:

Resolved (13:3) - That members of the public be requested to cease filming at this Committee and that the decision on whether the public be permitted to film/record Council Committee Meetings be referred to a future meeting of the Council.



DRAFT

Statement of Principles

Gambling Act 2005

December 2012

**Wirral Licensing Authority
Town Hall
Brighton Street
Wallasey
CH44 8ED**

0151 691 8043

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The Licensing Objectives

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

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

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

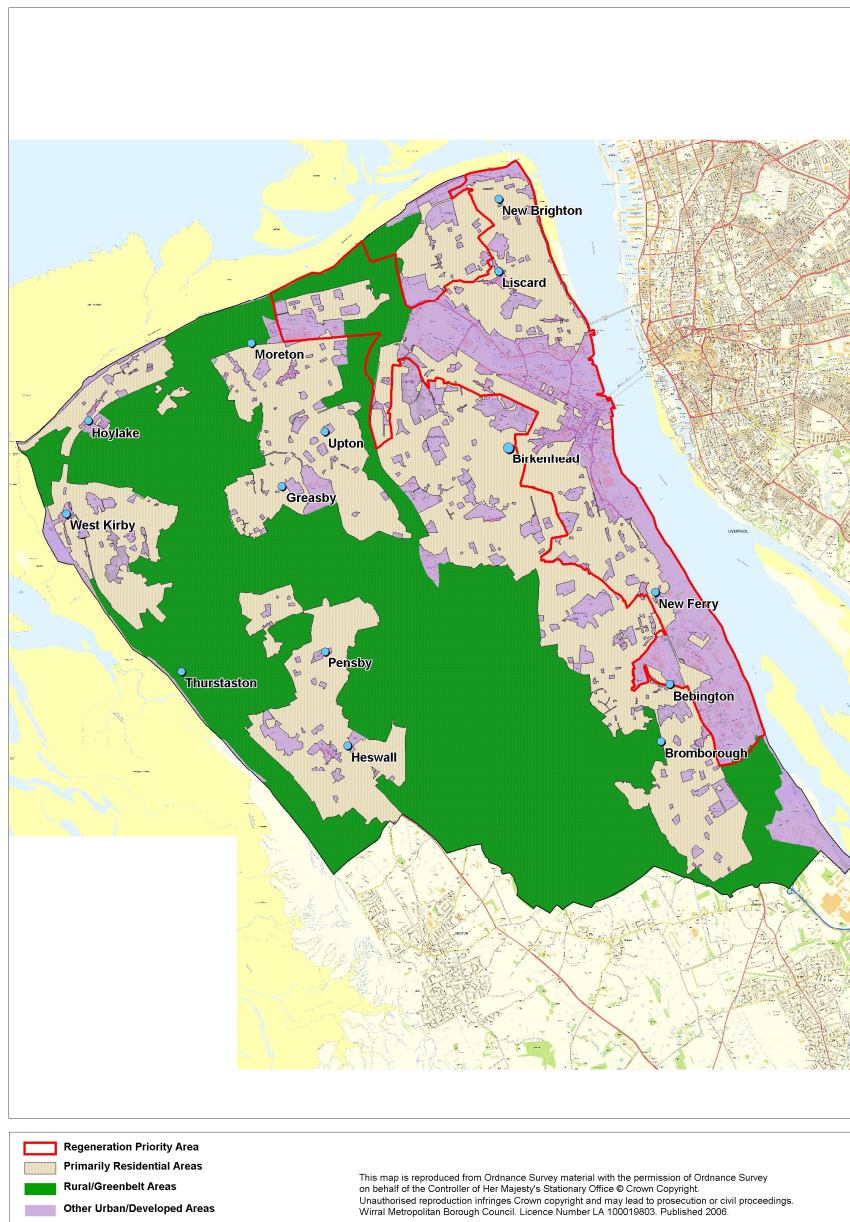
This Licensing Authority is aware that in accordance with Section 153 of the Gambling Act 2005, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises so far as it thinks it is:

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

PART A

1.0 Introduction

1.1 Wirral Council is situated in the County of Merseyside, which contains no district Councils, but 5 metropolitan councils Knowsley, Liverpool, Sefton, St Helens and Wirral. The Council area has a population of 319,000 (ONS Mid 2007 Estimate) making it the second largest after Liverpool in the County in terms of population. Wirral is the third largest Metropolitan Council in the North West. In terms of area it is the largest in Merseyside, covering 60.1 square miles. The Borough is mainly urban in outlook, with 32.85 square miles (54.66% of the borough) covered in Residential, Industrial or Commercial buildings. These areas are shown in the map below.



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

- 1.2 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.3 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005
- 1.4 A list of the persons that the Council has sent this document to for consultation is illustrated at **Appendix B**.
- 1.5 This draft statement of principles is available on our web site www.wirral.gov.uk and copies are also available in One Stop Shops, as well as at the Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED.
- 1.6 Should you have any comments in respect of this policy statement please send them as follows:
- Wirral Licensing Authority
Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED
- Email: licensing@wirral.gov.uk
- Fax: 0151 691 8215
- The closing date for comments on this draft policy statement is **31 October 2012**.
- 1.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.8 In determining this policy, the Licensing Authority must have regard to the 'Guidance issued to Licensing Authorities' issued by the Gambling Commission, and give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:

- who is making the representations (what is their expertise or interest)
- relevance of the factors to the Licensing Objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the Licensing Authority should be including in its policy statement.

2.0 Declaration

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

3.0 Responsible Authorities

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

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

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

3.3 The Responsible Authorities under the Gambling Act 2005 are:

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

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

4.0 Interested Parties

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

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

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

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

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

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

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

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

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

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

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

5.0 Exchange of Information

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

6.0 Enforcement

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

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

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

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

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

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

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

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

7.0 Licensing Authority Functions

7.1 Licensing Authorities are required under the Act to:

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

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

8.0 Allocation of Decision Making Responsibilities

- 8.1 The Licensing Authority will be involved in a wide range of Licensing decisions and functions which will be administered by the Licensing Act 2003 Committee and Sub-Committees thereof.
- 8.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.
- 8.3 The table shown at **Appendix A** sets out the agreed delegation of decisions and functions to the Licensing Act 2003 Committee, Sub-Committees and Officers. This form of delegation is without prejudice to Officer referring an application to a Sub-Committee, or a Sub-Committee to a full Committee, or a Committee to a full Council, if considered appropriate in the circumstances of any particular case

PART B

9.0 Premises Licences

General Principles

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

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

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

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.24 "Guidance to Licensing Authorities") or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

10.0 Premises “ready for gambling”

- 10.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 10.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 10.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 10.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 10.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

11.0 Location

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

12.0 Planning

- 12.1 The Gambling Commission “Guidance to Licensing Authorities” states:
7.60 – In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the Licensing Objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 12.2 This Authority will not take into account irrelevant matters as per the above guidance. In addition this Authority notes the following excerpt from the Guidance:
7.67 - When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control and building and other regulations, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

13.0 Duplication with other Regulatory Regimes

- 13.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

14.0 Licensing Objectives

- 14.1 Premises licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, this Licensing Authority has considered the Gambling Commission’s Guidance to Local Authorities and some comments are made below.
- 14.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**
This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission’s Guidance does however envisage that the Licensing Authority should pay attention to the proposed location of gambling premises in terms of this Licensing Objective. Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling

premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. Responsible Authorities would however have the right to make representation with regard to such premises.

- 14.3 The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that prevention of nuisance is not a Gambling Act Licensing Objective.
- 14.4 In considering licence applications, the Council will particularly take into account the following:
- The design and layout of the premises
 - The training given to staff in crime prevention measures appropriate to those premises
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
 - Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks
 - The likelihood of any violence, public order or policing problem if the licence is granted
- 14.5 **Ensuring that gambling is conducted in a fair and open way.**
This Licensing Authority is aware that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed by the operator and personal Licensing system.
- 14.6 **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**
This Licensing Authority notes the Gambling Commission Guidance to Local Authorities states that this Objective relates to preventing children from taking part in gambling as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.
- 14.7 The Licensing Authority will therefore consider, as suggested by the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote the Licensing Objectives.
- 14.8 Appropriate measures may include supervision of access points, segregation of areas etc.
- 14.9 This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing Objective, in relation to specific premises.
- 14.10 In reference to the term "vulnerable persons" we note that the Gambling Commission or statute law does not seek to offer a definition but the

Commission states that “it will for regulatory purposes assume that this group includes:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

14.11 This Licensing Authority will consider promotion of this Licensing Objective on a common sense, case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

15.0 Conditions

15.1 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects

15.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

15.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to

prevent access other than through a designated entrance

- Only adults are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

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

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

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

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

16.0 Door Supervisors

16.1 The Gambling Commission advises in its "Guidance to Licensing Authorities" that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

16.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to

be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

17.0 Adult Gaming Centres

17.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to for example, ensure that under 18 year olds do not have access to the premises.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

18.0 Licensed Family Entertainment Centres

18.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

- CCTV

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

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

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

19.0 Casinos

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

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

20.0 Bingo Premises

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

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

20.2 This Authority also notes the Guidance at paragraph 18.7 regarding Section 172(7) of the Gambling Act 2005 which provides that the holder of a Bingo Premises Licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of Bingo Premises Licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at Bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

20.3 The Authority also recognises the Guidance at paragraph 18.8 relating to gaming machines which must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing Bingo premises covered by one premises licence applies to vary the licence and acquire additional Bingo Premises Licences (so that the area that was subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one licensed premises. So for example, where two separate bingo premises have been created by genuinely splitting a pre-existing premises into two adjacent premises, it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises (with none in the other one), as the gaming machine entitlement for that premises would be exceeded.

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

20.5 The Authority also notes the following paragraphs in the Guidance regarding equipment for the purpose of playing Bingo:

18.9 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo and electronic bingo terminal (EBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and (in the case of EBTs) do not hold gaming machine content.

18.10 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine for the purposes of primary gambling activity and would not count towards the offering of bingo for primary gambling activity purposes. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.

20.6 If the Licensing Authority receives an application to vary a Premises Licence for bingo or betting in order to extend the opening hours, the Authority will need to satisfy itself that the reason for the application is in line with the requirements on primary gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') is actually offered at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

21.0 Bingo in Clubs and Alcohol Licensed Premises

21.1 Bingo will be permitted on Alcohol Licensed Premises, and in Clubs and Miners' Welfare Institutes, under the allowances for exempt gaming in Part 12 of the Act. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

21.2 The threshold is that if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) referred to as "high turnover bingo". There is a legal duty on the licensee or club to inform the Commission if at any point its bingo in any seven-day period exceeds this threshold. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a bingo operating licence may be needed. A 'high turnover period' begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover bingo occurs within that year, a bingo operating licence will be required. Where bingo is played in a members club under a bingo operating licence no premises licence will be required.

21.3 The Commission will be informed if it comes to the attention of this Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, which makes it possible that the £2,000 in seven days is being exceeded.

22.0 Betting Premises

22.1 **Betting machines** This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises,

the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

23.0 Travelling Fairs

- 23.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 23.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 23.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

24.0 Provisional Statements

- 24.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 24.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 24.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there are rights of appeal.
- 24.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

24.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant Authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

24.6 In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

25.0 Reviews

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

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

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives
- In accordance with the Authority's Statement of Principles

25.3 The Licensing Authority will also take into consideration whether the request is either frivolous, vexatious or would certainly not cause this Authority to wish to alter/revoke/suspend the licence. The Licensing Authority will also consider whether the representations made in the application for a review are

substantially the same as previous representations or requests for review. In determining this matter, the Licensing Authority will take into account how much time has passed since any earlier application for a review or since the licence was granted.

- 25.4 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.
- 25.5 Once a valid application for a review has been received by the licensing Authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

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

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

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

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

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

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

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

26.0 Unlicensed Family Entertainment Centre Gaming Machine Permits. (Statement of Principles on Permits – Schedule 10 Paragraph 7)

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

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

27.0 (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))

Automatic Entitlement: 2 Machines

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

- The person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under section 282(2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee.
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

Permit: 3 or more machines

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

27.3 This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be

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

- 27.4 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage on the machines or in the premises may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 27.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.
- 27.6 It should be noted that we as the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached to a permit.
- 27.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 28.0 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**
- 28.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.
- 28.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm.
- 28.3 In making its decision on an application for this permit the Licensing Authority does not need, but may, have regard to the Licensing Objectives but must have regard to any Gambling Commission Guidance.

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

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

29.0 Application for Club Gaming and Club Machines Permits

29.1 The Licensing Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- The applicant's premises are used wholly or mainly by children and/or young persons
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- A permit held by the applicant has been cancelled in the previous ten years
- An objection has been lodged by the Commission or the police

29.2 If the Authority is satisfied that either or the first two points is the case, it must refuse the application. Licensing Authorities shall have regard to relevant guidance issued by the Commission and (subject to that guidance), the Licensing Objectives.

29.3 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.

- 29.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).
- 29.5 As the Gambling Commission's Guidance for Local Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an Authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
- That the club is established primarily for gaming, other than gaming prescribed by regulations under Section 266 of the Gambling Act 2005.
 - That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
 - That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

29.6 **Club Gaming Permit**

- 29.7 The Licensing Authority will seek to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. Therefore applicants will be asked to supply sufficient information and documents to enable the Licensing Authority to determine whether the Club is a genuine Members Club.
- 29.8 In determining whether a club is a genuine members' club, the Licensing Authority will take account of a number of matters, such as:
- Is the primary purpose of the club's activities something other than the provision of gaming to its members?
 - Are the profits retained in the club for the benefit of the members?
 - Are there 25 or more members?
 - Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club?
 - Do members participate in the activities of the club via the internet?
 - Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests?
 - Is the 48 hour rule between applying for membership and participating in any gaming properly applied?
 - Are there annual accounts for more than one year?

- How is the club advertised and listed in directories, including on the internet?
- Are children permitted into the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club?
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings?

29.9 The constitution of the club could also indicate whether it is a legitimate members' club. Amongst the things the Authority will consider when examining the constitution are the following:

- Who makes commercial decisions on behalf of the club and what are the governance arrangements? Clubs are normally run by a committee made up of members of the club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual general meetings, special meetings, etc) which allows members to be involved in major decisions concerning the management and running of the club. Such arrangements would normally be spelt out in the constitution.
- Are the aims of the club set out in the constitution? A lack of aims or aims which involve gaming could indicate that it is not a genuine members' club.
- Are there shareholders or members? Shareholders would indicate a business enterprise linked to a commercial club.
- Is the members' club permanently established? Clubs can't be temporary and must be permanent in nature
- Can people join with annual or quarterly membership? This would indicate that the club is permanent in nature.
- Are there long term membership benefits? This would also indicate that the club is permanent in nature and that it is a genuine members' club. The benefits of membership would normally be set out in the rules of membership.

29.10 Other than bridge and whist clubs, which are separately catered for in regulations, a club cannot be established wholly or mainly for purposes of gaming. In applying for a club gaming permit, a club must therefore provide substantial evidence of activities other than gaming. Questions that the Licensing Authority will consider include:

- How many nights is gaming made available?
- Is the gaming advertised?

- What are the stakes and prizes offered?
- Is there evidence of leagues with weekly/monthly/annual winners?
- Is there evidence of non-playing members?
- Are there teaching sessions to promote gaming, such as poker?
- Is there tie-in with other clubs offering gaming, such as poker, through tournaments or leagues?
- Is there sponsorship by gaming organisations, for example on-line poker providers?
- Are participation fees within limits?

The Authority will undertake a visit to the premises before granting of the permit to assist the Licensing Officer to understand how the club will operate.

29.11 Club Machine Permit

29.12 The Licensing Authority will seek to satisfy itself that the gaming on offer meets the conditions set out in the Act and relevant regulations. To do this, the Licensing Authority will ask questions of the applicant or ensure that the exempt gaming complies with these conditions. The conditions are:

- There must be no rake from the pot (that is, the organiser cannot take any money from the prize fund, or deduct money from the stakes or winnings). Licensing Authorities should examine the records for gaming or, if possible, observe or get statements about the pot.
- There must be no side bets. This is probably only going to be possible to verify through observation.
- Participation fees must be within the limits prescribed in the regulations. Is there evidence of excess participation fees in club records, adverts for gaming in or outside of the club or from complaints?
- Prizes must be within the limits prescribed in the regulations. Is there evidence that they are excessive from records at the club, in adverts for gaming, etc?
- Where the games are poker tournaments or leagues, the Licensing Authority will consult part 29 of the Guidance which sets out how the law applies to poker. This should help the Licensing Authority to determine whether the gaming is within the law from evidence such as records in the club and adverts for gaming.

30.0 Temporary Use Notices

- 30.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 30.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 30.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 30.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission "Guidance to Licensing Authorities". As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 30.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 30.6 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's "Guidance to Licensing Authorities".

31.0 Occasional Use Notices

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

Appendix A - Scheme of Delegation

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING ACT 2003 COMMITTEE	SUB-COMMITTEE OF LICENSING ACT 2003 COMMITTEE	OFFICERS
Three year Licensing policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licences			Where Representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Variation to a licence				Where no Representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence			X	
Application for club gaming/ club machine permits			Where representations have been received and not withdrawn	Where no objections received/ Representations have been withdrawn
Cancellation of club Gaming/ club machine Permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming Machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Determination as to whether a person is an Interested Party				X
Determination as to whether representations are relevant				X
Determination as whether a Representation if frivolous, vexatious or repetitive				X

Appendix B – List of Consultees

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

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

Appendix C – Responsible Authorities

Environmental Health (Pollution Control)

Environmental Health
Town Hall
Brighton Street
Wallasey
CH44 8ED

Chief Officer of Merseyside Police

Police Licensing Section
Manor Road Police Station
Manor Road
Wallasey
CH44 1DA

Planning Authority

Development Control
Cheshire Lines Building
Canning Street
Birkenhead
CH41 1ND

Environmental Health (Health & Safety)

Environmental Health
Town Hall
Brighton Street
Wallasey
CH44 8ED

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Body Responsible for the Protection of Children from Harm

Local Safe Guarding Children Board
Hamilton Building
Conway Street
Birkenhead
CH41 4FD

Licensing Authority

Wirral Borough Council
Town Hall
Brighton Street
Wallasey
CH44 8ED

Fire and Rescue Authority

Merseyside Fire & Rescue Service
Wirral District Fire Safety
The Fire Station
Mill Lane
Wallasey
CH44 5UE

H.M. Revenue & Customs

Portcullis House
21 India Street
Glasgow
G2 4PZ

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MATTERS FOR NOTING – COUNCIL 17 DECEMBER 2012

A. Cabinet – 18 October 2012

108 CAPITAL MONITORING 2012/2013 MONTH 5 (AUGUST 2012)

The Cabinet considered the report of the Interim Director of Finance informing Members of the current position regarding the Council's 2012-13 to 2014-15 capital programme. The report reflected:

- The re-profiled 2012-13 capital programme budget;
- The expenditure to date, which continues to be less than it should be;
- The projected outturn figures for 2012-13, which suggested slippage of at least £11m and,
- The current funding of the programme and its future affordability, which in the light of the Revenue monitor required review.

The report sought approval for a proposed increase in the programme of £676,000 per annum between 2012/13 and 2014/15. This was to deliver a number of sustainable transport measures which would be financed from a specific capital grant.

Councillor P Davies welcomed the report and asked if any action could be taken in relation to unsupported borrowing. Councillor P Davies further indicated that that he welcomed the schemes contained within appendix two of the report.

Mr Graham Burgess, Chief Executive sought approval from the Cabinet to release the Moreton Library and One Stop Shop re-modelling scheme and Rock Ferry Centre re-modelling scheme from the current spending freeze.

RESOLVED: That

- (a) the Period 4 increase of £1.789 million to the to the latest 2012-13 Capital Programme as detailed in Appendix 1 to the report be approved;**
- (b) the revised Capital Programme of £74.473m be approved;**
- (c) the spend to date at month 5 of £12million, which represented 16.1% of the revised capital budget, with 42% of the financial year having elapsed be noted;**
- (d) the £48.8m of new unsupported borrowing included over the next three years, which would result in approximately a £4.9m additional revenue costs be noted;**
- (e) the work to detail the schedule of sites to validate the estimate of capital receipts be noted; and**
- (f) note that a future report would include proposals to cease or reduce schemes arising from a review of the current capital programme; and**

- (g) the release of the Moreton Library and One Stop Shop re-modelling scheme and Rock Ferry Centre re-modelling scheme from the current spending freeze be approved.

109 REVENUE MONITORING 2012/2013 MONTH 5 (AUGUST 2012)

The Cabinet considered the report of the Interim Director of Finance setting out the revenue position for 2012/13 as at Month 5 (August 2012). It identified the latest financial projections and prioritised the risks for ongoing management actions, to ensure the year-end position would result in spend remaining within the budget allocated.

The report indicated that Cabinet on 6 September 2012 instituted a spending freeze in the light of the projected overspend. An overview of the first two weeks of the freeze was detailed within the recommended outcomes appended to the report along with a review of the process.

Councillor Phil Davies indicated that it was clear that the Council had to reduce the overspend and that the current spending freeze was a responsible action, he also stressed importance of the process being transparent. In relation to the Neighbourhood Grants Councillor P Davies indicated that these had been suspended and not cut, which he also felt was a responsible action to assist in addressing the budget issues.

Councillor P Davies circulated an amendment to the recommendations contained within the report and indicated that the amendments offered clarification to the reporting of the overspend which was inherited and to ensure that targets set were achievable. Councillor P Davies further suggested that he be requested to write to the Secretary of State for Communities and Local Government, to seek an urgent meeting in the face of unprecedented cuts in Government funding at a time of increased demand for services with Wirral facing a reduction of around a third in the Council's budget over the next three years. He invited the party Leaders to join him on a cross party basis.

Councillor P Davies moved an amendment, duly seconded, and it was –

RESOLVED: That

- (1) the Cabinet notes the following: That
 - (a) at Month 5 (August 2012), the full year forecast projected a potential General Fund overspend of £15.3m;
 - (b) the potential overspend for 2012/13 was not the result of poor financial management in the first half of the financial year, but was mainly attributable to a £14.6m overspend carried forward from 2011/12;
 - (c) a number of the targets set for savings and income in 2012/13 were unrealistic. Cabinet welcomes the review being undertaken by the

Interim Director of Finance of our over/underspends and Earmarked Reserves with a view to ensuring that budget inaccuracies are corrected and future budgets are soundly based;

- (d) the M4 monitor will be presented with this M5 monitor.**
- (2) the Cabinet agrees to the following:**
 - (a) The rejected freeze items set out at Appendix 8 in the columns 'Rejected' totalling £1,071,638, as evidenced at paragraph 2.20 within the report;**
 - (b) That the Leader of the Council write to the Secretary of State for Communities and Local Government, to seek an urgent meeting in the face of unprecedented cuts in Government funding at a time of increased demand for services with Wirral facing a reduction of around a third in the Council's budget over the next three years.**

B. Cabinet – 8 November 2012

121 CAPITAL MONITORING 2012/13- PERIOD 6 (SEPTEMBER)

A report by the Interim Director of Finance informed the Cabinet of the current position regarding the Council's 2012-13 to 2014-15 Capital Programme. The Interim Director's report reflected the following:

- the re-profiled 2012-13 capital programme budget;
- the expenditure to date, which continued to be less than it should be;
- a request for a revision to the Capital Programme to reflect slippage of £10m of schemes into the 2013/14 Financial Year;
- a request for an increase in the Programme for schemes requiring no unsupported borrowing;
- the projected outturn figures for 2012-13, which suggested an under spend of £12m on the revised programme; and
- the current funding of the Programme and its future affordability, which was subject to a review.

Appendix 1 to the report detailed Capital Freeze Projects considered during October 2012.

Councillor Phil Davies welcomed the work being undertaken to ensure a more robust Capital Programme. He also welcomed:

- (a) the schemes that had been supported;**
- (b) the Capital Steering Group that had been established; and**
- (c) the work to maximise capital receipts.**

Items involving capital and revenue would continue to be scrutinised when they were put forward.

RESOLVED: That

(1) the Cabinet:

- (a) agrees the revised Capital Programme of £65.609m;**
- (b) agrees slippage in the programme of £10.025m from 2012/13 to 2013/14;**
- (c) agrees an increase to the programme of £0.855m for Regeneration, Housing and Planning schemes which do not require financing from unsupported borrowing and in respect of use of a Children and Young People Aiming High for Disabled Children grant of £0.3057m;**
- (d) notes the spend to date at month 6 of £14.3m, which represents 21.8% of the revised capital budget, with 50% of the financial year having elapsed;**
- (e) notes the work of the Capital Steering Group to detail the schedule of sites to validate the estimate of capital receipts; and**
- (f) notes that a future report will include proposals to cease or reduce schemes arising from a review of the current capital programme.**

(2) the Cabinet also agrees the rejected freeze items set out in Appendix 1 in the columns 'rejected' totalling £899,610 as evidenced in paragraph 2.15 of the report.

122 REVENUE MONITORING 2012/13 MONTH 6 (SEPTEMBER 2012)

A report by the Interim Director of Finance continued the new format and set out the revenue position for 2012/13 as at Month 6 (September 2012). The report identified the latest financial projections and prioritised the risks for ongoing management actions, to ensure the year-end position would result in spend remaining within the budget allocated.

Attached to the report were the following Appendices for the Cabinet's consideration:

- Appendix 1 Revenue Monitoring and Reporting Timetable 2012/13.
- Appendix 2 General Fund Revenue Budget for 2012/13 agreed by the Council.
- Appendix 3 Changes to the Budget 2012/13 since it was set.
- Appendix 4 Management actions.
- Appendix 5 Progress on delivering agreed savings 2012/13.
- Appendix 6 Earmarked Reserves – General Fund.
- Appendix 7 Freeze outcomes, weeks 3 – 6.

Councillor Phil Davies considered that the approach that had been adopted was positive and noted that the General Fund overspend was now down to £13.2m which was down £2.1m on the M5 projection of a £15.3m overspend. In a number of areas there were sizable overspends and this was partly due to increased demand.

Councillor Phil Davies welcomed the improvements made in relation to the budget setting process to ensure savings were delivered. He was of the view that the Council was continuing to move in the right direction but was keeping the pressure on to stop overspending and to obtain value for money

RESOLVED: That

(1) the Cabinet notes that

- (a) at Month 6 (September 2012), the full year forecast projected a potential General Fund overspend is £13.2m; and**
- (b) a review of over/under spends and Earmarked Reserves has been undertaken and will be reported to a future Cabinet meeting;**

(2) the Cabinet agrees the rejected freeze items, set out at Appendix 7 to the report, in the columns 'Rejected', totalling £1,292,229, as evidenced at paragraph 2.20 of the report.

125 EFFICIENCY INVESTMENT FUND (EIF)

A report by the Interim Director of Finance proposed a change in the operation of the Efficiency Investment Fund (EIF), which consequently, would lead to budget savings in 2012-13 and future years.

The proposed improvements sought to respond to the problems with the current regime. The Cabinet noted the following points:

- The first proposal was to remove the base budget item which would result in a saving of up to £2.2m in 2012-13 and £4.4m in 2013-14. This would remove £6 million of growth from the £103 million gap.
- From the Earmarked Reserves, a fund would be created that would be a rolling resource, with savings paying off the 'borrowing'.
- The EIF proposals should be part of the annual budget process that was agreed by Council in March 2013. In this way, there would be clear prioritisation for limited resources. Equally, departments would have to ensure there was a payback to the fund, ensuring they took responsibility for the proposal.
- The criteria would include a short payback period, a maximum of three years and a 10% return. Partners in the investment world could assist the process.
- The elimination of the base budget item would remove the possibility of collateral damage to EIFs, from a saving being required, without a replacement scheme to deliver efficiencies.

Appended to the report were three appendices setting out:

- Efficiency Investment Fund Scheme criteria
- Problems
- Terms of Reference.

RESOLVED:

That the Cabinet agrees:

- (1) to the terms of reference set out in Appendix 3 to the report;**
- (2) the release of the £2.2m unused 2012-13 fund to general reserves;**
- (3) the elimination of the fund from the base budget from 2013-14 (£2.4m base), with a concomitant reduction in the growth target for 2013-14 (£2m) and later years (£4m) totalling £6m over the three years; and**
- (4) to receiving a report to its meeting on 29 November 2012 on the creation of a 'rolling fund', in the context of the risk level of Balances and the release of 'spare funds' from Earmarked Reserves.**

C. Cabinet – 29 November 2012

135. LEVEL OF GENERAL FUND BALANCES

A report by the Interim Director of Finance specified the level of General Fund balances the Council maintained. It also set out the approach that had been used to determine this level and suggested an approach to replenish the Council's General Fund balances.

A risk assessment had been drawn up of the cost and demand pressures on budgets, insurance liabilities, the achievement of budget savings, and other financial uncertainties which supported the proposed level of balances of approximately £12.5 million for 2012/13. This assessment was set out in Appendix 1 to the report and Appendix 2 contained earmarked reserves to be released.

The Council had, and was facing, funding reductions at a time when the demand for its services, due to population changes and the economy, was increasing. The current projected revenue forecast for the year, at Month 6 (to end September 2012), showed a potential General Fund overspend of £13.2 million.

Councillor Phil Davies informed the Cabinet that it was prudent to ensure that there were balances available to deal with the risks identified.

RESOLVED: That

- (1) the Cabinet agrees:**
 - (a) the level of General Fund balances recommended is based on a locally determined approach to the assessment of the financial risks the Council may face in the future;**
 - (b) the Council maintains its level of balances at or above the locally determined level of General Fund balances;**

- (c) the transfer of £10.5 million of earmarked reserves to the General Fund balances; and
 - (d) the transfer of £2 million of earmarked reserves to enable the creation of an Efficiency Investment Rolling Fund.
- (2) the Cabinet notes that, due to the potential £13.2 million in year overspend faced by this Council, caused in the main by unprecedented cuts in grant from the Coalition Government, all non essential spending has been frozen;
- (3) the Cabinet has already released £220,000 of funding for local road safety initiatives following a successful bid to the Local Sustainable Transport Fund;
- (4) in spite of continuing budget pressures, given clear local need, the Cabinet agrees to the immediate release of £330,000 for Area Forums (£30,000 per Forum) for the support of local Community and Voluntary Group projects;
- (5) given the urgency of allocating this resource, the Cabinet instructs Officers to meet with Local Ward Members to consider bids that have been submitted, and make recommendations on how this funding should be allocated. Whilst these recommendations are a matter for Ward Members, the Cabinet urges Members to consider prioritising bids that seek to assist the most vulnerable and to support community groups who are most in need; and
- (6) the Cabinet also notes that the Chief Executive is currently consulting with residents and staff regarding the future of Area Forum funding and requests that funding for future years be considered in the light of the consultation findings.

136. CAPITAL PROGRAMME REVIEW

A report by the Interim Director of Finance proposed that a number of schemes within the Council Capital Programme be reduced or removed following a review of the Programme and, in particular, those schemes planned to be funded from unsupported borrowing. The reduction in borrowing requirements would deliver savings in 2013/14 and subsequent years.

The Cabinet was informed that, as part of the revised Capital Monitoring arrangements, the regular monthly report had identified the significant slippage that had occurred, and continued to occur, in the delivery of the agreed Programme. The Period 6 report (September 2012) presented to the Cabinet on 8 November 2012 included reference to a future report on proposals to cease or reduce schemes arising from a review of the current Capital Programme (Minute No. 212 refers). The Appendix to the report detailed the proposed reductions in the Capital Programme

2012/15 which had been proposed by Chief Officers and considered by Officer Groups (Executive Team, Budget and Capital Steering Groups).

RESOLVED:

That, it be recommended to the Council that, the Capital Programme be amended to reflect the changes detailed in Section 2 of the report, and summarised below and this be incorporated within the Period 8 (November 2012) Capital Monitoring Report:

Reduction in the Capital Programme and Reductions in Funding

	2012/13	2013/14	2014/15	Total
	£000	£000	£000	£000
Programme Reduction	11,475	14,015	5,265	30,755
Funding				
Unsupported Financing	8,230	11,100	3,800	23,130
Invest-To-Save	2,275	400	0	2,675
Grant	970	2,515	1,465	4,950
Funding Reductions	11,475	14,015	5,265	30,755

Council – 17 December 2012

Motions

The following motions have been submitted in accordance with the notice required by Standing Order 8(1) and are listed in the order received. The actual order in which they are debated will be determined by the party groups in accordance with Standing Order 5(4).

1. CUTTING TOO FAR AND TOO FAST

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Council notes that the 'budget options' now being considered include:
 - Closing Sure Start Children's Centres
 - Cutting the Youth Service
 - Removing Council Tax discounts to pensioners and others
 - Closing the Birkenhead Dog Kennels
 - Cutting the resources available to Area Forums and community groups
 - Ending the home insulation programme
 - Increasing the cost of Meals on Wheels
 - Turning off street lights
 - Scrapping the Apprenticeship programme and significantly reducing our capability to bring inward investment and jobs into the area
- (2) Council notes a total lack of coherence or a guiding strategy behind these cuts and that at the same time as recommending the cutting back of services for the most vulnerable in our communities the administration, is not collecting all the money owed to the Council and has even taken action to vastly increase the Council's cash in the bank by a further £21 million.
- (3) Council does not believe the approach adopted by the Labour Administration is morally acceptable or consistent with our aspiration for a resilient, active civic society that supports the weakest and poorest in our communities.
- (4) Council believes the Labour Administration has once again 'got the cart before the horse' and calls for it to identify a coherent strategy first and present this to Council as a matter of urgency and then come forward with a budget to deliver this strategy.
- (5) Council believes the public will accept an evidence based, thought through and considered blue print for the future as opposed to the unthinking, ill considered, hypocritical slash and burn approach favoured, once again, by the Labour Administration.

2. USING THE SUSTAINABLE COMMUNITIES ACT

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Council supports the bottom up process in the Sustainable Communities Act that enables councils and their communities to drive the action and assistance that central government gives in promoting thriving local economies and sustainable communities;
- (2) Council notes that the Act gives councils the power to
 - make proposals to government for action and assistance from government to promote sustainable communities, and that
 - those proposals can be for, but are not restricted to, new powers or a transfer of powers or public money and function from central control to local control;
- (3) Council notes that the Act defines sustainable communities broadly, that definition having the 4 aspects of:
 - the improvement of the local economy,
 - protection of the environment,
 - promotion of social inclusion, and
 - participation in civic, political and democratic activity;
- (4) Council notes that new regulations for the Act made in June 2012 improve the process and make it more favourable for councils in the following ways
 - councils' proposals are submitted directly to the government, there will no longer be short listing
 - councils can submit proposals whenever they are ready as the process is now ongoing
 - there will be a time limit of six months on the government to consult and try to reach agreement with the Selector (currently the Local Government Association) regarding councils' proposals and to then respond to those proposals
 - councils that choose to submit proposals may now decide how to consult and try to reach agreement with representatives of communities in their areas on what proposals to submit;
- (5) Council notes that the government has formally invited all Local Authorities to use the Act by submitting proposals;
- (6) Therefore Council resolves to use the Act by responding to this invite and submitting proposals for action and assistance from central government each year for the next three years and to then review the outcome of this activity and consider whether to continue to use the Act; and

(7) Council further resolves to

- to inform the local media of this decision;
- to write to local MPs, informing them of this decision; and
- to write to Local Works (at Local Works, c/o Unlock Democracy, 37 Gray's Inn Road, London, WC1X 8PQ or info@localworks.org) informing them of this resolution to use the Act.

3. PLANNING APPLICATION APP/11/01418

Proposed by Councillor Michael Hornby

Seconded by Councillor Anthony Cox

- (1) Council notes that over 4,000 residents of Greasby and the surrounding area objected to planning application Number APP/11/01418 for the Erection of buildings for a retail unit (Sainsbury's Local Store) and Vets surgery on the car park of the Red Cat, Greasby Road, Greasby, CH49 3AT.
- (2) Council notes that Wirral Planning Department while failing to determine the application was minded to recommend Refusal and this was subsequently noted and endorsed by the Planning Committee.
- (3) Council recognises that the applicant exercised their right of appeal to the Planning Inspectorate, however, is disappointed that despite the massive local opposition the Planning Inspector allowed the appeal following an exchange of documentation effectively ignoring the voices of the local community.
- (4) Therefore Council instructs the Chief Executive to write to the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government to express this Council's disappointment at the process and decision and requests that in the interest of Localism the Secretary of State "Calls In" the Planning Inspector's decision and orders a Public Inquiry, which will involve the local community in the decision making process ensuring this matter is dealt with in an open and transparent manner.

4. RECORDING AND FILMING WITHIN COUNCIL MEETINGS

Proposed by Councillor Chris Blakeley

Seconded by Councillor Geoffrey Watt

Council,

- (1) Believes the widest possible number of people should be able to easily engage in democracy, whether as active participants or interested observers via the use of blogs, microblogs, Facebook and Twitter including video and audio recordings.

- (2) Believes the Administration has made a mistake in banning the public from being able to attend and film at meetings.
- (3) Notes that in order to protect the rights of members of the public, petitioners and others who are not elected members and may interact with the Council and its committees that notices are placed in meeting rooms notifying the public that the proceedings may be recorded. Council further asks that Chairs of committees also ensure members of the public are informed at the beginning of every meeting that proceedings may be recorded and broadcast.
- (4) Council therefore reaffirms its commitment made in previous years by the Conservative and Liberal Democrat administration and in the interests of openness and transparency to ensure that all members of the public who wish to record open meetings of the Council and its committees are encouraged to do so.
- (5) Council asks the Head of Law, HR and Asset Management to make the necessary changes to the Council's constitution to incorporate the right of members of the public to record in either audio or video at all open meetings of the Council.

5. AN EMERGENCY PLAN TO HELP PEOPLE COPE WITH BENEFIT CUTS

Proposed by Councillor George Davies

Seconded by Councillor Steve Foulkes

- (1) This Council is appalled at the draconian cuts to welfare benefits agreed by the Conservative/Liberal Democrat coalition government, totalling £7 billion in 2014/15 with more likely to follow. At a time when the government has also cut taxes for millionaires Council finds this policy morally repugnant.
- (2) Cuts in benefits such as Incapacity Benefit, Council Tax Benefit, Housing Benefit, Disability Living Allowance, Crisis Loans and the imposition of a 'Bedroom' Tax will hit the poorest in society the hardest.
- (3) Universal Credit, the flagship of the government's welfare reforms, according to former Welfare Reform Minister, Frank Field, is 'practically unachievable' and heading for disaster.
- (4) The growth of Foodbanks is a sad indictment of the failure of this government to properly provide for those in need.
- (5) Figures published recently show that the government's flagship welfare-to-work programme has failed to hit its main target. As a result, over the course of this Parliament the country's welfare bill will be £20 billion higher than projected.
- (6) Many of the people who will suffer as a result of benefit cuts are likely to look to local Councils for help. Council therefore asks the Chief Executive to prepare an Emergency Plan which sets out how the Council together with organisations

such as Registered Social Landlords and the Citizens Advice Bureau can provide assistance. The Plan should include: basic information on which benefits will be cut and who will be affected; the provision of enhanced welfare rights advice; and practical assistance to help people meet their basic living costs.

- (7) Council asks that this Plan be submitted to appropriate scrutiny committees and Cabinet at the earliest opportunity.

6. COUNCIL BUDGET

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

- (1) This Council faces a huge challenge of maintaining vital services for the people of Wirral against a background of unprecedented cuts by government which will require the Council to cut £103 million from its budget over the next 3 years.
- (2) Council reaffirms the necessity to set a legal budget. This means that savings will need to be identified. However, cuts of this magnitude will require extremely difficult choices to be made between services.
- (3) Councils in the North of England with high levels of deprivation have had more severe cuts imposed on them in comparison with relatively affluent Councils in the South of England. This is neither fair nor equitable.
- (4) Council notes that the Leader of the Council wrote to the Secretary of State, Eric Pickles, on the 1st November 2012, requesting an urgent meeting about the Council's budget and how we could mitigate the impact of any savings. No reply has yet been received.
- (5) In the light of the unfair way in which Wirral has been treated, Council agrees to write again to the Secretary of State for Communities and Local Government to request an urgent meeting involving the three Party Leaders to discuss these matters.

7. POWER TO THE PEOPLE - COLLECTIVE ENERGY SWITCHING

Proposed by Councillor Stuart Kelly

Seconded by Councillor Phil Gilchrist

- (1) Council notes the spiralling costs of household energy bills and believes that something needs to be done now, locally, to help residents struggling with fuel bills.
- (2) Council understands that whilst households are aware of the benefits of switching energy provider, few do and switching rates are low.

- (3) Council also endorses the concept of cooperation across geographical areas in order to obtain better energy deals for customers and notes a similar motion has recently been approved by Liverpool City Council.
- (4) Council notes the good work already being done by Cornwall Together, Oldham Council and South Lakeland District Council in partnership with 'ichoosr' which are encouraging their residents to sign up to collective energy switching.
(www.cornwalltogether.com/en/about
www.oldham.gov.uk/fuel_coop and
<http://southlakeland.ichoosr.com/>)
- (5) Council, therefore, asks officers to explore the feasibility of setting up a Wirral Energy Switching Initiative and to work with local housing associations, the NHS, voluntary groups, care homes and households across Wirral to increase awareness and encourage them to sign up to the scheme.

8. SAFEGUARDING OUR CHILDREN AND YOUNG PEOPLE

Proposed by Councillor Mark Johnston

Seconded by Councillor Pat Williams

- (1) Council expresses its deep sorrow and sadness at the tragic and needless death of Hannah Windsor and extends our deepest sympathies to her family and friends.
- (2) Council welcomes the Serious Case Review being undertaken by Wirral Local Safeguarding Children Board concerning this tragedy and requires that, when published, the lessons learnt be made available in order to avoid such destructive events taking place in our Borough in the future.
- (3) Council, therefore, requests that all findings when published by WSCB are presented to the Council's Safeguarding Reference Group at the earliest opportunity to consider the actions assigned to the Council Departments regarding highlighted areas of concern.
- (4) Council would also request that the dissemination of any lessons include a briefing to members of the Children and Young People Overview and Scrutiny Committee.

9. STRENGTHENING COMMUNITIES IN WIRRAL

Proposed by Councillor Tom Harney

Seconded by Councillor Pat Williams

- (1) Council recognises its duty to involve the people of Wirral in shaping the services it provides. The surveys carried out by the Council in the last two years have shown its commitment.

- (2) It thanks all those involved in this work. It also acknowledges the work of those who have organised Area Forums over a number of years. They have provided another opportunity for the public to be involved.
- (3) Council believes that the time is right to bring together these and other means of involving the public into a strategy which will ensure that all of our residents have the opportunity to be involved in our decision making processes.
- (4) In view of developments, such as the Localism Act 2011, Council believes that the time is right to relaunch the Forums, ensuring that they are fit for purpose.
- (5) Council further recognises that if they are to involve a greater proportion of the population, then the Forums will need to be fully involved in this, and be enabled to drive the process.
- (6) It also recognises that there is a need to work closely with partners providing statutory services in involving the widest part of the public.
- (7) Council asks the Leader to ensure that an Action Plan is drawn up by the appropriate people which will draw up proposals for the development of an updated consultation strategy, with Forums playing a major part. In particular the following need to be considered –
 1. differing ways of involving people of differing needs. The many techniques such as Planning for Real and Future Search need to be considered.
 2. the drawing up of neighbourhood plans as envisaged by the Localism Act.
 3. ways in which the Council can work with partners in consultation on common issues.
 4. the possibility of an annual programme of consultation and decision making, resulting in an open and transparent process.

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COUNCIL VACANCIES – 17 DECEMBER 2012

Committees

EMPLOYMENT AND APPOINTMENTS COMMITTEE

Councillor Chris Jones to replace former Councillor Anne McArdle as deputy

LICENSING, HEALTH & SAFETY AND GENERAL PURPOSES COMMITTEE

Vacancy to replace former Councillor Peter Johnson

PENSIONS COMMITTEE

Councillor Stuart Whittingham to replace former Councillor Anne McArdle as deputy

Vacancy to replace former Councillor Peter Johnson as deputy

PLANNING COMMITTEE

Vacancy to replace former Councillor Peter Johnson

SCRUTINY PROGRAMME BOARD

Vacancy to replace former Councillor Peter Johnson as deputy

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Jean Stapleton to replace Councillor Chris Jones as deputy

COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Rob Gregson to replace Councillor Chris Jones

Vacancy to replace former Councillor Peter Johnson as deputy

HEALTH AND WELL BEING OVERVIEW AND SCRUTINY COMMITTEE

Councillor Bernie Mooney to replace Councillor Chris Jones

Councillor Sylvia Hodrien to replace Councillor Bernie Mooney as deputy

Councillor Mike Sullivan to replace Councillor Tony Smith as deputy

Vacancy to replace former Councillor Peter Johnson as deputy

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Vacancy to replace former Councillor Peter Johnson as deputy

Advisory Committees and Working Parties

CORPORATE SERVICES

Members' Training Steering Group

Council is asked to:

On the recommendations of the Group, approve an increase in the membership from 2:1:1 to 2:2:2 and that, Councillor (Conservative nominee) and Councillor Phil Gilchrist be appointed to the Steering Group

Members' Equipment Steering Group

Council is asked to:

On the recommendations of the Group, approve an increase in the membership from 1:1:1 to 2:2:2 and that, Councillors Ann McLachlan, Steve Williams and (Liberal Democrat Nominee) be appointed to the Steering Group

CHILDREN'S SERVICES AND LIFELONG LEARNING / SOCIAL CARE AND INCLUSION

Safeguarding Reference Group (4:3:2)

Councillor Chris Jones to replace former Councillor Anne McArdle

Outside Bodies

CHILDREN'S SERVICES AND LIFELONG LEARNING

(i). **Connexions (Greater Merseyside) Ltd**

Mr D Armstrong (Assistant Chief Executive) or nominee to replace Mr J Wilkie

(ii). **University of Liverpool Court (1:1:1)**

Vacancy to replace former Councillor Peter Johnson

COMMUNITY AND CUSTOMER ENGAGEMENT

(iii). **Leasowe Play, Youth & Community Association Management Committee**

Vacancy to replace former Councillor Anne McArdle (Defer until after by-election)

ENVIRONMENT

(iv). Mersey Port Health Committee (3:2:1)

Vacancy to replace former Councillor Peter Johnson

FINANCE

(v). Strategic Partnership Assembly

Mr G Burgess (Chief Executive) to replace Mr D Armstrong

(vi). Local Strategic Partnership Executive Board

Mr G Burgess (Chief Executive) to replace Mr D Armstrong

HOUSING AND COMMUNITY SAFETY

(vii). Leasowe Community Homes Management Board

Vacancy to replace former Councillor Anne McArdle (Defer until after by-election)

(viii). Wirral Council and Riverside Challenge Fund Working Group

Mr S Tour (Acting Director of Law, HR and Asset Management) or deputy to replace Mr B Norman

(ix). Wirral Partnership Homes – Board members (3:2)

Councillor Steve Foulkes to replace Councillor Chris Jones

(x). Wirral Partnership Homes: Community Fund Working Group

Mr S Tour (Acting Director of Law, HR and Asset Management) or deputy to replace Mr B Norman

REGENERATION AND PLANNING STRATEGY

(xi). Conservation Area Advisory Committees

Conservation Area

Councillor(s)

Gayton and Heswall

Vacancy to replace former Councillor Peter Johnson

- (xii). **Wirral Business Partnership** (This body replaces Egerton House (Wirral) Ltd and Wirral Investment (Management) Network – see Cabinet minute 139 (29/11/12))

Leader of the Council – Councillor Phil Davies
Strategic Director: Regeneration and Environment – Mr K Adderley

ADULT SOCIAL CARE AND PUBLIC HEALTH

- (xiii). **Age Concern**

Councillor Chris Jones to replace former Councillor Anne McArdle

- (xiv). **John Lloyd Corkhill Trust**

Councillor Chris Jones to replace former Councillor Anne McArdle

- (xv). **Heswall Advisory Body (Heswall ATC) (1:1:1)**

Vacancy to replace former Councillor Peter Johnson

- (xvi). **Shadow Health and Wellbeing Board**

Councillor Chris Jones as Cabinet Member for Adult Social Care and Public Health to replace former Councillor Anne McArdle