

COUNCIL

Monday, 10 March 2014

Present: The Mayor (Councillor Dave Mitchell) in the Chair
Deputy Mayor (Councillor Steve Foulkes)

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

Apologies Councillors C Blakeley L Fraser L Rennie

80 DECLARATIONS OF INTEREST

Members of the Council were asked to consider whether they had 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.

By virtue of their membership of the Merseyside Fire and Rescue Authority, Councillors Denise Roberts, Steve Niblock and Jean Stapleton declared their personal interest in agenda item 5 – Minutes of the Budget Meeting of the Council, (see minute 84 post) insofar as they referred to the precept issued by the Merseyside Fire and Rescue Service,

By virtue of his employment, Councillor Paul Doughty declared his disclosable pecuniary interest in agenda item 6D – Matters Requiring Approval by the Council, insofar as it related to recommendations from the Planning Committee held on 20 February 2014 (see minute 91 post), regarding changes to the Scheme of Delegation to officers for the determination of planning applications and planning related matters. He proposed to leave the room during consideration of that item.

By virtue of their employment, Councillors Jeff Green and Tony Norbury declared their interest in agenda item 6A – Matters Requiring Approval by the Council – Minutes of the Special Meeting of the Cabinet, insofar as they related to recommendations in relation to the Combined Authority.

81 **MAYOR'S ANNOUNCEMENTS**

The Mayor referred to the great success of the commemoration for HMS Birkenhead on 5 March 2014 and thanked all those who had attended, many visitors having travelled considerable distances to the event. He praised the officers for their contribution in making the commemoration such a success, in particular, Peter Lee, the Council's Memorial's Officer.

The Mayor also announced that the recipient of the Andy Day Memorial Cup for 2013/2014, an award which was presented annually in memory of a former councillor to confer recognition on a member of the Council who, in the Mayor's opinion, had demonstrated the qualities of dedication and selflessness possessed by the late Councillor, was Councillor Phil Gilchrist.

He noted also that apologies for absence had been received from Councillors Chris Blakeley, Leah Fraser and Lesley Rennie.

The Leader of the Council commented that this was the last ordinary meeting of the Council to be presided over by the Mayor. He thanked both the Mayor and Mayoress for all the work they had undertaken during the year, particularly with schools and volunteer groups and referred also to the fair manner in which meetings of the Council had been chaired.

The Leader of the Conservative Group and the Leader of the Liberal Democrat Group associated themselves with the remarks made by the Leader of the Council

In response, the Mayor indicated that it had been a privilege to represent Wirral. He referred to the great pleasure he had taken during his year in office, in particular the visit of school groups and he thanked all those who had supported him during his year in office.

82 **PETITIONS**

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

Councillor Stuart Whittingham on behalf of 155 signatories, requesting the Council to stop the sale of two areas of land in Upton – to be added to the petition he had presented at the meeting held on 25 February 2014.

Councillor Andrew Hodson on behalf of 35 signatories objecting, on the grounds of increased traffic, to Planning Application APP/1400125 – New build adjacent to Riva Cottage, Telegraph Road, Heswall.

Resolved – That the petitions be noted and referred to the appropriate Chief Officer in accordance with Standing Order 34.

83 **PUBLIC QUESTIONS**

The Mayor advised that no questions had been received from members of the public.

84 **MINUTES**

The minutes of the Budget Meeting of the Council held on 25 February 2014 had been circulated to Members for approval as a correct record.

The Mayor advised that, pursuant to minute 77 (Council Tax 2014/2015), the Council was asked to note the precepts that had been issued and to note the total amount of Council Tax for 2014/2015 for each of the categories of dwellings.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) –

- (1) That the minutes be approved and adopted as a correct record**
- (2) That pursuant to minute 77, Council:**
 - (i) Notes that the Police and Crime Commissioner for Merseyside and the Merseyside Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council’s area, as indicated in the tables –**

Police and Crime Commissioner for Merseyside

A	B	C	D
104.42	121.82	139.23	156.63
E	F	G	H
191.44	226.24	261.05	313.26

Merseyside Fire and Rescue Service

A	B	C	D
46.71	54.50	62.28	70.07
E	F	G	H
85.64	101.21	116.78	140.14

- (ii) That having calculated the amounts at 2 (c) (minute 77) and (i) above, that the Council in accordance with Section 30 (2) of the Local Government Finance Act 1992 notes the following amounts as the total amount of Council Tax for the year 2014/2015 for each of the categories of dwellings –**

Total Council Tax for Wirral including Police and Fire

A	B	C	D
1,003.30	1,170.52	1,337.74	1,504.96
E	F	G	H
1,839.40	2,173.83	2,508.26	3,009.92

85 **PROCEDURE**

On a motion by Councillor Bill Davies and seconded by Councillor Brian Kenny, it was –

Resolved (61:0) (One abstention) – That Standing Order 9 be applied at 8.30pm.

86 **MATTERS REQUIRING APPROVAL BY THE COUNCIL**

The Mayor indicated that, in accordance with Standing Order 5(2), seven matters were submitted for approval by the Council (see minutes 87 to 93 post)

87 **COMBINED AUTHORITY**

The first matter requiring approval was in relation to the Combined Authority and the recommendations of the Special Meeting of the Cabinet held on 10 March 2014 (minute 157 refers)

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

“That the recommendations contained within Cabinet minute 157 be approved”.

It was moved as an amendment by Councillor John Hale and seconded by Councillor Jeff Green –

“That Council:

1. Notes that the present powers and responsibilities of Wirral Metropolitan Borough Council were created by Parliament Acts which took effect in 1974 and were further enhanced following the abolition of Merseyside County Council in 1986 and the proposals contained within the consultation documents before Council show an intention to surrender these powers from a Council which gives representation from every ward in Wirral across all parties as against 6 people, the Leaders of Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral, 5 of whom neither reside in Wirral, represent any part of Wirral and have never been elected by anyone in Wirral and believes that this would be against the wishes of the residents of Wirral.

2. Believes that the responsibilities and powers granted to the Wirral Metropolitan Borough Council by Acts of Parliament should not be transferred to an unelected body, most of whom are without any connection with Wirral.

Recommendation:

Add as the first paragraph "No transfer of powers and/or responsibilities as confirmed in the Cabinet recommendations shall proceed until a referendum of the electors of Wirral has been held to ascertain whether they support a transfer of powers and/or responsibilities to an unelected body, the wording of the referendum to be agreed by the political parties of Wirral".

At the request of the Leader of the Council, the Mayor adjourned the meeting for 15 minutes at 6.40pm, to allow Members an opportunity to consider the proposed amendment.

The meeting reconvened at 6.55pm

Following a debate and Councillor Phil Davies having replied, the amendment proposed by Councillor Hale was put and lost (19:42) (One abstention).

The motion was put and carried (42:19) (One abstention)

Resolved (42:19) (One abstention) – That the recommendations contained within Cabinet minute 157 be approved:

- (1) **Council confirms its previous decision that it should formally become a constituent member of the Combined Authority for the Liverpool City Region (as referred to in the report of the Chief Executive).**
- (2) **Council notes the position on the making of the Orders, as attached in Appendix One to the Chief Executive's report, and the Parliamentary process in train.**
- (3) **Council endorses the Constitution for the Combined Authority for adoption, as attached to the Chief Executive's report as Appendix Two.**
- (4) **Council approves the Operating Agreement for the Combined Authority for adoption as attached to the Chief Executive's report as Appendix Three.**
- (5) **That Councillors Phil Davies and Ann McLachlan (as substitute) be appointed to the Combined Authority as set out in section 5.1 of the Chief Executive's report (see minute 101 post).**
- (6) **That Members be nominated to the Merseytravel Committee on the basis of continuing with the existing arrangements until the Annual General Meeting in June 2014, as set out in section 5.2 of the Chief Executive's report (see minute 101 post).**

- (7) Council notes that no allowances (other than travel and subsistence) will be paid to Members of the Combined Authority, the Scrutiny Panel and other Committees and Boards, with the exception of the Merseytravel Committee (as part of the transitional arrangements).
- (8) Council agrees that the payment of allowances for co-opted Members of the Merseytravel Committee (using the current Merseyside Integrated Transport Authority scheme) will be dealt with by the Council's own scheme as part of the transitional arrangements, and funded by Merseytravel, as set out in section 10.1 of the Chief Executive's report.
- (9) Council notes that a review of the Combined Authority's arrangements will be undertaken during the first year and reported to the Combined Authority in 2015.
- (10) Council agrees that approval to make any technical amendments to the Constitution and Operating Agreement for the Combined Authority on behalf of the Council be delegated to the Chief Executive in consultation with the Leader of the Council.

88 PAY POLICY STATEMENT 2014/2015

The second matter requiring approval was in relation to the Pay Policy Statement 2014/2015 and the recommendations of the Special Meeting of the Cabinet held on 10 March 2014 (minute 158 refers)

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within Cabinet minute 158 be approved.

89 MEMBERS' SURVEY RESULTS

The third matter requiring approval was in relation to the Members' Survey Results and the recommendations of the Standards Working Group concerning proposed amendments to the Council's Constitution, considered by the Standards and Constitutional Oversight Committee (minute 13 (24 February 2014) refers).

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within the Standards and Constitutional Oversight Committee minute 13 be approved.

90 **LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL**

The fourth matter requiring approval was in relation to two Delegated Decisions taken by the Cabinet Member – Economy, which informed the content of the emerging Local Development Framework:

- (i) That the Council adopt the final revised Statement of Community Involvement.
- (ii) That the findings of the Water Cycle Study be approved as a material consideration for use by the Planning Committee in the determination of planning applications.

On a motion by Councillor Pat Hackett and seconded by Councillor Phil Davies, it was –

Resolved (61:0) (One abstention) – That the recommendations of the Cabinet Member – Economy, be approved.

91 **PROPOSED CHANGES TO THE SCHEME OF DELEGATION**

Councillor Paul Doughty, having declared his interest in this matter, left the Chamber during its consideration.

The fifth matter requiring approval was in relation to Changes to the Scheme of Delegation to officers for the Determination of Planning Applications and Planning Related Matters and to the recommendation of the Planning Committee (minute 229 (20 February 2014) refers).

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

“That the recommendation contained within Planning Committee minute 229 be approved”

Notice having been given under Standing Order 12(9), it was moved as an amendment by Councillor Andrew Hodson and seconded by Councillor Les Rowlands that –

“Council is concerned that the some of the proposed changes to the Scheme of Delegation to officers for the determination of planning applications and planning related matters will adversely affect the transparency of the Council’s planning processes.

Council believes that, in so far as is possible, any Elected Member activity which impacts on public processes should be open to public scrutiny in the widest available form, in this particular instance this would be the Planning Committee.

Council therefore requests that this matter be referred back to the Planning Committee for the Committee to ensure that when a Member of the Council is involved in a planning application, either professionally or privately, the matter is scrutinised by the Planning Committee.”

With the agreement of the Mayor, Councillor Phil Davies deferred the right of reply to Councillor Bernie Mooney, Chair of the Planning Committee.

Following a debate and Councillor Bernie Mooney having replied, the amendment proposed by Councillor Hodson was put and lost (18:41) (Two abstentions).

The motion was put and carried (41:18) (Two abstentions)

Resolved (41:18) (Two abstentions) – That the recommendation contained within Planning Committee minute 229 be approved.

92 **PROPOSED DESIGNATION OF LOWER BEBINGTON CONSERVATION AREA**

The sixth matter requiring approval was in relation to the Proposed Designation of Lower Bebington Conservation Area and to the recommendation of the Planning Committee (minute 230 (20 February 2014) refers).

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within Planning Committee minute 230 be approved.

93 **PROPOSED ADOPTION OF BYELAWS**

The seventh matter requiring approval was in relation to the recommendations of the Licensing, Health and Safety and General Purposes Committee (minute 15 (13 November 2013) refers) concerning the proposed adoption of byelaws with respect to Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendations set out in Licensing, Health and Safety and General Purposes Committee minute 15 be approved.

94 **LEADER'S EXECUTIVE MEMBERS' AND CHAIRS' REPORTS**

The Mayor referred to the reports of the Leader, Cabinet Members and Chairs of Policy and Performance Committees. The Council was invited to receive and note the reports and he commented that they would not be presented, being taken as read. The Mayor requested that questions be confined to the content of the reports.

The Leader of the Council responded to questions in relation to his portfolio report from Councillors Jeff Green, Stuart Kelly and Janette Williamson and made a number of comments including:

- Contrary to recent reports, Shared Services had not been abandoned, but had been put on hold until October 2014, when proposals with regard to the Future Council project would be published. This would allow further analysis of the Business Case to be undertaken and he commented that it was appropriate for matters to be put on hold to assess the costs/savings, prior to any binding agreement being signed. Nevertheless, considerable savings were still required as a result of Government cuts and he expressed disappointment that the Conservative Group had not wished to be involved in recent events to discuss the future shape of Council services in Wirral.
- He indicated that there was an appetite in Schools to work with the Council to share costs associated with School Crossing Patrols and the Primary Heads Group had indicated their willingness to work with the Council. He re-affirmed that the safety of young people was paramount and that where a school was unwilling or unable to commit to share costs, funding would be made available.
- He was pleased that Wirral was now a Living Wage Council and commented that this also included a commitment to ensuring that new contracts for social care providers would demonstrate that they would follow the Council's ethical care charter. This asked providers, amongst other requirements, not to employ staff on zero hour contracts. He had attended on 7 March 2014 a meeting with other North West Council's who were committed to paying the Living Wage, with a view to sharing best practice and he hoped that work being undertaken with major employers would lead to Wirral becoming a Living Wage Borough.

Resolved – That the report of the Leader of the Council be noted.

Questions were then invited for Councillor Ann McLachlan on her Governance and Improvement Portfolio Report and responses to a question from Councillor Tony Norbury included the following comments:

- That the Cultural Change Programme was of significant value to the Council and all Members and officers had a duty to engage with it. Its importance had been identified by the Wirral/LGA Improvement Board and a recent Members' Survey had highlighted the key role to be played by Group Leaders to promote good standards of conduct. With the support of the Members' Training Steering Group, training would continue to be offered to develop the Cultural Change agenda. However, courses were more cost effective when fully attended and she hoped that all Members would engage with the training programme.

Resolved – That the Governance and Improvement Portfolio report be noted.

Questions were then invited for Councillor George Davies on the Neighbourhoods, Housing and Engagement Portfolio Report and his responses to questions from Councillors Mike Hornby and Andrew Hodson included the following comments:

- Sunderland City Council had started a process of devolved funding and services to local areas four years ago and now allocated significant resources to five Area Committees. This had led to decision making being more responsive to local needs and a recent visit to Sunderland had assisted in the development of Wirral's Constituency Committee model. He anticipated that the devolvement of services and increased funding to Constituency Committees would continue.
- He assured the Council that comments from Constituency Committee Chairs would be included in future reports and that he would provide an explanation to all Members of the Council as to why they had not been included in the current update report.

In response to a question from Councillor Stuart Kelly, Councillor Davies proposed to provide a written response with regard to the number of Wirral residents employed in the new affordable housing schemes.

Resolved – That the Neighbourhoods, Housing and Engagement Portfolio report be noted.

Questions were invited for Councillor Adrian Jones on the Central and Support Services Portfolio Report and his responses to questions from Councillors Les Rowlands, Geoffrey Watt and Jim Crabtree included the following comments:

- With regard to recent IT outages, he highlighted a failure of the previous administration to invest funding to upgrade IT systems, which had been allocated in January 2010. A number of key officers had also left the employment of the Authority, including the Head of IT Services, which had resulted in external expertise having to be brought in. He commented that meetings were due to take place in the next few days with the highest level of external expertise and that the outcome of that meeting would be communicated to all Members.
- With regard to the severe weather event in December 2013, he referred to the thorough and accurate reporting in the Liverpool Echo, which highlighted the huge gulf in the treatment of Wirral by the Government compared to other parts of the country, in the light of comments made by the Prime Minister that 'money would be no object'. He expected that the Chief Executive would write to the Prime Minister to highlight the neglect of Wirral.

Resolved – That the Central and Support Services Portfolio report be noted

Questions were invited for Councillor Pat Hackett on his Economy Portfolio Report and responses to questions from Councillors Stuart Kelly and Rob Gregson included the following comments:

- The master plan for Birkenhead Town Centre had been commenced by Neptune Development, which was expected to be completed within the next 12 months. He referred to the success of previous schemes, which had been achieved following extensive consultation and he assured the Council that there would be consultation as the plan was developed.
- He commented upon the excellent record of the Council and its partners in the development of the Reachout Programme, which sought to get people into employment and was pleased to highlight the funding allocation agreed by Budget Council to extend the Programme.

Resolved – That the Economy Portfolio report be noted.

Questions were invited for Councillor Brian Kenny on the Environment and Sustainability Portfolio Report and his responses to questions from Councillors Bill Davies, Walter Smith, Mike Sullivan and Geoffrey Watt included the following comments:

- He was disappointed with recent suggestions that the Council had not responded effectively to repair damages to assets caused by the severe weather event in December 2013. He highlighted that the Cabinet had committed £250,000 from reserves to allow a programme of repairs, whilst receiving a grant of only £20,000 from central Government. However, although the repairs programme had commenced, to avoid wasting resources, a number of repairs had been delayed to allow for the passing of the high Spring tides that were forecast to occur until the end of March. Works would be undertaken during April and he thanked all of the volunteers who had been involved in the cleanup programme. He referred also to a visit to the affected Wirral areas by the Chair of the NW Regional Flood and Coastal Committee and confirmed that pressure would be maintained for funding to undertake improvements to the West Kirby coastal area.
- He referred to the success of the Garden Waste Scheme and indicated that the take up by households had exceeded expectations.
- There remained a problem of fly-tipping in certain areas and he referred to the establishment of a Waste Investigation Unit that had been set up to help tackle alleyway dumping, with a particular focus on targeting landlords and contractors who illegally fly-tipped to avoid waste disposal costs. A communications/enforcement campaign was soon to be undertaken and he indicated his determination to pursue prosecutions.
- He was happy to investigate suggestions to limit and prevent damage caused by storms and high tides and looked forward to a report from Esther McVey MP who had been given Special Responsibility for North West Floods.

Resolved – That the Environment and Sustainability Portfolio report be noted.

Questions were then invited for Councillor Harry Smith on the Highways and Transportation Portfolio Report and his responses to questions from Councillors Phil Gilchrist, Kathy Hodson and Tony Cox included the following comments:

- He provided an update with regard to the Delivery of the Highway Services Contract 2014-2018 and commented that work was progressing with the new and the existing provider and Council officers, to ensure as smooth a transition as possible. In particular, meetings were also taking place in respect of TUPE with the employees' union representatives to facilitate transfer to the new employer.
- Until details of allocations were received, it was not possible to comment at this stage upon reports that the Government was to make additional funding of £103.5m available to local authorities to address potholes in their area. At the present time, pot holes would be dealt with as far as the budget would allow.

In response to a question from Councillor Jeff Green, he proposed to provide a written response to all Members of the Council with regard to the date the Highway Services Contract was awarded to BAM Nuttall Limited.

Resolved – That the Highways and Transportation Portfolio report be noted.

Moving on to the Health and Wellbeing Portfolio Report, questions were invited for Councillor Chris Meaden. Her responses to questions from Councillors Ian Lewis, Wendy Clements and Alan Brighouse included the following comments:

- That public consultation on the draft Wirral Green and Open Space Strategy 2014-2024 was due to end on 14 March 2014 and it was hoped that funding would be available for allocation to Friends Groups to support local projects.
- A Strategic Plan had been put forward by the Williamson Art Gallery Action Group, which would form the basis of continuing discussions and the exploration of options for an alternative way of managing the asset.

Resolved – That the Health and Wellbeing Portfolio report be noted.

At this point, Standing Order 9 came into effect, in accordance with minute 85 ante.

Resolved – That the Adult Social Care and Children and Family Services Portfolio reports and the report of the Policy and Performance Committee Chairs be noted.

95 MATTERS FOR NOTING

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved – That minute 131 (Cabinet – 16 January 2014) – Financial Monitoring 2013/2014 (Month 8) and minute 145 (Cabinet – 12 February 2014) – Financial Monitoring 2013/2014 (Month 9) be noted.

96 **MEMBERS' QUESTIONS**

In accordance with Standing Order 10 (2) (b), notice had been given of a question from Councillor Phil Gilchrist to Councillor Brian Kenny (Cabinet Member for Environment and Sustainability) in respect of the Refuse and Recycling Calendar December 2013 – January 2015.

Councillor Kenny advised that he would prepare a written response, which would be circulated to all Members of the Council.

97 **MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES**

- A** At the meeting of the Council held on 14 October 2013 (minute 37 refers), the Mayor had referred a Notice of Motion 'Improving Wirral's Sites for Jobs' to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee held on 27 January 2014 (Regeneration and Environment – minute 31 refers).

In accordance with Standing Order 7(5), the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee, which advised that in view of the lack of funding available to fully pursue the Notice of Motion, the response to it should be for the Strategic Director for Regeneration and Environment to present a brief update to an early meeting of the Regeneration and Environment Policy and Performance Committee upon the availability of land for employment opportunities.

- B** At the meeting of the Council held on 16 December 2013 (minute 64 refers), the Mayor had referred a Notice of Motion 'Local Government Declaration on Tobacco Control' to the Families and Wellbeing Policy and Performance Committee. The motion was duly considered at the meeting of the Committee held on 28 January 2014 (Families and Wellbeing – minute 43 refers)

In accordance with Standing Order 7(5), the Council was invited to consider the recommendation of the Families and Wellbeing Policy and Performance Committee, which advised that –

- (1) the Families and Wellbeing Policy and Performance Committee fully supports the Notice of Motion in relation to the Local Government Declaration on Tobacco Control; and
- (2) the Cabinet Member for Health and Wellbeing and the Director of Public Health/Head of Policy and Resources be requested to submit an update report on smoking cessation to a future meeting.

Resolved –

- (1) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion ‘Improving Wirral’s Sites for Jobs’ be approved.**
- (2) That the recommendation of the Families and Wellbeing Policy and Performance Committee in relation to the Notice of Motion ‘Local Government Declaration on Tobacco Control’ be approved.**

98 NOTICES OF MOTION

Notices of motion submitted in accordance with Standing Order 7(1) were reported to the Council. The Mayor, having considered each motion, in accordance with Standing Order 7(4) had decided that they would be dealt with as follows:

- (i) ‘No’ to Nuisance Calls**
To be referred to the Regeneration and Environment Policy and Performance Committee
- (ii) The European Union - #WhylamIN**
To be debated
- (iii) Mersey Tunnel Tolls**
To be referred to the Regeneration and Environment Policy and Performance Committee
- (iv) Labour’s Effective Stewardship**
To be referred to the Policy and Performance Coordinating Committee
- (v) Storm Damage**
To be debated

99 MOTION - THE EUROPEAN UNION - #WHYIAMIN

Proposed by Councillor Stuart Kelly
Seconded by Councillor Phil Gilchrist

That this Council notes:

- the #WhylamIN social media campaign supporting membership of the European Union which was launched by the Deputy Prime Minister Nick Clegg MP;
- that the campaign gained support from Sir Richard Branson, among others, who commented “*It should go without saying that being a part of the European Union is better for all countries involved*” <http://www.virgin.com/richard-branson/why-i-am-in>
- that Michael Sherwood, co-chief executive of Goldman Sachs International has said that, in the event Britain leaves the EU “*In all likelihood we would transfer a substantial part of our European business from London to a eurozone location*” and Stephen Odell, chief executive

of Ford in Europe stated that withdrawal "*would be devastating for the UK economy.*";

- a recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey/>

Council believes that remaining part of the European Union is vital to the long term security of Wirral and LCR businesses and to building a strong local economy.

Council endorses the sentiment expressed by Frank Field MP that "*Our aim should be to change the EU. And change it by staying in*".

Council, therefore, calls upon local businesses, public sector organisations and political parties represented on this Council to highlight the importance of remaining within the European Union in the run-up to the 2014 European Parliament elections.

Two amendments which had been circulated in advance of the meeting were submitted in accordance with Standing Order 12(1) and (9), as follows:

First Amendment –

Proposed by Councillor Phil Davies

Seconded by Councillor Pat Hackett

Add the following:

‘Council recognises that one of the key benefits of EU membership for regions such as Merseyside has been access to European structural funding which has contributed to a number of important regeneration projects in Wirral and Merseyside over several years.

Council believes that the Government’s decision to propose a cut of 65% in Merseyside’s EU funding allocation for the new programme (2014-20) to be unfair and unjustifiable given the level of economic and social need in this region.

Council notes that the Judicial Review brought by the Local Enterprise Partnerships representing South Yorkshire and Merseyside resulted in the High Court deciding on the 7th February 2014 that the Government’s allocations of funding within the UK (particularly with reference to Merseyside and South Yorkshire) were unlawful. Council further notes that the Court therefore decided to quash the Government’s original decisions on the allocation of EU funds to England, Scotland, Wales and Northern Ireland and LEPs within England and refer them back to the Secretary of State for reconsideration.

The High Court judgement requires the Government to take a fresh decision on EU funding allocations within the UK, having regard to the public sector

equality duty. Council therefore urges the Government to use this opportunity to reverse the massive and clearly unjustified cut in its proposed allocation of EU funding to Merseyside for the new programme and thereby enable us to continue to tackle our economic challenges.’

Second Amendment –

Proposed by Councillor Adam Sykes

Seconded by Councillor Geoffrey Watt

Delete the four bullet points and insert the following:

- That by being a Member State of the European Union the United Kingdom is part of the world’s largest single market – an economic zone larger than that of the USA and Japan combined with a total GDP of around £11 trillion.
- This single market of 500 million people provides a relatively level playing for British business to trade in. This enables not just free trade in terms of the absence of customs duties or tariffs but a common set of rules so that business does not have to comply with 27 different sets of regulations.
- A recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey>

Delete paragraph 2 “Council believes that.....”

At the end of original paragraph 3 add – “However, we should be able to recognise if change that the UK requires isn’t forthcoming; the UK electorate should have their say on the future involvement of the UK in the EU via a referendum.

Within original paragraph 4 replace all after “on this Council to” with “engage in dialogue over the future of the UK’s involvement within the European Union.”

Councillor Stuart Kelly stated that he was prepared to accept the first amendment, moved by Councillor Phil Davies

Having applied the guillotine in accordance with Standing Order 9 the Council did not debate this matter.

The second amendment, moved by Councillor Adam Sykes, was put and lost (19:42)

The motion, incorporating the first amendment, moved by Councillor Phil Davies, was put and carried (42:19) (One abstention)

Resolved (42:19) (One abstention) –

That this Council notes:

- the #*WhylamIN* social media campaign supporting membership of the European Union which was launched by the Deputy Prime Minister Nick Clegg MP;
- that the campaign gained support from Sir Richard Branson, among others, who commented “*It should go without saying that being a part of the European Union is better for all countries involved*” <http://www.virgin.com/richard-branson/why-i-am-in>
- that Michael Sherwood, co-chief executive of Goldman Sachs International has said that, in the event Britain leaves the EU “*In all likelihood we would transfer a substantial part of our European business from London to a eurozone location*” and Stephen Odell, chief executive of Ford in Europe stated that withdrawal “*would be devastating for the UK economy.*”;
- a recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey/>

Council believes that remaining part of the European Union is vital to the long term security of Wirral and LCR businesses and to building a strong local economy.

Council endorses the sentiment expressed by Frank Field MP that “*Our aim should be to change the EU. And change it by staying in*”.

Council, therefore, calls upon local businesses, public sector organisations and political parties represented on this Council to highlight the importance of remaining within the European Union in the run-up to the 2014 European Parliament elections.

Council recognises that one of the key benefits of EU membership for regions such as Merseyside has been access to European structural funding which has contributed to a number of important regeneration projects in Wirral and Merseyside over several years.

Council believes that the Government’s decision to propose a cut of 65% in Merseyside’s EU funding allocation for the new programme (2014-20) to be unfair and unjustifiable given the level of economic and social need in this region.

Council notes that the Judicial Review brought by the Local Enterprise Partnerships representing South Yorkshire and Merseyside resulted in the High Court deciding on the 7th February 2014 that the Government’s allocations of funding within the UK (particularly with reference to Merseyside and South Yorkshire) were unlawful. Council further notes that the Court therefore decided to quash the Government’s original decisions on the allocation of EU funds to England, Scotland, Wales and Northern Ireland and LEPs within England and refer them back to the Secretary of State for reconsideration.

The High Court judgement requires the Government to take a fresh decision on EU funding allocations within the UK, having regard to the public sector equality duty. Council therefore urges the Government to use this opportunity to reverse the massive and clearly unjustified cut in its proposed allocation of EU funding to Merseyside for the new programme and thereby enable us to continue to tackle our economic challenges.

100 **MOTION - STORM DAMAGE**

Proposed by Councillor Brian Kenny
Seconded by Councillor Phil Davies

Council is disappointed that despite a recent pledge from David Cameron that 'money is no object' in the repair of damage caused by the recent extreme weather, Wirral is only set to receive a measly £20,000 for our suffering businesses and not one penny for infrastructure damage or the North Wirral coastline.

Wirral will instead have to fund the cost of the damage, some £250,000, from an under-spend in the 2013/14 budget. This is money that could have been used to protect front-line services from further Tory-Lib Dem cuts.

Council instructs the Chief Executive to write to the government seeking equal and fair treatment for Wirral.

An amendment, which had been circulated in advance of the meeting, was submitted in accordance with Standing Order 12(1) and (9), as follows

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Alan Brighouse

Add after paragraph 3

Council, whilst not objecting to a letter being sent, believes it should be more constructive.

Council believes that the terms of the proposed letter should recognise that the Government is reviewing and re-evaluating the scheme of emergency financial assistance introduced in 1983.

Generally known as the 'Bellwin' Scheme, it has always helped local authorities claim and meet exceptional and unexpected costs.

It should be acknowledged that the Scheme has been changed this year to include:

- paying Bellwin Grant at 100% above threshold instead of the normal default 85%

- allowing upper tier authorities with responsibility for fire to claim on a comparable basis to standalone fire authorities
- reducing the Bellwin thresholds for all county councils and unitary authorities
- extending the eligible spending period until the end of March 2014

These changes were followed by an announcement of an offer of a £5,000 “repair and renew” grant for homeowners and businesses, to support repairs which improve a property’s ability to withstand future flooding.

The letter should stress that both Government and local authorities now need to plan for the greater frequency of such events due to climate change and thus:

- (a) outline the steps Wirral has been taking to encourage its tourism potential and coastal economy
- (b) recognise that the wind direction, storm surges and low pressure affected many parts of the western coasts but, fortunately, did not have as serious an impact here.
- (c) fairly represent Wirral’s budgetary problems
- (d) offer to join a dialogue on the investment needed to make services more resilient for the future.

Having applied the guillotine in accordance with Standing Order 9 the Council did not debate this matter.

The amendment was put and lost (24:37)

The motion was put and carried (37:24) (One abstention)

Resolved (37:24) (One abstention) – That

Council is disappointed that despite a recent pledge from David Cameron that ‘money is no object’ in the repair of damage caused by the recent extreme weather, Wirral is only set to receive a measly £20,000 for our suffering businesses and not one penny for infrastructure damage or the North Wirral coastline.

Wirral will instead have to fund the cost of the damage, some £250,000, from an under-spend in the 2013/14 budget. This is money that could have been used to protect front-line services from further Tory-Lib Dem cuts.

Council instructs the Chief Executive to write to the government seeking equal and fair treatment for Wirral.

101 **VACANCIES**

The Council was requested to deal with the following matters in respect of appointments to outside organisations –

Leasowe Community Homes Management Board

A vacancy to replace Mr C Hughes, Group Solicitor – Department of Transformation and Resources

Combined Authority

In accordance with the recommendations contained within Cabinet minute 157 (10 March 2014) (see minute 87 ante):

- (i) The appointment of a Member and substitute Member to the Combined Authority.
- (ii) The appointment of Members to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority.

It was moved by Councillor George Davies and seconded by Councillor Brian Kenny –

- (1)** That the Chief Executive, in consultation with the three Group Leaders, be authorised to nominate and fill the officer vacancy on the Management Board of Leasowe Community Homes.
- (2)** That the Leader of the Council, Councillor Phil Davies, be appointed as the Council's Member on the Combined Authority and Councillor Ann McLachlan be appointed as the substitute Member.

The motion was agreed (61:0) (One abstention)

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

That the following Members, currently appointed to the Merseyside Integrated Transport Authority (MITA) be appointed to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority:

- Councillor RL Abbey
- Councillor S Foulkes
- Councillor SL Rowlands
- Councillor J Salter

The motion was agreed (61:0) (One abstention)

Resolved (61:0 (One abstention) –

- (1)** That the Chief Executive, in consultation with the three Group Leaders, be authorised to nominate and fill the officer vacancy on the Management Board of Leasowe Community Homes.

(2) That the Leader of the Council, Councillor Phil Davies, be appointed as the Council's Member on the Combined Authority and Councillor Ann McLachlan be appointed as the substitute Member.

(3) That the following Members, currently appointed to the Merseyside Integrated Transport Authority (MITA) be appointed to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority:

- Councillor RL Abbey**
- Councillor S Foulkes**
- Councillor SL Rowlands**
- Councillor J Salter**