

COUNCIL

Tuesday, 30 April 2013

Present:

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

Councillors	RL Abbey	T Harney	C Povall
	C Blakeley	P Hayes	D Realey
	E Boulton	A Hodson	L Rennie
	P Brightmore	K Hodson	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	I Lewis	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		

Apologies Councillors S Hodrien

141 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

142 **MAYOR'S COMMUNICATIONS**

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

The Mayor welcomed Councillor David Elderton who had been absent from Council meetings for a while due to ill health and wished him a continued recovery.

The Mayor announced that the recipient of the Andy Day Memorial Cup for 2012/13, 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 Steve Williams.

The Mayor, who was presiding over his last full meeting of the Council, thanked all those who had supported him during his year in office.

143 **PETITIONS**

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

Councillor Mike Sullivan on behalf of 61 signatories requesting an investigation into the poor state of the roads in the area.

Councillor Walter Smith on behalf of 95 signatories requesting an investigation into anti-social behaviour in the Mayer Park area of Bebington.

Councillor Tony Smith on behalf of 250 signatories opposing the “Bedroom Tax”.

Councillor Anita Leech on behalf of 273 signatories opposing the “Bedroom Tax”

Councillor Jeanette Williamson on behalf of 577 signatories opposing the “Bedroom Tax”

Councillor Irene Williamson on behalf of 43 signatories against the closure of the Eastham Centre.

RESOLVED:

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

144 **MINUTES**

RESOLVED:

That the minutes of the Council Meeting held on 5 March 2013 be confirmed as a correct record.

145 **LEADER'S ANNOUNCEMENTS**

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

- **Councillor David Elderton**

The Leader informed that he was pleased to see Councillor Elderton, who was attending his first meeting for a number of months, following a serious illness, and wished him well in his continued recovery. These sentiments were echoed by the other two political group Leaders.

Councillor Elderton thanked the Mayor and the three Political Group Leaders for their comments, kind thoughts and support given to him and his wife during his illness. He had been overwhelmed by the kindness he had been shown.

- **Mayor and Mayoress**

The Leader paid tribute to the outstanding work carried out during the year by the Mayor and Mayoress. He particularly noted the excellent work undertaken with their chosen charities and commented that he had been impressed by their generosity, warmth, spirit and passion for the Borough of Wirral. The Leaders of the Conservative and Liberal Democrats Groups (Councillors Green and Harney) echoed the Leader's comments agreeing that the Mayor and Mayoress had done an excellent job and asked that their appreciation be placed on record.

The Mayor thanked the Group Leaders for their tributes and support during his mayoral year.

146 REVISIONS TO THE CONSTITUTION

In accordance with Standing Order 7(1), Cabinet Minute 241, 18 April 2013, Revisions to the Constitution, was submitted for approval by the Council, but was the subject of two amendments.

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

That Council is recommended to:

- (1) adopt the revised constitution as set out as Appendix 3 to the Chief Executive's report;
- (2) note that additional consequential changes will need to be made over the next year in the light of operating the new Policy and Performance Committees and Constituency Committee arrangements;
- (3) rename the Standards Committee the Standards and Constitutional Oversight Committee;
- (4) delegate the following additional responsibilities to the Standards and Constitutional Oversight Committee:

To keep the Council's constitutional arrangements under review and to make such recommendations to the Council as it considers appropriate for ways in which the constitution should be amended in order to better achieve the purposes set out in Article 1 (set out at paragraph 2.23 of the Chief Executive's report); and

Oversee and agree such minor changes to the Council's constitution arrangements as are recommended by the Monitoring Officer from time to time.

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Given its history, Council believes it is dangerous to remove the Children and Young People and the Adult Social Services Health and Wellbeing Scrutiny Committees.
- (2) Given the lack of detail regarding the finances, powers, responsibilities and processes of the proposed Area Committees and the lack of clarity regarding its roles with regard to Public Sector Boards, Council believes it is unable to support this proposal at this time.
- (3) As the changes proposed to the Council Procedures and Standing Orders will remove the opportunity for Councillors to raise matters of concern to them or have these items debated. Council believes this will place even greater power in the hands of the administration at the expense of ordinary members of the Council. Seen alongside the administration's desire to abolish annual local elections and the lack of any 'opposition time' to raise matters of concern to the public and have them debated by the Council.

Council therefore rejects those Amendments of the Constitution outlined in the Summary of Amendments and listed as:

- Article 6 Overview and Scrutiny Committees
- Article 10 Creation of four Area Committees
- Part 4 Council Procedure and Standing Orders

Amendment submitted in accordance with Standing Order 7(2)

Proposed by Councillor Tom Harney

Seconded by Councillor Phil Gilchrist

Delete all and replace with:

This Council regrets that the Democracy Working Party was unable to reach a consensus on the way Wirral Council should move forward. Council believes that insufficient time was set aside to study the way other Councils serve their residents and that only limited evidence of best practice was studied.

Council considers that:

- a. the proposed format for Council meetings provides insufficient time for debate.
- b. the process proposed for questioning Cabinet Members and consideration of the answers is insufficient to hold them to account.
- c. the proposed Scrutiny arrangements, with only three Policy and Performance Committees, fail to provide sufficient opportunities for effective scrutiny.
- d. the Constituency Committees, though intended to provide a replacement for the Area Forums, cover areas that are too large for effective public participation.

In these circumstances, the revised Constitution be not approved, the present arrangements continue for the time being and the Democracy Working Party be requested to reconvene to give further consideration to these arrangements, including an examination of the committee systems re-introduced elsewhere.

Following a combined debate on both amendments and Councillor Phil Davies having replied, the Liberal Democrat amendment was put and lost **(27:37) (One abstention)**.

In respect of the Conservative amendment Councillor Green along with five Conservative Members, asked that a "card vote" be recorded. The Council divided as follows –

For the Motion (26) Councillors C Blakeley, E Boulton, A Brighthouse, W Clements, T Cox, DM Elderton, L Fraser, PN Gilchrist, J Green, J Hale, T Harney, P Hayes, AC Hodson, K Hodson, M Hornby, P Kearney, SE Kelly, I Lewis, GD Mitchell, SR Mountney, Mrs C Povall, Mrs L Rennie, SL Rowlands, A Sykes, GCJ Watt, Mrs P Williams and S Williams.

Against the Motion (37) Councillors RL Abbey, P Brightmore, J Crabtree, G Davies, P Davies, WJ Davies, D Dodd, P Doughty, S Foulkes, P Glasman, RJ Gregson, P Hackett, M Johnston, AER Jones, C Jones, B Kenny, A Leech, ARC McLachlan, M McLaughlin, Mrs C Meaden, B Mooney, C Muspratt, S Niblock, T Norbury, D Realey, DE Roberts, J Salter, H Smith, PA Smith, W Smith, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

One abstention - Councillor G Ellis.

The Conservative amendment was therefore put and lost 26:37 (one abstention)

RESOLVED: (37:27) (One abstention) (Councillors C Blakeley, E Boulton, W Clements, T Cox, DM Elderton, L Fraser, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, P Kearney, I Lewis, SR Mountney, Mrs C Povall, Mrs L Rennie, SL Rowlands, A Sykes, GCJ Watt and S Williams voted against).

That

- (1) the revised constitution as set out as Appendix 3 to the Chief Executive's report be adopted;**
- (2) the additional consequential changes needed to be made over the next year in the light of operating the new Policy and Performance Committees and Constituency Committee arrangements be noted;**
- (3) the Standards Committee be renamed the Standards and Constitutional Oversight Committee;**
- (4) the following additional responsibilities be delegated to the Standards and Constitutional Oversight Committee:**

To keep the Council's constitutional arrangements under review and to make such recommendations to the Council as it considers appropriate for ways in which the constitution should be amended in order to better achieve the purposes set out in Article 1 (set out at paragraph 2.23 of the Chief Executive's report); and

Oversee and agree such minor changes to the Council's constitution arrangements as are recommended by the Monitoring Officer from time to time.

147 OTHER MATTERS REQUIRING APPROVAL BY THE COUNCIL

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

RESOLVED:

That the following matter be approved:

**Minute 221 (Cabinet – 14 March 2013)
Neighbourhood Planning Designations – Devonshire Park and Hoylake**

148 MATTERS FOR NOTING

RESOLVED: That the following matters be noted

- (1) **Minute 125 (Cabinet – 14 March 2013) Financial Monitoring – Revenue (Month 10)**
- (2) **Minute 216 (Cabinet – 14 March 2013) Financial Monitoring – Capital (Month 10)**
- (3) **Minute 242 (Special Cabinet – 18 April 2013) Financial Monitoring – Revenue (Month 11)**
- (4) **Minute 243 (Special Cabinet – 18 April 2013) Financial Monitoring – Capital (Month 11)**

149 VACANCIES

In accordance with Standing Order 25(6) the Council had received two nominations in respect of the vacancy on Leasowe Community Homes Management Board, as follows

- Councillor Chris Blakeley

- Councillor John Salter

In respect of the nominations received, The Council divided as follows –

For Councillor Chris Blakeley (21) Councillors C Blakeley, E Boulton, W Clements, T Cox, DM Elderton, L Fraser, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, P Kearney, I Lewis, SR Mountney, Mrs C Povall, Mrs L Rennie, SL Rowlands, A Sykes, GCJ Watt and S Williams.

For Councillor John Salter (36) Councillors RL Abbey, P Brightmore, J Crabtree, G Davies, P Davies, WJ Davies, D Dodd, P Doughty, S Foulkes, P Glasman, RJ Gregson, P Hackett, AER Jones, C Jones, B Kenny, A Leech, ARC McLachlan, M McLaughlin, Mrs C Meaden, B Mooney, C Muspratt, S Niblock, T Norbury, D Realey, DE Roberts, J Salter, H Smith, PA Smith, W Smith, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

Abstentions (8) - Councillor A Brighthouse, G Ellis, PN Gilchrist, T Harney, M Johnston, SE Kelly, GD Mitchell and Mrs PM Williams.

RESOLVED: (36:21) (8 abstentions) :-

That Councillor John Salter be appointed to the vacant position in respect of Leasowe Community Homes Management Board.