

COUNCIL

Monday, 20 October 2014

Present: The Civic Mayor (Councillor Steve Foulkes) in the Chair
Deputy Civic Mayor (Councillor Les Rowlands)

Councillors	RL Abbey	P Hackett	Tracey Pilgrim
	T Anderson	J Hale	C Povall
	B Berry	P Hayes	D Realey
	C Blakeley	A Hodson	L Reecejones
	E Boulton	K Hodson	L Rennie
	A Brighthouse	M Hornby	D Roberts
	P Brightmore	T Johnson	J Salter
	C Carubia	AER Jones	H Smith
	P Cleary	C Jones	Tony Smith
	W Clements	S Kelly	W Smith
	M Daniel	A Leech	C Spriggs
	G Davies	AR McLachlan	A Sykes
	P Davies	M McLaughlin	J Walsh
	WJ Davies	C Meaden	G Watt
	P Doughty	D Mitchell	S Whittingham
	D Elderton	B Mooney	J Williamson
	G Ellis	C Muspratt	I Williams
	P Gilchrist	S Niblock	KJ Williams
	JE Green	T Norbury	P Williams
	R Gregson	M Patrick	S Williams

Apologies Councillors J Crabtree J Stapleton
L Fraser M Sullivan

35 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 being Board Members of Magenta Living, Councillors Steve Foulkes, Jeff Green, Denise Roberts and Stuart Whittingham declared a personal and prejudicial interest in agenda item 7C – 'Matters requiring approval by the Council' (see minute 48 post) in respect of Cabinet minute 71, 'Revision of Constitution Arrangements for Wirral Partnership Homes Trading as Magenta Living to Enable a Proposed Group Structure'.

Councillor Bill Davies declared a personal interest in agenda items 10C (i) – ‘Minority Report - Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure’ by virtue of him having relatives who had served in the armed forces but who did not reside in Wirral and in agenda item 10C (iii) – ‘Minority Report – The Lyndale School’ (see minute 56 post) by virtue of him having a family member attending Foxfield School.

Councillors Lesley Rennie, Steve Williams and Stuart Whittingham declared a personal interest in agenda item 10C (iii) – ‘Minority Report – The Lyndale School’ (see minute 56 post) by virtue of them being governors at Elleray Park, Foxfield and Gilbrook Schools, respectively.

Councillor Steve Niblock declared a personal interest in agenda item 7C – ‘Matters requiring approval by the Council’ (see minute 48 post) in respect of Cabinet minute 71, ‘Revision of Constitution Arrangements for Wirral Partnership Homes Trading as Magenta Living to Enable a Proposed Group Structure’ by virtue of his tenancy.

Councillor Chris Meaden declared a personal interest in agenda item 10C (i) – ‘Minority Report - Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure’ (see minute 54 post) by virtue of her daughter being a former member of the armed forces but who now resided abroad.

Councillor Adam Sykes declared a personal and prejudicial interest in agenda item 10C (i) – ‘Minority Report - Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure’ (see minute 54 post) by virtue of a family member being a former member of the armed forces.

Councillors Phillip Brightmore, Louise Reecejones, Denise Realey and Joe Walsh declared personal and prejudicial interests in agenda item 10C (i) – ‘Minority Report - Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure’ (see minute 54 post) by virtue of their former membership of the armed forces or Territorial Army.

Councillor Phillip Brightmore declared a personal and prejudicial interest in agenda item 10C (iii) – ‘Minority Report – The Lyndale School’ (see minute 56 post) by virtue of him being a governor at Stanley Special School.

Councillor Christina Muspratt declared a personal and prejudicial interest in agenda item 10C (i) – ‘Minority Report - Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure’ (see minute 54 post) by virtue of her son being a former member of the armed forces.

The last paragraph of this minute was subsequently amended by Council at its meeting on 8 December, 2014 (minute 70 refers) to read, ‘... by virtue of her son being a serving member of the armed forces.’

36 **MARK DELAP**

The Mayor referred to the recent and sudden death of Mark Delap, Principal Committee Officer and the Council stood in silent tribute to Mark's memory.

37 **CIVIC MAYOR'S ANNOUNCEMENTS**

The Mayor noted that apologies were received from Councillors Jim Crabtree, Leah Fraser, Jean Stapleton and Mike Sullivan.

The Mayor then proposed that with such a full agenda of business, the period of time allotted to questions to Cabinet Members be reduced to 45 minutes.

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

Resolved (42:16) (Two abstentions) (Councillor Blakeley voting against)
-

That Standing Order 11(e) be suspended and the total time allocated to questions to Cabinet Members be restricted to no more than 45 minutes.

On a motion by Councillor Bill Davies, seconded by Councillor Phil Davies, it was then –

Resolved (61:0) (One abstention) –

(1) That at item 10C (iii) on the agenda, given that the subject matter of all minority reports has been considered at Call-in meetings, only the movers, seconders, and appropriate Cabinet Members speak in relation to each report before the matter being put to the vote.

(2) That at item 11 on the agenda, given the number of Notices of Motion, only one from each Group be debated, in the order, Labour, Conservative and Liberal Democrat, after which the remaining Motions be dealt with in the order listed by being formally moved and seconded but without any debate, and that Standing Order 5(4) be suspended.

38 **PETITIONS**

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

Councillor Wendy Clements on behalf of 333 signatories objecting to any proposed reduction in opening hours at Greasby Library.

Councillor David Elderton on behalf of 160 signatories objecting to the proposed increase in the waiting restriction time from 30 minutes to 60 minutes in Acacia Grove, West Kirby.

Councillor Mike Hornby on behalf of 366 signatories objecting to any proposed reduction in opening hours at Irby Library.

Councillor Pat Cleary on behalf of 105 signatories regarding climate change.

Councillor Joe Walsh on behalf of 89 signatories requesting the introduction of speed bumps on Ashfield Road, Bromborough.

Councillor Steve Niblock on behalf of 1276 signatories requesting the retention of a school crossing patrol on the A41 in New Ferry.

Councillor Chris Jones on behalf of 354 signatories objecting to proposals for the establishment of a concrete crushing plant in Whitfield Road, Seacombe.

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

39 **PUBLIC QUESTIONS**

Mr J Brace, having given the appropriate notice in accordance with Standing Order 11, submitted a question on the requirement for Local Authorities to publish certain classes of information such as land and asset data.

Councillor Adrian Jones (Cabinet Member – Support Services) responded accordingly.

In accordance with Standing Order 10, Mr Brace asked a supplementary question and Councillor Jones replied that he would respond in writing.

40 **MINUTES**

The minutes of the Council meeting held on 14 July, 2014 had been circulated to Members and, it was –

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

Councillor Jeff Green sought to ask a question to Councillor Adrian Jones with regard to a response he had given at the meeting of Council on 14 July 2014 as recorded in the minutes.

The Head of Legal and Member Services advised that as the accuracy of the minutes had now been confirmed any questions in respect of such should be dealt with under item 9 of the agenda.

41 **LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS' REPORTS**

The Leader of the Council presented his summary report upon matters relevant to his portfolio. He responded to a question from Councillor Green and made a number of comments including –

- A review was taking place by Internal Audit to determine whether the Contract procedure rules had been followed correctly.
- An external organisation (V4) had assisted the Council to identify savings of £1,500,000 in years 1, 2 and 3, at a cost to the Council of £260,000.
- Some issues had been identified with contract procedure rules and this would be reported to the Audit and Risk Management Committee when a review had been completed.

Questions were then invited for Councillor Ann McLachlan on her Governance, Commissioning and Improvement Portfolio report. Her responses to questions from Councillors Lesley Rennie, Jeff Green and Janette Williamson including the following comments –

- A suggestion to review the possibility of sharing training events with outside bodies with the view to reduce costs and avoid duplication was welcomed and would be explored. Best practice across the North West region could be looked at by the Member Training Steering Group.
- Budget Proposals regarding Senior Management would be considered at December's budget Council.
- The Annual Governance Statement was a good news story for Wirral. The Council was now robust in its corporate governance arrangements, however, the Authority could not afford to be complacent and would continue to be scrutinised and monitored.
- She expanded upon the proposal to establish a Corporate Compliance Unit to deal with the Council's Internal Controls.

Questions were then invited for Councillor George Davies on the Neighbourhoods, Housing and Engagement Portfolio report. No questions were posed.

Questions were then invited for Councillor Pat Hackett on his Economy Portfolio report. His responses to questions from Councillors Stuart Kelly and Phil Gilchrist included the following comments –

- A number of neighbourhood forums were going ahead, including in Hoylake and Devonshire Park in order to address local issues such as

licensable activity. The situation in Oxton, with regards to the high numbers of licensed premises would be reviewed as part of this process.

- In respect of proposed plans for the regeneration of Birkenhead Town Centre, discussions were still ongoing with Neptune Developments. A full consultation would take place in due course, including exhibitions and surveys.

Questions were then invited for Councillor Adrian Jones on his Support Services Portfolio report. His responses to questions from Councillors David Elderton, Adam Sykes and Jeff Green included the following comments –

- A written response would be provided on the development of negotiations with the new owners of Tranmere Rovers in respect of the Ingleborough Road / Solar Campus proposals, which had now received planning approval.
- Following IT outages this year the Council now had a full 'disaster plan' in place to prevent similar occurrences.
- The Labour administration's approach to redundancies was less onerous than that of the previous administration and also the current administration had made no conditions in terms of negotiations with Trades Unions.

Questions were then invited for Councillor Chris Jones on the Adult Social Care and Public Health Portfolio report. No questions were posed.

Moving onto the Leisure, Sport and Culture Portfolio report, questions were then invited for Councillor Chris Meaden. She responded to a question from Councillor Chris Blakeley and made the following comment:

- As there was currently a consultation process under way she was not going to commit to anything at the moment regarding the libraries.

Questions were then invited for Councillor Bernie Mooney on her Environment and Sustainability Portfolio report. Her responses to questions from Councillors Chris Blakeley, Lesley Rennie (when asking her question, Councillor Rennie also declared a personal interest by virtue of her being a friend of Birkenhead Kennels), Stuart Kelly, Pat Cleary and Rob Gregson included the following comments –

- There were 146,000 households in Wirral, 38,105 of which had subscribed to the garden waste collection service, although quite a few households did not have gardens.
- With regards to Birkenhead Kennels, staff had expressed an interest in making use of land opposite their site to exercise the dogs. The land in question had multiple owners and had previously been developed. She informed the meeting that she would review the situation and the possibility of making use of the land and report back.

- She would look at the issue of street cleansing in Oxtown Village, with particular regard to addressing the matter of autumn leaf fall.
- There would be some data provided in due course regarding levels of fly tipping. Biffa had reported that they could now service areas in the allotted time, suggesting that problems with fly tipping had decreased, but there would be a report on this in six months.
- The transfer of Birkenhead Kennels to the Charity, Friends of Birkenhead Kennels, was underway and should be signed off within the week and she commended former Councillor Brian Kenny for his work on this matter.

Questions were then invited for Councillor Tony Smith on his Children and Family Services Portfolio report. His responses to questions from Councillors Denise Roberts and Treena Johnson included the following comments:

- The proportion of young people who were NEET (Not engaged in Employment, Education or Training) reduced in 2013/14. There had been positive results for children in care who had seen an increase in gaining employment post 18. The latest data showed in 2013/14, 66 percent care leavers progressed to employment, education or training. This was a 29 percent improvement in comparison to 2011/12.
- The percentage of children in early years foundation stage achieving a good level of development had increased to 63 per cent.
- Percentages of looked after children achieving reading and writing had increased, however attainment in mathematics had decreased and the reasons as to why this had occurred would be reviewed.
- He thanked all teachers, schools staff and officers for their work.

Questions were then invited for Councillor Stuart Whittingham on his Highways and Transport Portfolio report. His responses to questions from Councillors Chris Blakeley, Tony Norbury, John Salter and Harry Smith included the following comments:

- With new developments in Wirral such as the Wirral Waters Project it was key that the Borough had a good quality transport infrastructure.
- A written response would be provided regarding a question asked about the Heron Road, Meols scheme.
- European funding and funding from external partners was being investigated with regard to transport improvements and he would provide an update on this in the coming months.
- Specialised gangs of workers were carrying out works on surface dressing of roads filling in potholes.

Questions were then invited for the Policy and Performance Committee Chairs on their report. No questions were posed and it was then –

Resolved –

(1) That each of the Cabinet Portfolio Summary reports be noted.

(2) That the report of the Policy and Performance Committee Chairs be noted.

42 MATTERS REQUIRING APPROVAL BY THE COUNCIL

In accordance with Standing Order 5(2), six matters were submitted for approval by the Council (see minutes 43 to 48 post).

43 GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT

The first matter requiring approval was in relation to the Gypsy and Traveller Accommodation Assessment and the recommendations of Cabinet at its meeting 11 September 2014 (minute 51 refers).

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

Resolved (61:0) (One abstention) – That the recommendations contained within Cabinet minute 51, be approved.

44 UPDATE OF HR POLICIES

The second matter requiring approval was in relation to an update of HR Policies and the recommendations of the Audit and Risk Management Committee at its meeting 17 September 2014 (minute 30 refers).

On a motion by Councillor Ron Abbey, seconded by Councillor Phil Davies, it was –

Resolved (61:0) (One abstention) – That the Dignity at Work procedure and supporting documents, and the Council's Grievance Policy, be approved.

45 WIRRAL CLIMATE CHANGE STRATEGY 2014 - 19

The third matter requiring approval was in relation to the Wirral Climate Change Strategy 2014-19 and the recommendations of Cabinet at its meeting 9 October 2014 (minute 67 refers).

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

Resolved (61:0) (One abstention) – That the Wirral Climate Change Strategy 2014-19 be endorsed as the agreed framework to encourage and coordinate local climate-related action in Wirral.

46 **STREET LIGHTING STRATEGY**

The fourth matter requiring approval was in relation to the Street Lighting Strategy and the recommendations of Cabinet at its meeting 9 October 2014 (minute 68 refers).

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

Resolved (61:0) (One abstention) – That the recommendations contained within Cabinet minute 68, be approved.

47 **AMENDMENT TO THE SCHEME OF DELEGATION - ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

The fifth matter requiring approval was in relation to amendments to the Scheme of Delegation and the recommendations of Cabinet at its meeting 9 October 2014 (minute 70 refers).

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

Resolved (61:0) (One abstention) – That the proposed changes to the Council's Scheme of Non-Executive Delegation of Functions to Officers within the Constitution, as set out in Appendix 2 to the report, be approved.

48 **REVISION OF CONSTITUTION ARRANGEMENT FOR WIRRAL PARTNERSHIP HOMES TRADING AS MAGENTA LIVING TO ENABLE A PROPOSED GROUP STRUCTURE**

Councillors Steve Foulkes, Jeff Green, Denise Roberts and Stuart Whittingham, having declared an interest in this matter, left the Chamber during its consideration.

Councillor Les Rowlands, Deputy Civic Mayor, in the Chair.

The sixth matter requiring approval was in relation to a revision of the Constitution arrangement for Wirral Partnership Homes, trading as Magenta Living, to enable a proposed group structure and the recommendations of Cabinet at its meeting 9 October 2014 (minute 71 refers).

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

Resolved (57:0) (One abstention) – That the recommendations contained within Cabinet minute 71, be approved.

49 **MATTERS FOR NOTING**

The Civic Mayor, Councillor Steve Foulkes, resumed the Chair.

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

Resolved – That minute 27 (Cabinet – 7 July 2014) – Financial Monitoring 2014/2015 and minute 46 (Cabinet – 11 September 2014) – Financial Monitoring 2014/2015 (Months 3/4), be noted.

In respect of minute 49 (Cabinet – 11 September 2014) - Notice of Motion – The Brown Bin Tax and the Digital Divide, an amendment had been submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Stuart Kelly

Seconded by Councillor Dave Mitchell

“Council notes the response of Cabinet of the 11 September 2014 to the Notice of Motion referred to it by the Mayor on 14 July 2014 entitled The Brown Bin tax and the Digital Divide.

Council however disagrees with the conclusion of the Cabinet Member for Environment and Sustainability for the following reasons:

- The additional £5 off-line charge for people not willing or able to subscribe online is being paid disproportionately by residents living in Wirral's most deprived wards (26% in Birkenhead & Tranmere and Seacombe, 20% in Bidston & St James, 18% in Liscard, 16% in Rock Ferry)
- The digital surcharge is at odds with previously agreed Motions passed by the Council, particularly the Motion entitled Digital Inclusion moved by Councillor Brian Kenny on 16 April 2012.
(<http://democracy.wirral.gov.uk/mgAi.aspx?ID=17254>)
- The suggestion that libraries are available to assist people to subscribe online is likely to be diminished should the proposals to drastically reduce libraries' opening times in the current budget proposals be agreed.
- The additional charge is considered particularly unfair as it is the only council service that operates such a digital divide.

Council finally notes the Cabinet rejected the suggestion in the Motion that the £5 could be refunded and, instead, decided to spend circa £10,000 on an advice leaflet to be distributed with the council tax bills. Council considers that the cost of the 'advice leaflet' plus the additional income secured above the

budget target could be utilised to standardise the cost of subscription and eliminate the unfair digital divide.

Accordingly Council resolves to ask Cabinet to reconsider the issues in the motion.”

The Mayor then invited the mover of the amendment to speak, followed by the seconder and the Cabinet Member to reply.

Whilst replying, Councillor Bernie Mooney declared a personal interest in the matter by virtue of her employment with Age UK.

The amendment was then put and lost (27:34) (One abstention).

It was then –

Resolved (34:27) (One abstention) – That minute 49 (Cabinet – 11 September 2014) - Notice of Motion – The Brown Bin Tax and the Digital Divide, be noted.

50 MEMBERS' QUESTIONS

Councillor Phil Gilchrist, having given the appropriate notice in accordance with Standing Order 10(2) (b), submitted a question addressed to Councillor Phil Davies (Leader of the Council), in respect of money being given back to the Council by Merseyside Waste and Recycling Authority.

Councillor Davies had not been given notice of the question and stated that he would provide a written answer to Councillor Gilchrist.

Councillor Stuart Kelly, having given the appropriate notice in accordance with Standing Order 10(2) (b), submitted a question addressed to Councillor George Davies (Cabinet Member for Neighbourhoods, Housing and Engagement), in respect of special bye-laws on dog controls.

Councillor George Davies responded accordingly.

Councillor Alan Brighouse, having given the appropriate notice in accordance with Standing Order 10(2) (b), submitted a question addressed to Councillor Phil Davies (Leader of the Council), in respect of the current position at Williamson Art Gallery.

Councillor Phil Davies responded accordingly.

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

Two matters had been referred to the Council by Policy and Performance Committees, in accordance with Standing Order 7(5) and a number of Minority reports had been submitted for the Council's consideration (see minutes 52 to 56 post).

52 **UNDERGROUND COAL GASIFICATION - COMMITTEE REFERRAL**

At the meeting of the Council on 14 July, 2014 (minute 17 refers) the Mayor had referred a Notice of Motion, 'Underground Coal Gasification' to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee on 22 September, 2014 (minute 15 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 -

The Notice of Motion be supported and the Council be advised accordingly.

On a motion by Councillor Jerry Williams, seconded by Councillor Phil Davies, it was –

Resolved – That the Motion be agreed as follows:

- (1) Council recalls that at its meeting on 18 July 2011 it approved, with unanimous (all-party) support, a motion 'Shale Gas Fracking' (minute 28 refers) stating its opposition to shale gas or coal bed methane testing or extraction in Wirral until the Council was satisfied as to the safety of the process and the risk of adverse environmental impacts had been fully addressed.
See:
<http://democracy.wirral.gov.uk/documents/g3562/Printed%20minutes%2018th-Jul-2011%2018.15%20Council.pdf?T=1>
- (2) It has subsequently emerged that conditional licences to explore for underground coal gasification under parts of the Dee Estuary, including the Hilbre Islands and a coastal strip from Caldy to Hoylake have been granted to Cluff Natural Resources Ltd and for an area just off the entire North Wirral Coast to Riverside Energy Ltd.
- (3) Council notes that the Hilbre Islands are within the Dee Estuary Special Area of Conservation and Dee Estuary Special Protection Area (all part of a network of protected sites stretching across

Europe called Natura 2000) and therefore covered by the Conservation of Habitats and Species Regulations which also covers the Dee Estuary Ramsar Site. They are also protected through national legislation under the Countryside and Rights of Way Act as a Site of Special Scientific Interest, as is the North Wirral Coast and the Mersey Narrows.

- (4) Council notes that operations both onshore and above the low water mark would require planning approval to be granted by this authority and also that the Hilbre Islands and much of the coastal strip are within its ownership and thus under its control.
- (5) Therefore, Council:
 - (a) Confirms its opposition to Unconventional Gas Extraction, including Underground Coal Gasification, Coal Bed Methane and Fracking, under Wirral, its offshore coastal waters and the Dee and Mersey estuaries until such time as the Council is satisfied as to the safety of the process and that the risk of adverse environmental impacts have been fully addressed.
 - (b) Instructs the Chief Executive to write to the Secretary of State for Energy and Climate Change and to Wirral's four Members of Parliament, informing him and them of this decision.
 - (c) Instructs the Chief Executive to write to Wirral's neighbouring coastal local authorities (Sefton, Liverpool, Halton, Cheshire West & Chester, and Flintshire) informing them of this decision and inviting them to pass an equivalent resolution with the intention of protecting our shared environment.

53 PRIVATE RENTED SECTOR REFORM - COMMITTEE REFERRAL

At the meeting of the Council on 14 July, 2014 (minute 17 refers) the Mayor had referred a Notice of Motion, 'Private Rented Sector Reform', to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee on 22 September, 2014 (minute 16 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 -

The Notice of Motion be supported and the Council be advised accordingly."

On a motion by Councillor Jerry Williams, seconded by Councillor Phil Davies, it was –

Resolved – That the Motion be agreed as follows -

Council re-affirms its support for the Selective Landlord Licensing Scheme proposed in the 2014/2015 Labour Group budget. It also welcomes the significant proposals put forward by the Labour Party in relation to preventing tenants being ripped-off by unscrupulous landlords and providing them with long term security they desperately need. More specifically –

- **The introduction of longer term three year tenancies**
- **The banning of letting agents fees to tenants, saving them on average £350**
- **Predictable rents with Landlords only allowed to review them once every year with an upper ceiling to prevent excessive rises.**

54 MINORITY REPORTS - TRANSFORMATION OF LEISURE SERVICES SPORTS AND LEISURE FACILITIES PRICING STRUCTURE

Councillors Philip Brightmore, Christina Muspratt, Louise Reecejones, Denise Realey, Adam Sykes and Joe Walsh, having declared an interest in this matter left the Chamber during its consideration.

The Council considered two Minority Reports in respect of 'Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure'.

The Mayor invited the movers of the Minority Reports to speak, followed by the seconder and the Cabinet Member to reply.

Councillors Phil Gilchrist and Paul Hayes moved the Minority Reports in respect of the Liberal Democrat and Conservative Groups respectively. They were then formally seconded by Councillors Dave Mitchell and Jeff Green respectively.

Councillor Chris Meaden having replied, the Minority Report proposed by Councillor Gilchrist was put and lost (23:29) (One abstention).

The Minority Report proposed by Councillor Hayes was put and lost (25:29) (One abstention).

55 MINORITY REPORT - PUBLIC HEALTH OUTCOMES FUND (HEALTHY HOMES AND FOREST SCHOOLS)

The Council considered a Minority Report in respect of 'Public Health Outcomes Fund (Healthy Homes and Forest Schools)'.

The Mayor invited the mover of the Minority Report to speak, followed by the seconder and the Cabinet Member to reply.

Councillor Stuart Kelly moved the Minority Report which was seconded by Councillor Dave Mitchell.

Councillor Phil Davies having replied, the Minority Report was put and lost (27:34) (One abstention).

56 **MINORITY REPORT - THE LYNDALE SCHOOL**

Councillor Phillip Brightmore having declared an interest in this matter left the Chamber during its consideration.

The Council considered a Minority Report in respect of 'The Lyndale School'.

Councillor Paul Hayes formally moved the Minority Report which was seconded by Councillor Tom Anderson.

Councillor Phil Gilchrist then moved an amendment to the Minority Report, seconded by Councillor Dave Mitchell as follows:

"It be noted that the SEN Improvement Test as set out on Page 87 as Appendix 3 in the Consultant's report did not fully set out paragraph 40 as set out in the Guidance Document, namely that:

'...decision makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which questions the proposer's assessment'.

... was not included and that, therefore, the matter should be referred back to Cabinet so that they can fully set out how they have undertaken this assessment in the light of the guidance."

The Head of Legal and Member Services advised the Council that it was possible for an amendment to be moved without notice as notice was only required in respect of amendments to Notices of Motion.

The Mayor then adjourned the meeting at 8.05pm whilst the amendment was circulated.

The meeting resumed at 8.15pm.

The Mayor invited the mover of the Minority Report to speak, followed by the seconder.

Councillor Gilchrist then spoke to his amendment and Councillor Tony Smith replied.

Prior to the vote on the amendment, Councillor Jeff Green and five Conservative Members rose to request a 'card vote'.

A 'card vote' was then taken on Councillor Gilchrist's amendment and the Council divided as follows:

For the amendment (27) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighouse, C Carubia, P Cleary, Mrs W Clements, D Elderton, G Ellis, P Gilchrist, J Green, J Hale, P Hayes, A Hodson, K Hodson, M Hornby, S Kelly, D Mitchell, T Pilgrim, C Povall, Mrs L Rennie, L Rowlands, A Sykes, G Watt, Mrs P Williams and S Williams.

Against the amendment (33) Councillors R Abbey, M Daniel, G Davies, P Davies, W Davies, P Doughty, R Gregson, P Hackett, T Johnson, A Jones, C Jones, A Leech, A McLachlan, M McLaughlin, C Meaden, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, D Roberts, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

One abstention – Councillor S Foulkes.

The amendment was therefore lost (27:33) (One abstention).

Prior to the vote on the Minority Report, Councillor Jeff Green and five Conservative Members rose to request a 'card vote'.

A 'card vote' was then taken on the Minority Report and the Council divided as follows:

For the Minority Report (27) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighouse, C Carubia, P Cleary, Mrs W Clements, D Elderton, G Ellis, P Gilchrist, J Green, J Hale, P Hayes, A Hodson, K Hodson, M Hornby, S Kelly, D Mitchell, T Pilgrim, C Povall, Mrs L Rennie, L Rowlands, A Sykes, G Watt, Mrs P Williams and S Williams.

Against the Minority Report (33) Councillors R Abbey, M Daniel, G Davies, P Davies, W Davies, P Doughty, R Gregson, P Hackett, T Johnson, A Jones, C Jones, A Leech, A McLachlan, M McLaughlin, C Meaden, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, D Roberts, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

One abstention – Councillor S Foulkes.

The Minority Report was therefore lost (27:33) (One abstention).

57 **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). Homes that Meet our Future Needs
 To be debated
- (ii). Townmeadow Station
 To be debated
- (iii). 44 Councillors
 To be referred to the Policy and Performance Coordinating Committee
- (iv). Support for HS2
 To be debated
- (v). Labour's Financial Mismanagement
 To be debated
- (vi). Devolution to City Regions and Local Government
 To be debated

58 **MOTION - DEVOLUTION TO CITY REGIONS AND LOCAL GOVERNMENT**

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

This Council welcomes the result of the Scottish referendum and is pleased that the people of Scotland voted to stay within the United Kingdom.

Council notes that the coalition government has agreed to produce legislation by January 2015 to devolve additional powers and responsibilities to Scotland and the other constituent parts of the United Kingdom.

Council supports the principle that decisions on the needs of Wirral and the Liverpool City Region are best made by locally elected members rather than ministers and civil servants in Whitehall.

Council therefore believes that a key part of the proposed legislation should include measures to devolve more powers and funding from Whitehall to City Regions and local authorities in England.

Council urges the government to refuse to pander to right-wing Tory backbenchers who wish to use the result of the Scottish referendum for party political advantage.

Council therefore agrees to lobby the government for greater devolution to Wirral Council and the Liverpool City Region Combined Authority and to write to the four Wirral MPs to request them to support this stance.

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 Geoffrey Watt

Seconded by Councillor Adam Sykes

To the existing first paragraph add: 'Council notes the Prime Minister's determination to meet the commitments made by the leaders of the three main parties at Westminster through the 'Better Together' campaign'.

To the existing second paragraph add: 'on the basis of fairness'.

From the existing third paragraph delete: 'the Liverpool City Region' *and replace with* 'neighbouring authorities'.

From the existing fourth paragraph delete: 'City Regions and'.

Delete the entire fifth paragraph and replace with: 'Council welcomes the enthusiasm expressed by the Rt. Hon. George Osborne MP, Conservative Chancellor of the Exchequer, for a Northern Powerhouse and looks forward to Wirral playing a full part in such an initiative'.

From the sixth paragraph delete: 'the Liverpool City Region Combined Authority' *and replace with* 'neighbouring authorities'.

Second amendment -

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

Add:

Council recognises that both the LGA (in its document 'Investing in our Nation's future') and the 'Core Cities' group look forward to devolution of funding associated with the work programme, with the commissioning of

investment in apprenticeships, training and other funds being brought together in 'Place based settlements'.

Council notes that these steps would remove the responsibility of running this funding from the Civil Service and take control of that funding from central Government.

In achieving democratic control over and accountability for these potential funding streams:

- a. the open nature of the Combined Authority and its decision making must be assured;
- b. the ability of councillors and constituents to develop policy and properly influence the direction of spending should be enshrined;
- c. any funding, duties and responsibilities should be democratically accountable and not fall into the hands of an elected Mayor.

Prior to debating this motion, Councillor Phil Davies moved, it was duly seconded and –

Resolved – That Standing Order 9 be suspended until after three debates had taken place.

Following a debate and Councillor Phil Davies having replied, the first amendment was put and lost (19:41) (One abstention).

The second amendment was put and carried (41:19) (One abstention).

The substantive motion as amended was put and carried (41:19) (One abstention).

Resolved (41:19) (One abstention) –

- (1) This Council welcomes the result of the Scottish referendum and is pleased that the people of Scotland voted to stay within the United Kingdom.**
- (2) Council notes that the coalition government has agreed to produce legislation by January 2015 to devolve additional powers and responsibilities to Scotland and the other constituent parts of the United Kingdom.**
- (3) Council supports the principle that decisions on the needs of Wirral and the Liverpool City Region are best made by locally elected members rather than ministers and civil servants in Whitehall.**

- (4) Council therefore believes that a key part of the proposed legislation should include measures to devolve more powers and funding from Whitehall to City Regions and local authorities in England.
- (5) Council urges the government to refuse to pander to right-wing Tory backbenchers who wish to use the result of the Scottish referendum for party political advantage.
- (6) Council therefore agrees to lobby the government for greater devolution to Wirral Council and the Liverpool City Region Combined Authority and to write to the four Wirral MPs to request them to support this stance.
- (7) Council recognises that both the LGA (in its document 'Investing in our Nation's future') and the 'Core Cities' group look forward to devolution of funding associated with the work programme, with the commissioning of investment in apprenticeships, training and other funds being brought together in 'Place based settlements'.
- (8) Council notes that these steps would remove the responsibility of running this funding from the Civil Service and take control of that funding from central Government.
- (9) In achieving democratic control over and accountability for these potential funding streams:
 - a. the open nature of the Combined Authority and its decision making must be assured;
 - b. the ability of councillors and constituents to develop policy and properly influence the direction of spending should be enshrined;
 - c. any funding, duties and responsibilities should be democratically accountable and not fall into the hands of an elected Mayor.

The Mayor stated that Councillor Green had declared a prejudicial interest in this item and left the Chamber during the debate.

59 **MOTION - TOWNMEADOW STATION**

Proposed by Councillor Steve Williams

Seconded by Councillor Bruce Berry

- (1) Council notes the investment in our railways, notably the £400 million for electrifying lines in the North West, including £160 million to electrify the line between Liverpool and Manchester.

(2) Council welcomes the Long Term Rail Strategy, developed by Merseytravel and Network Rail, which outlines further ways in which investment in the local rail network can help to deliver additional benefits for the economy and local commuters, including:

- Service improvements on the Bidston - Wrexham line, electrification and new stations.
- New stations, including Townmeadow, on the Wirral Line

(3) Council instructs the Chief Executive to make available all evidence held by the Council that can be used to support the business case for these improvements, including data on jobs, investment, travel and population in the areas affected.

Following a debate and Councillor Steve Williams having waived his right of reply, the motion was put and carried (61:0) (One abstention).

Resolved (61:0) (One abstention) – That the motion be approved.

60 **MOTION - HOMES THAT MEET OUR FUTURE NEEDS**

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

This Council welcomes the publication of 'Housing in later life' by Age UK.

Council notes that the report called on the Government to ensure that all new homes are built to the 'lifetime standard' so that they can be easily adapted as people age, with standards that allow older people with different care needs to live independently, for as long as possible.

<http://www.ageuk.org.uk/latest-press/lack-of-suitable-housing-costing-the-nhs-millions-every-year/>

Council notes that the document contained a number of observations and recommendations about re-ablement services, assessments of properties and commissioning strategies and future investment in extra care housing.

Council also recognises that the Government has introduced five core standards for housing.

These include new optional building regulations for accessible and adaptable mainstream housing to meet the needs of older and disabled people.

<https://www.gov.uk/government/consultations/housing-standards-review-technical-consultation>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354091/02_140731_HSR_Supporting_Doc1_Access.pdf

Council requests that appropriate officers and Cabinet Members:

- (1) Review these publications and respond to the consultation.
- (2) Establish how the Council's current and emerging policies can reflect these suggestions, requests and changes.
- (3) Consider how new building projects in the Borough can be provided with hallways and doorways that enable adequate access in line with the outcome of the consultation and legislation.
- (4) Report back on their findings and on which matters they can take forward.

Following the mover and seconder speaking, the motion was put and carried (61:0) (One abstention).

Resolved (61:0) (One abstention) – That the motion be approved.

61 **MOTION - SUPPORT FOR HS2**

Proposed by Councillor Paul Hayes

Seconded by Councillor Tom Anderson

This Council, in recognising that High Speed Rail will do much to ensure that Wirral continues to benefit from our nation's growing economy, resolves to:

- (1) Fully support the '20 Miles More' campaign and the Liverpool Echo's 'Linking Liverpool' campaign which seeks to ensure that Liverpool is directly linked to the proposed High Speed Rail network.
- (2) Asks the Chief Executive to write to the Chancellor of the Exchequer expressing this Council's determined support for the campaign for Liverpool to have a direct connection to HS2 and furthermore our support for any HS3 East – West route to begin with Liverpool.

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

Resolved (60:1) (One abstention) – That the motion be approved.

62 **MOTION - LABOUR'S FINANCIAL MISMANAGEMENT**

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

Council is extremely disappointed to note the reported £260,000 spent with the V4 consultancy firm and believes this is yet another demonstration of Labour's lack of grasp of economic realities.

In addition, the Labour Administration has overseen –

£150,000 spent on 'illegal' vehicles
£100,000 spent on the old Town Hall lift
£26,000 spent on a new carpet for Wallasey Town Hall
£20,000 spent on upgrading toilets in Wallasey Town Hall
£1,000,000 spent on the so called 'Downtown Abbey' staircases

These warped financial decisions means the public is now faced with choosing whether to stop funding school crossing patrols and closing libraries in the latest budget consultation.

Council believes that hardworking Wirral residents have the absolute right to know exactly where their hard earned cash goes and therefore Council requests the Standards and Constitutional Oversight Committee urgently review the current scheme of delegation with a view to recommending that the scheme be altered so that all consultancy spend in excess of £50,000 is reported to Cabinet prior to authorisation being given.

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

The motion was put and lost (26:35) (One abstention).

63 **VACANCIES**

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

Committees

Policy and Performance Coordinating Committee

Councillor Andrew Hodson to replace Councillor Chris Blakeley as spokesperson and Councillor Blakeley to become a deputy for this Committee.

Outside Bodies

Clatterbridge Cancer Centre NHS Foundation Trust

Councillor Matt Daniel to replace Councillor Anita Leech as a Governor.

Resolved – That the appointments and amendments to the membership of the Committee and outside body listed above, be approved.