

COUNCIL

Monday, 2 November 2009

Present: The Mayor (Councillor Andrew Hodson) in the Chair
Deputy Mayor (Councillor Alan Jennings)

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

Apologies Councillors IO Coates M Redfern
T Harney P Reisdorf

45 MAYOR'S COMMUNICATIONS

The Mayor welcomed pupils from West Kirby Residential School who had been invited to speak to the Council regarding their school council. They each gave a brief presentation of their school's work in this area and the benefits in terms of their own personal development, good citizenship, and the opportunity for pupils to bring forward their ideas on improvements to the running of the school.

The Mayor congratulated the staff and pupils of West Kirby for their involvement in the school council on behalf of the Council and wished them well for the future.

46 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillors C Blakeley, A McLachlan and A Taylor, asked the Director of Law, HR and Asset Management, to record a personal interest on behalf of all Members of the Council in respect of Motion 4 - Council Halls and Community Centres due to their membership of Joint Management Committees.

The members of the Council were invited to consider whether they had any further personal or prejudicial interests in connection with any matter to be debated or determined at the meeting and, if so, to declare it and state the nature of such interest. The following declarations were made:-

Councillor L Fraser declared a personal interest in respect of Motion 7 (Free Access to Leisure Facilities for Servicemen and Direct Dependents) by virtue of a family member serving in the armed forces.

Councillor M McLaughlin declared a personal interest in respect of Motion 1 (Adult Social Care – Public Interest Disclosure) by virtue of her friendship with the former Director of the Department.

Councillor J Quinn declared a personal interest in respect of Motion 7 (Free Access to Leisure Facilities for Servicemen and Direct Dependents) by virtue of a family member serving in the armed forces.

Councillor S Kelly declared a personal interest in respect of Motion 2 (The Wirral Apprentice) by virtue of his employment as a tutor of apprentices.

Councillor I Lewis declared a personal interest in respect of Motion 10 (Opposition to Air Passenger Duty) by virtue of his membership of an organisation which is opposed to the new banding system for air passenger duty.

Councillor D Kirwan declared a prejudicial interest in respect of Motion 1 (Adult Social Care – Public Interest Disclosure) by virtue of his law firm representing the whistleblower.

Councillor S Quinn declared a personal interest in respect of the following matters:-

Motion 1 (Adult Social Care – Public Interest Disclosure) by virtue of her employment.

Motion 7 (Free Access to Leisure Facilities for Servicemen and Direct Dependents) by virtue of a family member serving in the armed forces.

Councillor S Teggan declared a personal interest in respect Motion 7 (Free Access to Leisure Facilities for Servicemen and Direct Dependents) by virtue of him being a member of the Royal Air Force Volunteer Reserve.

Councillor S Holbrook declared a personal interest in respect Motion 3 (Quangos) by virtue of his employment.

Councillor P Williams declared a personal interest in respect Motion 1 (Adult Social Care – Public Interest Disclosure) by virtue of her involvement in the grievance panel meeting.

Councillor G Ellis declared a personal interest in respect Motion 1 (Adult Social Care – Public Interest Disclosure) by virtue of his involvement in the grievance panel meeting.

47 **PETITIONS**

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

- (a) Councillor A Jennings on behalf of 30 signatories requesting the introduction of waiting restrictions and improved signing at the junction of Tudor Avenue and Church Road, Bebington.
- (b) Councillor S Taylor on behalf of 61 signatories requesting measures to minimise disruption to neighbours of the Stoneacre Garage, Rowson Street, New Brighton.
- (c) Councillor A McLachlan on behalf of 160 signatories requesting traffic calming measures in the Boundary Road/Worcester Road/Gautby Road area, Birkenhead.
- (d) Councillor I Lewis on behalf of 72 signatories requesting the redesign of speed humps on the road leading to Leasowe Recreation Centre off Twickenham Drive, Leasowe.
- (e) Councillor J Salter behalf of 42 signatories requesting traffic calming measures in Percy Road, Palatine Road and Palermo Road, Seacombe.
- (f) Councillor P Williams on behalf of 3,529 signatories expressing their opposition to the school reorganisation proposals for Ridgeway, Park High and Rock Ferry High School.

48 **MINUTES**

The minutes of the meetings of the Council held on 13 July, 12 and 13 October, 2009 had been circulated to members, and it was:-

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

49 **MATTERS REQUIRING APPROVAL BY THE COUNCIL**

Resolved – That the following matters be approved, as required by the Constitution:-

- (i) Minute 63 (Cabinet - 23/7/09) Local Development Framework for Wirral – Review of Local Development Scheme
- (ii) Minute 73 (Cabinet -23/7/09) Street Lighting (Electricity) Contract Renewal
- (iii) Minute 80 (Cabinet -23/7/09) Proposed Extension to Landican Crematorium – Scheme and Estimate report
- (iv) Minute 114 (Cabinet -24/9/09) Annual Review of the Corporate Plan

(v) Minute 157 (Cabinet -15/10/09) Local Development Framework for Wirral – Employment and Premises Study

** (vi) Minute 163 (Cabinet -15/10/09) Terms of Reference – Scrutiny Programme Board (subject to an objection to this minute – item 11 Matters for Debate)

(vii) Minute 164 (Cabinet -15/10/09) Terms of Reference – Health and Well Being Overview and Scrutiny Committee

50 **NEW OUTSIDE BODY APPOINTMENT - LGA COMMUNITY WELL BEING BOARD**

Resolved – That the appointment of Councillor M McLaughlin to this body be confirmed.

51 **MATTERS FOR NOTING**

Resolved – That the following matters be noted, as required by the Constitution:-

Minute 57 (Cabinet – 23/7/09) – Appointment of Technical Adviser to the Wirral Academy/BSF Programme (Contract Procedure Rule 5.2)

Minute 64 (Cabinet – 23/7/09) – Sustainable Communities (Waiving of call-in)

Minute 91 (Cabinet – 3/9/09) – Home Purchase Loan Scheme (Contract Procedure Rule 5.2)

Minute 98 (Cabinet – 3/9/09) – PACSE (Contract Procedure Rule 5.2)

Minute 105 (Cabinet – 3/9/09) – Financial Assistance to a Company (Waiving of call-in)

Minute 106 (Cabinet – 3/9/09) – Intensive Business Start Up Service (Waiving of call-in)

52 **QUESTIONS**

Two members of the public, having given the appropriate notice in accordance with Standing Order 5(1)(j), submitted questions:

(1) Mr John Brace

In the Financial Year 2007/08, the Merseyside Pension Fund lost £45.6m.

In the Financial Year 2008/09, the Merseyside Pension Fund lost £733.8m.

In 2007/08 the pension contributions to the Merseyside Pension Fund receivable from Wirral Council were £32m – in 2008/09, this jumped to £36.5m

As this is a defined benefits pensions scheme, the employees and pensioners in the scheme are guaranteed specific benefits. At the end of 2007 it was only 80% funded (with a shortfall of over a £billion).

The employers in the scheme have to make up the shortfall in the Pension Fund through increased contributions. What will be the cost of the extra pension

contributions to Wirral Council in this financial year (2009/10), due to a drop in Pension Fund Assets?

Councillor Ann McLachlan responded to the questioner.

(2) Mrs Leonora Koeipland Bowring-Williams Brace

A petition of over 150 signatures was handed to the Bidston and St James Councillors at the Area Forum on 8 October 2009. This petition called for road safety measures in Worcester Road, Brow Road and Boundary Road. There have been many complaints from residents in this area about damage to their parked cars, as well as a number of near-accidents to pedestrians.

A number of parents in the area are concerned about their children's safety on these roads due to speeding and other bad driving practices. Numerous cars have been damaged and there has been damage to private property.

When and how will Wirral Council deal with this problem?

Councillor Harry Smith responded to the questioner.

Councillor Phil Davies responded to the following question from Councillor Phil Gilchrist :-

Though an Appendix to the Cabinet papers of 1st October relating to the Boys Academy refers to the track record and acumen of the lead sponsor Mr David Hughes, reservations have been reported in the Times Educational Supplement where a DCSF spokesperson is reported as saying ..'we carried out due diligence checks which found no reason for him not to be an academy sponsor.', what steps have officers and Members taken to satisfy themselves that the due diligence required has been sufficient and thorough and what contacts and discussions have taken place with DCSF on this issue in view of these concerns and should not this be re-examined in the light of the recent events in Portland?

Councillor Davies explained that the new guidance on the accreditation process had only recently been received but he was prepared to seek an opinion from the DCSF on the sponsor for the Boys Academy in the light of the new guidance.

53 **MATTERS FOR DEBATE**

The matters listed for debate in accordance with Standing Order 5 (1) (1) were dealt with as indicated in minutes 54 to 64 below.

The leader of the Council requested that standing order 7 (8) be applied from 8.30 p.m.

Resolved (unanimously) - That Standing Order 7 (8) be applied from 8.30 p.m.

MOTION: ADULT SOCIAL CARE - PUBLIC INTEREST DISCLOSURE

(Councillor Kirwan, having previously declared a prejudicial interest in respect of this matter, left the meeting during its consideration)

Proposed by Councillor Simon Mountney
Seconded by Councillor Geoffrey Watt

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

(2) Council notes the findings of the report:

- Although 30 accredited providers are used by the Council only 12 contracts have been signed and returned by providers.
- No formal arrangements have been established for the contract monitoring of supported living providers.
- There are no arrangements at present for feedback from service users where there is dissatisfaction with services or where quality standards have not been met.
- There remains a substantial risk that users receiving services from one of the Councils service providers are being charged unfairly.
- The Council does not always know the actual contributions that the provider requires service users to contribute for services they provide. Consequently the Council is not in a position to know whether the aggregate of charges levied on service users by the Council and contributions required by the provider are in compliance with the guidance of fairer charging. It is not clear who is currently ensuring that these service users are receiving adequate protection for the risk of financial abuse.

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

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

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

AMENDMENT

Proposed by Councillor Denise Roberts
Seconded by Councillor Ron Abbey

Delete all text after the end of section (2) and replace with the following:

(3) Council notes the serious implications of the findings and recognises that they point to serious management failings in adult social services in the past over a long period of time. Council acknowledges these findings and notes that the Director of Adult Social Services has prepared a report addressing these failings and their consequences and that this will be presented to Audit and Risk Management Committee on 3rd November.

(4) In relation to allegations of bullying of the whistleblower, Council notes and supports Cabinet's decision to instruct the Director of Law HR and Asset Management to commence an investigation into the treatment of the individual, in relation to allegations of bullying. Council also notes that an outside, independent person will conduct this investigation.

(5) Council welcomes the Audit & Risk Management Committee recommendation to reimburse service users at Bermuda Road, Curlew Way and Edgehill Road Moreton, between April 2003 and February 2006.

(6) Council also notes that the audit and risk management committee will tomorrow (3 November 2009) receive a report providing further information with respect to the charging that took place between the period 1997 - 2003, and based on that will make a recommendation on whether re-imburement will take place for that period.

The amendment was put to the vote and carried (32:23) (4absts)

AMENDMENT

Proposed by Councillor Leah Fraser
by Councillor Jeff Green

In addition to the existing Conservative Notice of Motion add the following:

(6) This Council recognises that the concerns raised by Mr Martin Morton in October 2007 under the Public Interest Disclosure Act 1998, and earlier to Senior Officers, are both well-founded and serious.

(7) Council further notes that in the twelve months since the PIDA was published

- (a) It has now been established that a vulnerable group of people with learning disabilities in the care of this Council were unlawfully financially abused by this Council over many years. The full extent of this financial abuse and the level of unlawfulness is yet to be established, however, the original figure of £78,499.62 first quoted by the Director of DASS is now recognised as woefully short of the total amount improperly obtained from the residents within our care.
- (b) Despite the contributions made by Directors and the most senior officers in its production, the most recent report by Internal Audit has gone only part of the way to revealing the truth. What is much clearer is that much of the evidence presented by Mr Morton and all of his relevant knowledge of this

ongoing financial abuse has been ignored or mistakenly omitted from the report.

- (c) This Council continues to applaud the efforts of Mr Martin Morton in attempting to ensure that the full extent of the financial abuse and wrong doing is brought into the open
- (d) Council expresses its concern that the Cabinet member for Adult and Social Care is yet to make a full comment to the Audit committee or Council regarding how aware she was of this situation and why she had not taken any action prior to the publication of the PIDA report.
- (e) Therefore this Council requests that the Chief Executive, in conjunction with the three party leaders selects a person of suitable standing, who is totally independent and fully qualified to carry out a full public inquiry into the PIDA report, in order to draw this matter to a satisfactory conclusion.

The further amendment was put to the vote and lost, with the Council dividing as follows:-

For the amendment (23)- Councillors T Anderson, C Blakeley, SL Clarke, WA Duffey, DM Elderton, Mrs L Fraser, JE Green, J Hale, Karen Hayes, Paul Hayes, AC Hodson, PSC Johnson, J Keeley, D Knowles, I Lewis, SR Mountney, C Povall, A Pritchard, Mrs LA Rennie, SL Rowlands, Sue Taylor, GCJ Watt, and Mrs K Wood.

Against the amendment (32) - Councillors RL Abbey, A Bridson, JA Crabtree, WJ Davies, George Davies, PL Davies, F Doyle, S Foulkes, G Gardiner, John George, PN Gilchrist, SA Holbrook, AT Jennings, A Jones, SE Kelly, Brian Kenny, Ann McLachlan, CM Meaden, GD Mitchell, RK Moon, S Niblock, Jean Quinn, DE Roberts, J Salter, PA Smith, WW Smith, PM Southwood, JV Stapleton, A Taylor, CM Tegg, R Wilkins, and KJ Williams.

Abstentions (4) Councillors G Ellis, M McLaughlin, H Smith and P Williams

Resolved – That the motion, as now amended, be approved

55 **MOTION: THE WIRRAL APPRENTICE**

Proposed by Councillor Jean Stapleton
Seconded by Councillor Phil Davies

(1) Council welcomes the innovative new programme launched recently to create one hundred new apprentice positions in local companies, with Wirral Council paying their salaries for the next 18 months and the National Apprenticeship Service paying for their training.

(2) Council notes that this is a key element of the authority's pro-active strategy aimed at tackling the impact of the global recession.

(3) Council congratulates all the officers who have worked hard to get this excellent scheme off the ground.

AMENDMENT

Proposed by Councillor Leah Fraser
Seconded by Councillor Simon Mountney

After paragraph 2 insert:

Council notes that, according to the Office of National Statistics, the impact of the recession has seen the number of JSA claimants in Wirral (aged 18-24) rise from 2,105 in April 2008 to 3,290 in September 2009.

After paragraph 3 insert:

Council also welcomes the launch of 'Britain Works' by Microsoft, with the aim of helping 500,000 people in Britain into work over the next three years and notes their offer to work with local authorities, such as Wirral, to deliver this programme, including apprenticeships, technology start ups, training vouchers and a skills portal.

Council therefore requests the Chief Executive to contact Microsoft to discuss potential opportunities for Wirral residents.

The amendment was accepted as a friendly amendment to the motion.

Resolved (unanimously) – That the motion, as now amended, be approved.

56 **MOTION: QUANGOS**

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Dave Mitchell

(1) This Council welcomes the launch of the Local Government Association document 'Who's in charge? Putting power in local hands' in July 2009.

(2) In particular, Council welcomes the vision set out therein:

- (a) that quangos should carry out their functions 'as efficiently as possible'
- (b) that decisions about public services should be taken by 'locally elected representatives' and not by 'unelected boards'
- (c) that 'openness' should be the key feature

(3) Council recognises the balanced approach being adopted by the LGA in its 'report card' approach, seeking evidence of good practice and establishing where these bodies are working well with councils, through developing effective scrutiny. In so doing, this Council points to the effective arrangements and practices emerging locally since the National Health Service Act 2006 and looks forward to the results of the report card approach.

(4) Council also notes that the consultation paper 'Strengthening Local Democracy' issued by the Secretary of State for Communities and Local Government in July writes of 'a strong, revitalised local democracy' and makes it clear (para 150) that the Government;

'want to ensure that existing and planned mechanisms for joint working between authorities at the sub regional or city regional level are as accessible, transparent and accountable as possible.'

(5) Council believes that it is essential that, in this new period of restraint and austerity requiring tight control of public expenditure, the growth of quangos and their existence should be challenged to determine whether they are needed, efficient or where reform could improve their performance.

(6) Council believes that resources must be directed to 'front line' services rather than structures and organisations.

(7) Council therefore welcomes the approach being adopted by the Local Government Association in their detailed study and resolves to provide such advice and assistance to the LGA as required with the aim of securing more efficient use of funds and cutting out overlapping bureaucracy and duplicated programmes.

(8) Council also requests that Overview and Scrutiny Committees, as appropriate and as part of their work plans, look to identify best practice partnership working arrangements with quangos and identify opportunities for quango organisations to contribute further to enhancing partnership working in Wirral.

Resolved (unanimously) – That the motion be approved.

57 **MOTION: COUNCIL HALLS AND COMMUNITY CENTRES**

Proposed by Councillor Gerry Ellis

Seconded by Councillor Sheila Clarke

(1) Council recognises the excellent work conducted and the value placed on Wirral's Community Centres and Halls by local residents.

(2) Council notes the current policy of closing any hall or community centre that has not been transferred out of Council ownership by January 2011, is causing, concern and distress to users, residents and those charged with discussing these matters with Council Officers.

(3) Council is particularly disturbed at the concerns expressed by JMC's about the level of engagement by officers in the process, the delay in receiving full structural surveys, the quality of surveys conducted and the lack of clarity and criteria about any 'dowry' to be received.

(4) Council believes that in the light of the recent policy U-turn on the SAR characterised as 'decisive leadership' by the administration, the current policy on Halls and Community Centres should be amended to:

- (a) Remove the threat that any Hall or Community Centre not transferred by January 2011 will be closed.
- (b) Ensure Council Officers provide the level of support required to assist those JMC's who have indicated their ability and willingness to work towards asset transfer
- (c) Ensure accurate full structural surveys are carried out as a matter of urgency at all Halls and Community Centres currently in the Council's ownership and prior to any transfers

AMENDMENT

Proposed by Councillor Bob Moon
Seconded by Councillor Stuart Kelly

Delete all text after first paragraph and replace with the following:

(2) The Council re-affirms its commitment to community asset transfer and recognises the potential of asset transfer to help local people turn their aspirations for the community into reality.

(3) This Council is keen to ensure that community organisations can continue to engage in asset transfer, particularly at a time when public sector spending restraint makes it difficult for the council to continue to provide these services itself.

(4) Council notes:

- The high level of interest being shown in community asset transfer and is encouraged by these positive signs that the energies of local groups and communities are being engaged to own or manage community buildings, bringing people together from different backgrounds to enhance local services.
- Significant progress being made to transfer assets to the community.

(5) Therefore, Council re-affirms its commitment to:

- Carry out essential repairs in respect of community centres that are to be transferred.
- Make provisions, in line with its agreed policy, for funding to help support the transfer process for up to two years whilst the transfer process progresses towards a successful outcome.
- The provision of financial assistance using the Community Fund to support capacity building, asset repairs and time-limited financial support whilst local community groups become self-sufficient.
- Help community run organisations to access outside support and funding such as lottery grants, which is not available to council run facilities, to make improvements.

(6) Council requests that quarterly summary reports are brought to Cabinet as part of the overall Change Programme reporting process on the progress made and identifies at the earliest stage those facilities where community asset transfer is unlikely to be achieved by January 2011, setting out options and the risks to delivery.

The amendment was put to the vote and carried (36:25)

Resolved – That the motion, as now amended, be approved.

58 MOTION: NATIONAL TRAINING AWARD

Proposed by Councillor Phil Davies

Seconded by Councillor Chris Meaden

(1) Council is delighted to note that Wirral has recently been awarded a National Training Award from UK Skills for training in Courtroom Skills, provided by the Children and Young People's Department in association with a private training provider.

(2) Officers from a number of services, including social care, human resources, and licensing, have benefited from these courses which are designed to make them as effective as possible when they have to appear in court as part of their duties.

(3) The training has also proved very useful for 6th Form students who have been offered the chance to participate as part of their 'A' level studies.

(4) Council wishes to congratulate all staff involved in providing this training, and in particular recognises the work of Norma Gordon who has played a key role in the planning and organisation of these courses over several years.

Resolved (unanimously) – That the motion be approved.

59 MOTION: COUNCIL EXECUTIVE PAY

Proposed by Councillor Simon Holbrook

Seconded by Councillor Chris Teggin

(1) Council recognises the public concern being expressed over the level of senior officer pay within the public sector.

(2) Council notes the recent comments from all three political parties:

- Vince Cable has proposed zero growth overall for public sector pay (saving £2.4 billion a year), and a 25 per cent reduction in the total pay bill of staff earning over £100,000.
- George Osborne has promised to freeze the pay of 4 million public sector workers earning more than £18,000 a year to save an estimated £3.2bn a year from 2011.
- The Communities Secretary, John Denham has said, although the Government could not freeze the pay of local authority bosses like it had done for judges and NHS chiefs that the time has come for ruling parties on UK councils to prove that every penny of their spending is justified. "There's precious little evidence that changing your executive actually improves the

performance of your local authority... I am setting some pretty clear mood music about the demand for value for money we would expect to see".

(3) The Chief Executive of the Local Government Association, John Ransford, (April 2009) argues high salaries are needed to encourage the most talented people to work in the public sector, but warned town halls that pay deals need to be reasonable. He said "Councils need talented people in top management positions but they have to balance this with the need, in a tight financial situation, for all salaries to be demonstrably reasonable."

(4) In light of these concerns, Council believes that greater transparency and clarity is needed to ensure that senior officers' salaries are in proportion to their responsibilities and their level of performance.

(5) Therefore, Council instructs the Director of Law, HR and Asset Management to bring forward proposals for amendments to the Council's Constitution which would establish, as a responsibility of the Employment and Appointments Committee, powers analogous to that of non executive directors in private companies, specifically:

- Policy on senior officer pay (Chief Officers and Heads of Service), having regard to job evaluation, equal pay and other relevant HR policies of the Council.
- The establishment, maintenance and supervision of a performance framework for Chief Officers and Heads of Service.
- The carrying out (alongside the Leader and Deputy Leader of the Council) of Chief Executive appraisals.

AMENDMENT

Proposed by Councillor Phil Davies
Seconded by Councillor Steve Foulkes

Delete final paragraph and insert:

(5) Therefore, Council instructs the Director of Law, HR and Asset Management to investigate best practice in other authorities before bringing forward proposals for amendments to the Council's Constitution which would review the role and responsibilities of the Employment and Appointments Committee with a view to setting up a clear member route for establishing:

- Policy on senior officer pay (Chief Officers and Heads of Service), having regard to job evaluation, equal pay and other relevant HR policies of the Council
- The establishment, maintenance and supervision of a performance framework for Chief Officers and Heads of Service
- The carrying out (alongside the Leader and Deputy Leader of the Council) of Chief Executive appraisals

(6) Council asks that these proposals are referred to both the Cabinet and to the Employment and Appointments Committee before any recommendations are made to Council.

The amendment was accepted as a friendly amendment.

Resolved (unanimously) – That the motion, as now amended, be approved.

60 **MOTION: FREE ACCESS TO LEISURE FACILITIES FOR SERVICEMEN AND DIRECT DEPENDENTS**

Proposed by Councillor Jeff Green
Seconded by Councillor Lesley Rennie

At this time of remembrance and in an effort to offer a tangible symbol of our eternal gratitude to those service men and women who are presently fighting with great courage for this nation, Council, as a demonstration of the appreciation of the people of Wirral, instructs Officers to make provision for granting serving and reserve forces and their direct dependants who reside in, or who visit, Metropolitan Borough of Wirral, free access to our leisure facilities.

AMENDMENT

Proposed by Councillor Jerry Williams
Seconded by Councillor John Salter

Delete everything after “Council, as a demonstration of the appreciation of the people of Wirral” and insert:

“asks officers to make provision for granting free access to Wirral’s leisure facilities, on production of a Warrant/ID card, to service personnel currently in the forces who live in the Metropolitan Borough of Wirral.”

The amendment was accepted as a friendly amendment.

The following further amendment was withdrawn

AMENDMENT

Proposed by Councillor Ann Bridson (7 minutes)
Seconded by Councillor Gill Gardiner (3 minutes)

Delete all after “courage for this nation,” and insert:

Council requests the relevant overview and scrutiny committee to consider ways in which the appreciation of the people of Wirral can best be expressed, taking evidence from the armed forces and representative groups as appropriate, bringing forward sustainable and costed proposals in a Scrutiny Report for possible inclusion in the Council’s Budget.

Resolved (unanimously) – That the motion, as now amended, be approved.

61 **MOTION: 20MPH ZONES AROUND SCHOOLS**

Proposed by Councillor Jean Quinn
Seconded by Councillor Dave Mitchell

(1) Council is pleased to note:

- (a) The significant progress being made in improving safety on Wirral's roads, in particular the early achievement of the Government's national 2010 target for reducing the number of serious accident casualties involving children.
- (b) The success of our "Accidents Two Zero" initiative involving the introduction of advisory 20mph signs in residential areas which has now progressed onto a third tranche of sites across the Borough.

(2) Council believes that improving safety on Wirral's roads, particularly for vulnerable road users such as children and adult pedestrians and cyclists should continue be a top priority.

(3) Council notes that the Department for Transport guidance on setting local speed limits highlights that local authorities can consider introducing 20mph speed limits, variable 20mph speed limits and 20mph zones in residential areas and around schools if they believe it appropriate to do so.

(4) Council therefore requests the Director of Technical Services to review speed limits around Wirral schools and, in partnership with Merseyside Police, examine the feasibility of introducing either permanent or variable "time specific" 20 mph restrictions as appropriate.

AMENDMENT

Proposed by Councillor Leah Fraser
Seconded by Councillor Tom Anderson

Add to paragraph 2:

Council also recognizes and applauds the invaluable work carried out by school crossing patrols, to keep our primary school children safe.

Add the following paragraphs:

(5) Council was disappointed with the lack of consultation with schools and parents over the removal of school crossing patrols across Wirral and recognizes that schools have been adversely affected.

(6) Council therefore, requests the Director of Technical Services to reinstate the six school crossing patrols.

The amendment was put to the vote and lost (24:36)

The motion was put to the vote and carried (unanimously)

Resolved (unanimously) – That the motion be approved.

62 MOTION: FINANCES

Proposed by Councillor Jeff Green
Seconded by Councillor Lesley Rennie

(1) This Council notes the recent campaign by the Taxpayers Alliance and George Osborne MP to provide greater disclosure to the public of what their money is being spent on.

(2) Council believes the publication of all Council items of revenue and capital expenditure of £10,000 and above will increase transparency and therefore accountability.

(3) Council resolves, as a first step, to instruct the Director of Finance to make any Council expenditure of £10,000 and above available to the public online within three months of the transaction.

AMENDMENT

Proposed by Councillor Simon Holbrook
Seconded by Councillor Chris Tegg

Delete all after 1st paragraph and insert:

(2) Council also notes the recent move by the London Mayor to publish online details of all GLA expenditure over £1000, detailing all payments for goods and services.

(3) Council believes that the publication of all Council items of revenue expenditure of £1,000 and above; and capital expenditure of £10,000 and above will increase transparency and therefore accountability.

(4) Therefore, Council resolves to instruct the Director of Finance to bring forward proposals to publish online from the start of the 2010 financial year, details on all such items of Council expenditure on a monthly basis within three months of the transaction.

The amendment was accepted as a friendly amendment.

Resolved (41:19)– That the motion, as now amended, be approved.

63 MOTION: OPPOSITION TO AIR PASSENGER DUTY (APD)

Proposed by Councillor Denis Knowles
Seconded by Councillor Tom Anderson

(1) The Council notes this Government's plans to introduce and increase the cost of a new banding system for air passenger duty in 2010 but believes that any duty should be based on the level of carbon emissions produced by flights, rather than arbitrary zones based on the location of a country's capital city but agrees that actual distance travelled is a good approximation for estimating carbon emissions.

(2) The Council believes that replacing the air passenger duty with a per plane tax would be fairer for passengers flying on busy routes; and calls on the Government to abolish the air passenger duty and replace it with a per plane aviation duty based on the actual distance travelled.

(3) The Council therefore requests that the Chief Executive writes to the appropriate Government department expressing the councils' views as soon as possible.

Resolved (unanimously) – That the motion be approved.

64 **OBJECTION: MINUTE 163 (CABINET - 15 OCTOBER) TERMS OF REFERENCE - SCRUTINY PROGRAMME BOARD**

Moved by Councillor John Hale
Seconded by Councillor James Keeley

(1) Council notes that the recommendation from the Scrutiny Programme Board, held on 14th September 2009 had all party support, recognising that the independence and rights of members of Overview and Scrutiny Committees to examine matters of which they have particular knowledge is fundamental to the process and that to remove those rights defeats the purpose of overview and scrutiny and simply increases the powers of the Executive.

(2) Therefore, Council rejects the recommendation of Cabinet and moves its deletion and agrees the following:

“The Chair and party spokespersons of the Scrutiny Programme Board shall consider call-in notices in relation to the Executive functions which fall within the terms of reference of more than one Overview and Scrutiny Committee and allocate such notices to those committees affected by the decision.”

Resolved (24:36) (1abst) – That the objection be not approved.

65 **VACANCIES**

The Council was requested to deal with the following appointments:

Children & Young People O&S

Add Councillor Pat Williams as Deputy

Council Excellence O&S

Add Councillor Phil Gilchrist as Member
Add Councillor Pat Williams as Deputy
Remove Councillor Bob Wilkins as Member
Remove Councillor Alan Jennings as Deputy

Sustainable Communities O&S

Councillor T Anderson to replace former Councillor__Suzanne Moseley as spokesperson.

Add Councillor Pat Williams as Deputy
Remove Councillor Frank Doyle as Deputy

Audit & Risk Management Committee

Add Councillor Phil Gilchrist as Deputy
Remove Councillor Bob Wilkins as Deputy

Licensing Act 2003 Committee

Add Councillor Pat Williams as Member
Remove Councillor Dave Mitchell as Member

Licensing H&S & GP Committee

Add Councillor Pat Williams as Deputy
Remove Councillor Ann Bridson as Deputy

Planning Committee

Add Councillor Pat Williams as Deputy
Remove Councillor Tom Harney as Deputy

Standards Committee

Add Councillor Pat Williams as Member and as Spokesperson
(Councillor Chris Teggin remains as Member)
Add Councillor Phil Gilchrist as Deputy
Remove Councillor Alan Taylor as Member

Panels, Statutory & Advisory Committees

(1) Statutory Committees & Panels (listed under relevant portfolio)
(a) Children's Services & LLL
(v) Standing Advisory Committee on Religious Education (SACRE):
Add Councillor Phil Gilchrist & Councillor Pat Williams as Deputies
Remove Councillor Tom Harney as Deputy

(b) Housing & Community Safety
(i) Housing Review Panel
Add Councillor Pat Williams as Deputy

(2) Advisory Committees & Working Parties
(a) Children's Services & LLL
(ii) Virtual School Governing Body
Add Councillor Pat Williams as Member
Remove Councillor Frank Doyle as Member

Outside Bodies

(a) Children's Services & LLL
(ii) Children's Services District Boards
Add Councillor Pat Williams to Birkenhead District Board

(b) Corporate Resources
(iii) Merseyside Co-ordinating Committee
Add Councillor Phil Gilchrist as Deputy

(viii) West Kirby Charities
Mr E Boulton to replace Councillor Kirwan (term runs for 4 years)

(c) Community and Customer Engagement
(viii) Leasowe Play, Youth and Community Association Committee
Vacancy (Conservative nominee to replace former Councillor Suzanne Moseley) -
deferred

(xi) Moreton Community Centre Joint Management Committee
Vacancy (Conservative nominee to replace former Councillor Suzanne Moseley) -
deferred

(d) Culture, Tourism and Leisure
(vi) Tam O'Shanter Cottage Trust
Councillor D Roberts (appoint until July 2010)
Vacancy (Conservative nominee to replace former Councillor Suzanne Moseley)
(appointed until July 2010) - deferred

(h) Regeneration & Planning Strategy
(i) Oxtan Conservation Area Advisory Committee
Add Councillor Pat Williams as Member
Remove Councillor Stuart Kelly as Member

Saughall Massie Conservation Area Advisory Committee

Vacancy (Conservative nominee to replace former Councillor Suzanne Moseley) -
deferred

(j) Streetscene & Transport Services

(vii) Wirral Cycle Forum
Add Councillor Phil Gilchrist as Member
Remove Councillor Jean Quinn as Member

(i) Social Care and Inclusion
LGA Community Well Being Board
Councillor M McLaughlin

(v) Joint Scrutiny Committee for Cheshire and Wirral NHS Partnership Trust

Councillor C Teggin to replace P Reisdorf

Deputies

Conservative: S Mountney
Labour: J Salter
Liberal Democrat: R Wilkins

Resolved – That the appointments set out above be approved.