



Council

Town Hall
Wallasey

26 November, 2021

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 p.m. on Monday, 6 December 2021** in the Floral Pavilion, New Brighton, to take into consideration and determine upon the following subjects:

Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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AGENDA

1. DECLARATIONS OF INTEREST

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

2. CIVIC MAYOR'S ANNOUNCEMENTS

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

3. MINUTES (Pages 1 - 18)

To approve the accuracy of the minutes of the meeting of the Council held on 18 October, 2021.

4. PUBLIC AND MEMBER QUESTIONS

To deal with questions, statements and petitions from members of the public, and Members, in accordance with Standing Orders 10, 11 and 12.

A. Public Questions

Notice of question to be given in writing or by email by 12 noon, Wednesday, 1 December, 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 10.

B. Statements and Petitions

Notice of statements to be given in writing or by email by 12 noon, Wednesday, 1 December, 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Council. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to committeeservices@wirral.gov.uk in advance of the meeting.

C. Members' Questions

To consider Members' questions to the Leader or Deputy Leader of the Council, Committee Chair or a Leader of a Political Group, in accordance with Standing Orders 12.

5. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL

To consider any recommendations and receive reports from the Council's Committees which require the approval or consideration of the Council, and to receive questions and answers on any of those reports.

A. Capital Monitoring Quarter 2 2020-21 (Pages 19 - 46)

The Council is requested to agree the following recommendation of the Policy and Resources Committee:

- (1) the approval of the revised Capital Programme of £77.6 million for 2021/22, including the addition of the new grant funding referred to in section 3.4 in the report, as follows:
 - Coastal Defence – Meols Feasibility Study - £100,000;
 - Future High Street Fund – New Ferry - £3.214 million;
- (2) the approval of the virements referred to in Appendix 3 in the report.

Policy and Resources Committee minute 78 (10/11/21) and report attached.

B. Draft Statement of Policy under the Gambling Act 2005 (Pages 47 - 108)

The Council is requested to approve the Draft Statement of Policy under the Gambling Act 2005.

Licensing Act Committee minute 8 (24/11/21) and report attached.

C. Appointment of Independent Members to the Audit and Risk Management Committee (Pages 109 - 118)

The Council is recommended to appoint Joanne Byrne and Peter McAlister as Independent Members to the Audit and Risk and Management Committee in an advisory and consultative role (subject to this recommendation being agreed by the Committee).

A cover report and the report to be considered by the Audit and Risk Management Committee at its meeting on 30 November, 2021, are attached (minute to follow).

D. Revision to the Appointment of Committees 2021/22 (Pages 119 - 124)

The Council is requested to:

- (a) agree the revised proportionality in the political composition of membership of ordinary committees of the Council as set out at Appendix A; and
- (b) appoint Cllr J. Bird to sit on the Council's Regulatory

and General Purposes Committee & Licensing Act Committee and the Pensions Committee.

6. REPORTS AND DECISIONS FROM COUNCIL COMMITTEES AND PARTNERSHIP ORGANISATIONS

To receive reports about and receive questions and answers on decisions made by Committees since the last meeting of Council.

A. DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING (Pages 125 - 236)

The minutes of all committees which have met since 27 September up until 11 November, 2021 are attached, as below.

Members' attention is drawn to one minute, in accordance with Part 4, Section 4, paragraph 9 of the Constitution, in that a decision was taken, which was regarded as urgent by the Committee, as follows:

- Minute 75 (Policy and Resources Committee (10/11/21)) – Household Support Fund, as projects needed to be funded immediately to ensure full spend of the grant.

Minutes of Committees

- Policy and Resources Committee – 7 and 25 October, and 10 November, 2021 **(Pages 125 - 147)**
- Adult Social Care and Public Health Committee – 13 October, 2021 **(Pages 149 - 157)**
- Children, Young People and Education Committee – 4 and 27 October, 2021 **(Pages 159 - 165)**
- Economy, Regeneration and Development Committee – 29 September and 26 October, 2021 **(Pages 167 - 178)**
- Environment, Climate Emergency and Transport Committee – 20 October, 2021 **(Pages 179 - 186)**
- Housing Committee – 19 October, 2021 **(Pages 187 - 190)**
- Tourism, Communities, Culture and Leisure Committee – 12 October, 2021 **(Pages 191 - 194)**
- Audit and Risk Management Committee – 27 September, 2021 **(Pages 195 - 198)**
- Constitution and Standards Committee – 30 September, 2021 **(Pages 199 - 204)**
- Health and Wellbeing Board – 29 September and 3 November, 2021 **(Pages 205 - 217)**
- Partnerships Committee – 28 September and 9 November 2021 (to follow) **(Pages 219 - 223)**
- Planning Committee – 14 October and 11 November, 2021 **(Pages 225 - 235)**

B. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority.

7. BY-ELECTION RESULTS - 22 JULY AND 25 NOVEMBER, 2021

To receive and note the outcomes of the by-elections on 22 July, in that Councillor Daisy Kenny was elected as Councillor for Liscard ward, and on 25 November, 2021, in that Councillor Orod Osanlou was elected as Councillor for Oxton ward.

A handwritten signature in black ink, appearing to be 'R. Kelly', written in a cursive style.

Director of Law and Governance

TIMINGS AND GUILLOTINE

Members are reminded of the following:

Item 2 - under Standing Order 2(iv) Mayor's announcements normally limited to up to 5 minutes.

Item 4A. – under Standing Order 10.7, public questions, up to 2 minutes allowed to put a question and up to 2 minutes for a response. Up to 30 minutes in total allowed for public questions (Standing Order 2(v)).

Item 4B. - under Standing Order 11.1, representations (statements) up to 3 minutes, with public speaking on any one item not exceeding 10 minutes. Up to 20 minutes in total allowed to receive representations (Standing Order 2(vi)).
Petitions – under Standing Order 11.2, present and speak to a petition for up to 1 minute.

Item 4C. – under Standing Order 12.8, questions on notice from Members will not exceed 1 minute and up to 2 minutes for a response.

Item 6 – under Standing Order 2(xii) the total time allowed for questions and answers on decisions of committees is up to 45 minute.

Under Standing Order 9 of the Council Procedure Rules:

The Mayor will adjourn the meeting for a period of ten minutes at a convenient time after one and a half hours.

Where three hours have elapsed after the commencement of any meeting (and in the case of an extraordinary meeting of Council when two hours have elapsed since commencement of the meeting) the Mayor shall interrupt the meeting and the Member speaking must immediately cease doing so and sit down. The meeting shall then dispose of the item then under consideration as if the motion '*That the question be now put*' had been carried (i.e. the debate shall be concluded by the seconder and by the Member who has the right of reply and the vote will then be taken without any further discussion). This rule will not apply to meetings of a quasi-judicial or regulatory nature.

Audio/Visual Recording of Meetings

Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

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COUNCIL

Monday, 18 October 2021

Present: The Civic Mayor (Councillor George Davies) in
the Chair
Deputy Civic Mayor (Councillor Jeff Green)

Councillors	T Anderson	P Gilchrist	S Mountney
	B Berry	E Gleaves	Y Nolan
	J Bird	H Gorman	C O'Hagan
	M Booth	K Greaney	C Povall
	A Brame	EA Grey	L Rennie
	D Brennan	P Hayes	J Robinson
	D Burgess-Joyce	S Hayes	L Rowlands
	H Cameron	A Hodson	T Smith
	I Camphor	K Hodson	C Spriggs
	K Cannon	J Johnson	P Stuart
	C Carubia	AER Jones	Jason Walsh
	P Cleary	C Jones	Joe Walsh
	W Clements	T Jones	S Whittingham
	M Collins	M Jordan	I Williams
	H Collinson	S Kelly	KJ Williams
	C Cooke	B Kenny	S Williams
	T Cottier	I Lewis	J Williamson
	T Cox	M McLaughlin	G Wood
	S Foulkes	J McManus	A Wright
	S Frost	P Martin	
	A Gardner	D Mitchell	

Apologies Councillor S Jones

40 DECLARATIONS OF INTEREST

The Civic Mayor welcomed everyone to the meeting and informed the Council that the Constitution and Standards Committee had at its meeting on 30 September, 2021, granted a dispensation to all Members so that any interests Members might hold, relating to the National Health Service and the reorganisation into Integrated Care Systems (NHS and ICS) did not need to be declared.

Having then asked for any declarations of interest, no such declarations were made.

41 **CIVIC MAYOR'S ANNOUNCEMENTS**

One apology for absence was received from Councillor Sharon Jones.

The Civic Mayor then invited the Council to stand and observe a minute's silence following the sad passing of Councillor Andy Corkhill and former Mayor and Councillor, Alderman Gerry Ellis and also for Sir David Amess, MP, recently murdered whilst undertaking his constituency work.

The Council stood in silent tribute to their memories.

Councillor Allan Brame then, at the invitation of the Civic Mayor, addressed the Council and paid a moving tribute to Councillor Andy Corkhill.

Councillor Tom Anderson also paid tribute to Councillor Andy Corkhill and also to Alderman Gerry Ellis.

Having first suggested changing the order of business, to enable Motion No. 2 to be considered as the next agenda item, which the Civic Mayor declined to do, Councillor Andrew Hodson then moved that Standing Order 9 be suspended, so that no guillotine was imposed during the course of the meeting. Having been duly seconded, the motion was put to the vote and lost (27:34).

Councillor Janette Williamson, at the invitation of the Civic Mayor, then made a statement to the Council in light of the recent horrific murder of Sir David Amess, and spoke of the need for civility, decency and compassion in public life and for the need for Members to respect each other and Council officers. She thanked all MPs and particularly the four local Wirral MPs for their service to the Borough.

42 **MINUTES**

The minutes of the meeting of Council held on 6 September, 2021 had been circulated to Members.

Councillor Pat Cleary requested an amendment to minute 39, 'Motion – Creating Low Traffic Streets and Neighbourhoods Across Wirral', as it was he, not Councillor Harry Gorman who had moved the motion.

On a motion by the Mayor, duly seconded it was –

Resolved – That the minutes of the meeting be approved and adopted as a correct record, subject to the above amendment.

43 PUBLIC QUESTIONS

The Civic Mayor informed the Council that five questions had been received from members of the public, in relation to Hoylake beach with one member of the public present to ask their question.

The first question was from Sam Coleman to the Leader of the Council, and the Director of Law and Governance read out the question. Councillor Janette Williamson agreed to supply a written response to Mr Coleman.

Three further questions were then put to the Chair of the Environment, Climate Emergency and Transport Committee, which were read out by the Director of Law and Governance from Wayne Verkade, Nicola Verkade and Keith Randles.

Councillor Elizabeth Grey agreed to supply written responses to each question.

The Civic Mayor then invited Charlotte Smith to put her question to the Leader of the Council. Councillor Janette Williamson responded accordingly.

In response to a supplementary question, Councillor Williamson stated that it was for individual Councillors to respond as to actions they may be taking to help the environment.

44 STATEMENTS AND PETITIONS

The Civic Mayor reported that no statements were to be received.

Councillors Alison Wright, Tony Cox and Andrew Gardner presented a petition regarding Hoylake Beach.

Councillor Allan Brame presented a petition regarding flooding at Nursery Close, Oxton.

Resolved – That the petitions be noted and referred to the appropriate Chief Officers in accordance with Standing Order 11.2.

45 MEMBERS' QUESTIONS

Councillor Chris Cooke asked a question of the Chairs of the Economy, Regeneration and Development and Environment, Climate Emergency and Transport Committees regarding the Active Travel Forum. Councillor Tony Jones, responded on both his and Councillor Liz Grey's behalf accordingly and assured Councillor Cooke that the Members' Active Travel Working Group would be holding its first meeting in November.

Councillor Stuart Kelly asked a question of the Chair of the Environment, Climate Emergency and Transport Committee regarding the removal of a street bench in Oxtun ward. Councillor Grey responded accordingly, stating that limited resources were available for maintaining the council's benches and wherever possible they were repaired and repainted in their location. A bench would unfortunately be removed if it was damaged beyond repair. In those cases, benches would be replaced with a new bench in the original location as soon as resources allowed and no benches should be removed and not replaced at all.

46 **MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL**

In accordance with Standing Order 2(x) three matters had been submitted for approval by the Council (see minutes 47 to 49 post).

47 **MEMBERS' ALLOWANCE SCHEME**

The first item requiring approval was in relation to a referral from the Constitution and Standards Committee at its meeting of 30 September, 2021 and the Independent Remuneration Panel's recommendation to amend the Members' Allowance Scheme for the Independent Member of the Audit and Risk Management Committee.

On a motion by Councillor Phil Gilchrist, seconded by Councillor Paul Stuart, it was –

Resolved – That the Members' Allowance Scheme be amended to include a Special Responsibility Allowance for the Independent Member of the Audit and Risk Management Committee.

48 **CAPITAL MONITORING QUARTER 1 2021/22**

The second item requiring approval was in relation to a revised capital programme.

Councillor Janette Williamson moved and Councillor Yvonne Nolan seconded the recommendation of the Policy and Resources Committee of 1 September, 2021 with regard to the Capital Programme.

Councillor Tom Anderson moved and Councillor Lesley Rennie seconded an amendment as an addition to the recommendation, as follows:

'(3) While Council notes the Community Bank has not yet launched and no expenditure has been incurred, given the anticipated external assurance reviews for the capitalisation directive, Council believes it is no longer appropriate to allocate £5,000,000 to the Community Bank in the Capital

Programme.

Council therefore resolves to remove the following allocations from the Programme: £185,000 in 2021/2022, £575,000 in 2022/2023 and £4,240,000 in 2023/ 2024.'

At 7.12pm the Civic Mayor adjourned the meeting to enable copies of the amendment to be circulated to all Members.

The meeting resumed at 7.27pm.

Following a debate on the amendment, the amendment was put and lost (23:41).

After a short debate on the motion, and Councillor Janette Williamson having replied, the motion was put and it was -

Resolved (64:0) – That the recommendations contained within minute 51 of the Policy and Resources Committee of 1 September, 2021, be agreed and that the following be approved:

- (1) additional funding for the schemes referred to in section 3.5 of the report;**
- (2) a revised Capital Programme of £79.7 million for 2021-22, including the virements referred to in Appendix 3 of the report.**

49 **WIRRAL YOUTH JUSTICE SERVICE STRATEGIC PLAN 2021/22**

The third item requiring approval was in relation to the Wirral Youth Justice's Service Strategic Plan 2021/22, as recommended by the Children, Young People and Education Committee at its meeting of 13 September, 2021.

On a motion by Councillor Wendy Clements, seconded by Councillor Kate Cannon, it was –

Resolved – That the Wirral Youth Justice Service's Strategic Plan 2021/22, be approved.

50 **DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING**

The Civic Mayor introduced the minutes of the various Committees which had met from 1 to 23 September, together with the minutes of the Health and Wellbeing Board meetings from 31 March, 2021 and the Decision Review Committee meetings of July and August. He then asked for questions to Committee Chairs on any of the minutes being received.

Councillor Stuart Kelly asked a question of Councillor Helen Cameron, in respect of minute 27 of the Tourism, Communities, Culture and Leisure Committee, regarding the ongoing closure of the Williamson Gallery on Sundays. In response Councillor Cameron commented that the Williamson was still in need of further work regarding Covid health and safety measures and there had been staffing issues, she would ask officers to look again at re-opening on Sundays and try and get a response on this.

Councillor Lesley Rennie asked a question of Councillor Yvonne Nolan, in respect of minute 16 of the Health and Wellbeing Board, regarding the proposed Integrated Care Systems and the need for commissioning of services at place level. Councillor Nolan responded that she did agree that the Health and Wellbeing Board needed to maximise its involvement as this was the main route for retaining local democratic accountability and would hope the Board would play a very significant role as part of the local partnership with health partners and voluntary sector. It was the intention to meet the requirements of the Cheshire and Merseyside integrated care board but that it was considered that Wirral would receive full control of the local budget at place to enable Wirral's provider collaborative to determine what services would be offered on Wirral.

Councillor Chris Cooke asked a question of Councillor Wendy Clements, in respect of minute 23 of the Children, Young People and Education Committee, regarding the data on youth offending. In response Councillor Clements commented that the data which had been used in the report to the Committee was drawn from national data of the Youth Justice Board and Ministry of Justice and was the most recent available. The next set of data would be published in December, 2021 giving data for December 2020. Future performance reports to the Committee would include the most up to date available figures.

Councillor Ivan Camphor asked a question of Councillor Yvonne Nolan, in respect of minute 16 of the Health and Wellbeing Board and the critical role the Board would play in driving local arrangements. Councillor Nolan responded that she did agree that the Board would play a critical role in driving local arrangements. With regard to the Motion to be debated later in the meeting that did refer to the Health and Social Care Act and the overarching national changes proposed.

With the consent of the Civic Mayor, Councillor Harry Gorman asked a question of the Councillor Julie McManus, Chair of the Housing Committee in respect of the Afghan resettlement programme and assistance provided to refugees. Councillor McManus responded and welcomed the acknowledgement of the importance of Wirral's participation in the Afghan and other resettlement programmes which had seen 134 people welcomed to the Borough. Wirral had pledged to accept 12 individuals under the Government's Afghan relocation and assistance policy and officers alongside voluntary and

faith sector bodies were working to ensure a smooth resettlement for these families. She would be happy to consider a report on the matter to a future committee at the next Chair and Party Spokespersons meeting.

Councillor Simon Mountney asked a question of Councillor Yvonne Nolan, in respect of minute 4 of the Health and Wellbeing Board on the key leadership role the Board would be taking as part of an integrated care partnership. Councillor Nolan responded that she did agree with the minutes as mentioned in responses to previous questions.

51 **MOTIONS ON NOTICE**

Five motions had been submitted in accordance with Standing Order 13.1 and were determined as detailed in minutes 52 to 56 below.

52 **MOTION - OPPOSE INTEGRATED CARE SYSTEMS IN THE ENGLISH NHS**

Councillor Brian Kenny moved and Councillor Kate Cannon seconded a motion submitted in accordance with Standing Order 13.

In moving the motion, Councillor Kenny confirmed that he was happy to accept the Liberal Democrat Group amendment, which was moved by Councillor Phil Gilchrist, and seconded by Councillor Dave Mitchell as follows:

'Insert after point 7 (under 'Council notes -')...

8. the Health and Care Bill received its second reading in the House of Commons with a substantial Conservative Majority on 14 July 2021 despite widespread concern over its contents.

9. the contents of the proposals have been under critical examination at sittings of the Commons Health and Care Committee in order to understand its full impact, with sittings planned through to 2 November 2021.

Insert after point 5 (under 'Council believes -')...

6. That in August and September Councils, the Clinical Commissioning Groups and many bodies were sent guidance on *'the development of place based partnerships as part of statutory integrated care systems'*.

The latter specifically states that, *'where decision making affects communities, groups or specific services, these arrangements...should fully engage those affected, including populations, people who use services and carers across health and social care'*

This Council pledges to make sure that will be the case.

Insert after 'mean...' on the penultimate line in point (1) (under Council therefore resolves to)...

- (2) request that the guidance “*working together at scale*’ issued in August which states that NHS Trusts, when seeking to ‘*reduce unwarranted variation*’ and ‘*inequality in health outcomes*’ is accompanied by clarity over the movement of resources;
- (3) request that Wirral is given a clear explanation of the implications of the plans to ‘*ensure that specialisation and consolidation occur where this will provide better outcomes and value*’
- (4) request a financial forecast of the full context that Wirral will face as Edward Argar MP has stated ‘*local systems will be informed of their resource envelope at the start of the year and will be required to agree a plan that matches, or is within, that envelope*’

Following a debate, and Councillor Kenny having replied, six Members rose to request a recorded vote.

A recorded vote was then taken and the Council divided as follows:

For the motion (41) - Councillors J Bird, A Brame, D Brennan, K Cannon, C Carubia, P Cleary, H Collinson, C Cooke, T Cottier, G Davies, S Foulkes, S Frost, P Gilchrist, E Gleaves, H Gorman, K Greaney, E Grey, S Hayes, AER Jones, C Jones, T Jones, S Kelly, B Kenny, D Kenny, P Martin, M McLaughlin, J McManus, D Mitchell, Y Nolan, C O’Hagan, J Robinson, T Smith, C Spriggs, P Stuart, Jason Walsh, Joe Walsh, S Whittingham, I Williams, J Williams, J Williamson and G Wood.

Against the motion (23) – Councillors T Anderson, B Berry, M Booth, D Burgess-Joyce, H Cameron, I Camphor, W Clements, M Collins, T Cox, A Gardner, J Green, P Hayes, A Hodson, K Hodson, J Johnson, M Jordan, I Lewis, S Mountney, C Povall, L Rennie, L Rowlands, S Williams and A Wright.

The substantive motion, as amended, was therefore –

Resolved (41:23) –

Council notes –

- 1. The NHS in England is rapidly being reorganised into 42 regional Integrated Care Systems (ICSs), while the Covid pandemic still rages. These ICSs may strengthen the role of private companies, including US health insurance corporations, in the health and care system.**
- 2. Government is in the process of passing new legislation to make ICSs into statutory bodies.**

- 3. ICSs are supposed to operate as partnerships between the NHS, local authorities and others, but the plans, which make ICS systems accountable nationally to the Secretary of State, may actually sideline local authorities, threatening the future integrity of social care and reducing local accountability. Meaning that health and care services in Wirral are controlled by Cheshire and Merseyside ICS**
- 4. Despite claiming to ‘integrate’ health and social care services for the benefit of patients, ICSs are actually adapted from a model from the United States, which aims to reduce spending on health and care through increasing costs to people using the services**
- 5. ICSs will operate with fixed annual budgets for a wide range of health and social care services, which could lead to a diminishing focus on place-based priorities for Wirral.**
- 6. Some 83 corporations and businesses, including 22 from the US, are already getting heavily involved in developing ICSs and could even sit on their boards, thus putting profit making companies in a position to influence decisions on health and care at a Wirral and regional level.**
- 7. ICSs will be accountable to the Secretary of State, and ICS plans will be binding. They could mean more private contracts, more down-skilling and outsourcing of NHS jobs, reduced services (partially replaced by ‘digital’ options and volunteers) and significant spending cuts.**
- 8. The Health and Care Bill received its second reading in the House of Commons with a substantial Conservative Majority on 14 July 2021 despite widespread concern over its contents.**
- 9. The contents of the proposals have been under critical examination at sittings of the Commons Health and Care Committee in order to understand its full impact, with sittings planned through to 2 November 2021.**

Council believes –

- 1. There has been little opportunity for adequate consultation or explanation of this legislation and its consequences for Wirral residents.**

2. The introduction of Integrated Care Systems could threaten patient care, jobs, working conditions and the integrity of the NHS as a public service.
3. After 30 years of marketisation, it is time to restore the NHS to a fully accountable public service, which is provided free to all at the point of use.
4. Government should commit to a separate, collaborative, publicly funded Social Care Service.
5. Genuinely integrated services should take into account the wider determinants of health, such as housing, employment and environment. This would involve *more* input from local authorities.
6. That in August and September Councils, the Clinical Commissioning Groups and many bodies were sent guidance on '*the development of place based partnerships as part of statutory integrated care systems*'. The latter specifically states that, '*where decision making affects communities, groups or specific services, these arrangements...should fully engage those affected, including populations, people who use services and carers across health and social care*'

This Council pledges to make sure that will be the case.

Council therefore resolves to –

- (1) request the Leader and Chief Executive write to the Secretary of State for Health & Social Care and ask for an extended and meaningful consultation with the public, so that the residents of Wirral are fully aware of what the changes will mean;
- (2) request that the guidance "*working together at scale*" issued in August states that NHS Trusts, when seeking to '*reduce unwarranted variation*' and '*inequality in health outcomes*' is accompanied by clarity over the movement of resources;
- (3) request that Wirral is given a clear explanation of the implications of the plans to '*ensure that specialisation and consolidation occur where this will provide better outcomes and value*';
- (4) request a financial forecast of the full context that Wirral will face as Edward Argar MP has stated '*local systems will be informed of their resource envelope at the start of the year and will be required to agree a plan that matches, or is within, that envelope*', and demand

an immediate halt to the rollout of ICSs until such a consultation and explanation has taken place; and

(5) promote the introduction of legislation to bring about universal, comprehensive and publicly provided NHS and a Social Care System fit for the 21st century.

The Civic Mayor then adjourned the meeting at 9.12pm.

The meeting resumed at 9.20pm.

53 **MOTION - SPARTINA ANGLICA RISKS TO THE NORTH WIRRAL FORESHORE**

Councillor Tony Cox moved and Councillor Andrew Gardner seconded the following motion submitted in accordance with Standing Order 13.1.

‘Council recognises the current condition of Hoylake beach, but also recognises that the *Spartina anglica*, once isolated from the rest of the North Wirral Foreshore, has now spread to Meols beach.

Council is concerned that with the current speed of the spread of this invasive species, it is soon likely to be seen in Moreton and then Leasowe.

Further to correspondence with Natural England, Council understands that there has never been a moratorium on raking at the Hoylake beach location, rather that raking of ALL North Wirral Foreshore would not be supported, which is wholly different.

Furthermore, page 60 of Natural England’s publication: *Spartina anglica and its management in estuarine Natura 2000 sites: an update of its status and monitoring future change in England (IPENS041)* contains a *Spartina anglica* management flowchart which should be followed when dealing with this species. Council is concerned that this guidance is not being adhered to.

Therefore, Council requests the Director of Neighbourhoods to engage with Natural England, as a matter of urgency, to ascertain whether the continued spread of *Spartina* grasses could jeopardise the SSSI status of the North Wirral Foreshore and to determine whether the spread of these invasive grasses could be detrimental to the wellbeing of migratory wading birds (as described in section 2.1 of *Spartina anglica and its management in estuarine Natura 2000 sites: an update of its status and monitoring future change in England (IPENS041)*).

Council instructs the Environment, Climate Emergency & Transport Committee, as part of its work programme, to consider the findings from the discussions with Natural England regarding the impact of the spread of

Spartina grasses as soon as practicably possible and certainly no later than the Committee's first meeting in 2022 (17th January 2022).'

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate this matter.

The motion was put and lost (23:41).

54 **MOTION - PROTECTING RESIDENTS FROM FLOOD RISK**

Councillor Allan Brame moved and Councillor Jason Walsh seconded a motion submitted in accordance with Standing Order 13.

In moving the motion, Councillor Brame confirmed that he was happy to accept the Labour Group amendment, which was moved by Councillor Elizabeth Grey, and seconded by Councillor Steve Foulkes as follows:

'In paragraph 2, delete last four words, and insert, '....improve flood risk management.'

In first bullet point, amend wording to read, '....2015 and subsequent Flood Investigation reports have been acted upon.'

In second bullet point delete the words, '(Council and United Utilities maintained)' and delete, '...prone to...' and replace with '.... at greater risk of...'

Delete the third bullet point.

In fifth bullet point, delete '.... necessary....' and replace with '....Government grants are available....'

In fourth paragraph, first line, delete '...flood defences....' and '.... should be' and insert before '...designed...' insert, '...was not....'

At the end of fourth paragraph, insert:

'Council notes that all new infrastructure should be as resilient as necessary to cope with expected future increased rainfall caused by climate change and that existing infrastructure should be improved wherever there is the means to do so, and that property owners should be reminded of their duties in this regard.'

In the fifth paragraph, first line, insert after '.....programme...', '... and any sources of outside funding available....'

In the fifth paragraph, delete all after, ‘...aimed at...’ and insert, ‘...reducing flood risk and adapting to climate change.’

After fifth paragraph, insert new paragraph:

‘Council further requests that Planning and Communications officers review the need for greater levels of communication with and education of residents regarding the dangers of flooding and the precise requirements and recommendations regarding removal of front garden green spaces and extension/creation of driveways with a view to reducing the “urban creep” associated with this and the serious flood risk posed.’

In the sixth paragraph, insert after ‘...risk...’, the word ‘...management...’ and after the word, ‘...therefore...’ insert, ‘... commits to following current Government guidance on nature-based solutions to flood defence and...’

Insert new paragraph after penultimate paragraph:

Accordingly, Council asks Environment, Climate Emergency and Transport Committee to set up a working group to look at how Wirral can better implement the Tree Strategy pledges on tree protection, working with the Tree Strategy Advisory Board and Wirral Initiative on Trees before the end of this calendar year and also to urge the Government to undertake a review of the whole TPO system to better protect all trees with a new system that assumes protection for all mature trees unless permission is granted for works or removal.’

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate this matter, and having agreed to the Labour amendment, the substantive motion, as amended, was put and it was –

Resolved (64:0) –

Council places on record its thanks to everyone involved in the response to 9 September 2021 flooding incident, including the emergency services, local businesses, Council officers and members of the community.

Council notes that work is currently underway by the Council to produce a Section 19 Flood Investigation Report as required by the Flood & Water Management Act 2010. Council appreciates that partners such as the Environment Agency, United Utilities and other agencies will have an important role in understanding why the flooding was so severe and what possible measures might be taken to improve flood risk management.

Council recognises that the Flood Investigation Report will take time to prepare but seeks assurances from officers in particular with regard to:

- **how lessons learned from the 2015 and subsequent Flood Investigation reports have been acted upon;**
- **the current schedules of gully and roadside drainage cleansing and whether these need to be more proactive, especially in areas which may be at greater risk of flooding;**
- **the steps needed to reduce the incidence of flooding on our key highway network;**
- **the provision, in partnership with other agencies, of practical advice and help, including hydrosacks and, where Government grants are available, financial aid for businesses and residents to make their homes and premises more flood resilient;**
- **the way in which our roads are resurfaced and whether more appropriate methods need to be considered;**
- **the need to condition and enforce permeable/porous surfaces when homeowners are installing new driveways.**

Council believes that Wirral's infrastructure was not designed to cope with the much greater volumes of rainfall given the evidence of new volatility in weather conditions due to climate change. Council notes that all new infrastructure should be as resilient as necessary to cope with expected future increased rainfall caused by climate change and that existing infrastructure should be improved wherever there is the means to do so, and that property owners should be reminded of their duties in this regard.

Accordingly, Council requests a review of the capital programme and any sources of outside funding available by the Director of Resources to bring forward schemes to the Environment, Climate Emergency and Transport Committee aimed at reducing flood risk and adapting to climate change.

Council further requests that Planning and Communications officers review the need for greater levels of communication with and education of residents regarding the dangers of flooding and the precise requirements and recommendations regarding removal of front garden green spaces and extension/creation of driveways with a view to reducing the "urban creep" associated with this and the serious flood risk posed.

Council recognises that trees and green space should be at the heart of flood risk management and climate adaptation strategies and, therefore, commits to following current Government guidance on nature-based solutions to flood defence and restates its commitment to preserve our

existing stock of healthy trees and for increased strategic tree planting as part of this infrastructure.

Accordingly, Council asks Environment, Climate Emergency and Transport Committee to set up a working group to look at how Wirral can better implement the Tree Strategy pledges on tree protection, working with the Tree Strategy Advisory Board and Wirral Initiative on Trees before the end of this calendar year and also to urge the Government to undertake a review of the whole TPO system to better protect all trees with a new system that assumes protection for all mature trees unless permission is granted for works or removal.

Council recognises that investment to prevent flooding in the first place is a better use of taxpayers' money than the huge financial and human costs involved in dealing with the aftermath of flooding.

55 **MOTION - EQUAL PAVEMENTS PLEDGE**

Councillor Harry Gorman moved and Councillor Pat Cleary seconded a motion submitted in accordance with Standing Order 13.

In moving the motion, Councillor Gorman confirmed that he was happy to accept the Labour Group amendment, which was moved by Councillor Elizabeth Grey, and seconded by Councillor Yvonne Nolan as follows:

'Add at end of the second bullet point, '.....and outline what is already happening in Wirral, for example, working with disability campaigners such as Ellis Palmer, to make real improvements to access for disabled residents and visitors to footpaths and cycle-paths across the borough.'

Add at end of the third bullet point, '...as part of a wider, co-produced programme to improve disabled access to all Council resources and services and how the Council could reduce pavement clutter and make them accessible.'

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate this matter, and having agreed to the Labour amendment, the substantive motion, as amended, was put and it was –

Resolved (64:0) -

This Council notes:

- **the campaign of Transport for All calling on councils and transport authorities to sign an Equal Pavements Pledge.**
- **the majority of disabled people polled recently by Transport for All are worried that streets remain inaccessible with many lacking**

dropped kerbs to enable level access along pavements or to cross the street.

- disabled people are concerned at the risk of further barriers being presented – either from the way in which changes to streets are delivered, or from al-fresco dining being delivered without consideration for the need for clear access on pavements.
- Wirral continues to need investment and progress in making pavements fully accessible

that the Transport for All Equal Pavements Pledge outlines a need to:

- listen to disabled people, and act
- keep pavements clear
- reduce pavement clutter
- acknowledge and act to reduce the impact of waste removal on pavements
- audit pavements and install dropped kerbs where they are missing
- protect blue badge parking, with relocation kept to a minimum
- work with disabled experts, committing to co-production of schemes

Council therefore resolves to:

- support the Transport for All Equal Pavements Pledge.
- request the Leader of the Council writes to Transport for All to convey the Council's support and outline what is already happening in Wirral, for example, working with disability campaigners such as Ellis Palmer, to make real improvements to access for disabled residents and visitors to footpaths and cycle-paths across the borough.
- ask the Environment, Climate Emergency and Transport Committee to add this matter to its work programme to help determine how the Council can deliver on the Equal Pavements Pledge as part of a wider, co-produced programme to improve disabled access to all Council resources and services and how the Council could reduce pavement clutter and make them accessible.
- engage directly with organisations representing people with accessibility requirements.
- call on Central Government to better fund our efforts to make Wirral's pavements people friendly.

56 MOTION - FUNDING CARING SERVICES TO MEET WIRRAL'S NEEDS

Councillor Phil Gilchrist moved and Councillor Dave Mitchell seconded a motion submitted in accordance with Standing Order 13.

Having applied the guillotine in accordance with Standing Order 9.1, the Council did not debate this matter, and it was –

Resolved (64:0) -

Council notes that the Government has published 'Build Back Better: Our Plan for Health and Social Care' and has also committed to publishing a new Adult Social Care white paper by the end of the year.

Council observes that funding is expected to come from a new 1.25% Health and Social Care levy based on National Insurance contributions. This will be paid by Wirral's residents and businesses who earn above the various thresholds.

The Local Government Association (LGA) has questioned the adequacy of the Levy to fund all of the Plan's Adult Social Care commitments. It is anxious to know what proportion of the Levy will reach Adult Social Care beyond the three-year period covered in the Plan.

The briefing issued by the LGA on 17 September 2021 says:

- it is '*alarmed*' that the Government's solution for tackling social care's core pressures appears to be the use of council tax, the social care precept and long-term efficiencies; later considering this '*deeply troubling*' and '*wholly unrealistic*'
- it is '*concerned*' that 'while the NHS is receiving funding to sort out the challenges it has here and now as well as in the future, *there is no funding from the Levy to address the current issues facing social care.*'
- it has '*serious concerns*' about what will happen to the funding beyond the three-year period' and asks how '*likely and realistic*' it is that funding for the NHS will be diverted to social care in future years.

Council, seeking the best long term solution for Wirral, endorses these concerns, observing that the Government's plan states:

"The Government will ensure local authorities have access to sustainable funding for core budgets at the Spending Review. We expect demographic and unit cost pressures will be met through council tax, social care precept, and long-term efficiencies; the overall level of local government funding, including council tax and social care precept, will be determined in the round at the Spending Review in the normal way."
(paragraph 36)

Council tax (and therefore the precept) raises different amounts in different parts of the country and the banding of properties for Council Tax in Wirral limits the resources that can be raised by the social care precept.

Council recognises and appreciates that the LGA has concluded that:

'The Spending Review must inject genuinely new funding, direct to local government, to both stabilise the system in the short-term and enable progress to be made in tackling unmet and under-met need, investing more in prevention, improving care worker pay and better supporting unpaid carers'.

In full recognition of all these issues, Council requests that the Group Leaders write to the Chairman of the Local Government Association to support the concerns expressed and that Wirral's Members of Parliament are made aware of this stance.

MINUTE EXTRACT

POLICY AND RESOURCES COMMITTEE 10 NOVEMBER 2021

78 CAPITAL MONITORING QUARTER 2 2021/22

The Director of Resources introduced a report which provided an update on the progress of the Capital Programme 2021/22 at the end of September 2021. The report recommended that the Committee agree the revised 2021/22 Capital Programme of £77.6 million which took account of re-profiling, virements, additional funding requirements and grant variations identified since the Capital Programme was formally agreed on 1st March 2021.

Responding to a Member's comment, the Chief Executive stated that with regard to the West Kirby Flood Alleviation Scheme, he would ensure that officers engaged with the RNLI and Ward Members in respect of the timings of when this work would take place.

The Director of Resources responding to a Member's comment assured the Committee that the spending for the Urban Tree Challenge Fund had been reprofiled and would be carried forward to go ahead.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

RECOMMENDED to Council:

(1) the approval of the revised Capital Programme of £77.6 million for 2021/22, including the addition of the new grant funding referred to in section 3.4 in the report, as follows:

- **Coastal Defence – Meols Feasibility Study - £100,000;**
- **Future High Street Fund – New Ferry - £3.214 million;**

(2) the approval of the virements referred to in Appendix 3 in the report.

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POLICY AND RESOURCES COMMITTEE**Wednesday, 10 November 2021**

REPORT TITLE:	CAPITAL MONITORING QUARTER 2 2021/22
REPORT OF:	DIRECTOR OF RESOURCES (S151 OFFICER)

REPORT SUMMARY

This report provides an update on the progress of the Capital Programme 2021/22 at the end of September 2021. It recommends that Committee agree the revised 2021/22 Capital Programme of £77.6 million which takes account of re-profiling, virements, additional funding requirements and grant variations identified since the Capital Programme was formally agreed on 1st March 2021.

This matter is a key decision which affects all Wards within the Borough

RECOMMENDATION/S

The Policy and Resources Committee recommends to Council:

- 1 the approval of the revised Capital Programme of £77.6 million for 2021/22, including the addition of the new grant funding referred to in section 3.4 in this report.
- 2 the approval of the virements referred to in Appendix 3 in this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Regular monitoring and reporting of the Capital Programme enables decisions to be taken faster, which may produce revenue benefits and will improve financial control in Wirral Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other reporting frequencies could be considered, but quarterly reporting is a standard practice.

3.0 BACKGROUND INFORMATION

3.1 Capital Programme 2021/22 Position by Directorate

Table 1: Wirral Council 2021/22 Full Year Capital Budget and Forecast Position

Programme	Forecast	Forecast	Variance £m	Variance %
	Q1 £m	Q2 £m		
Adult Care & Health	3.494	3.494	0.000	0%
Children, Families & Education	5.504	5.705	0.201	4%
Corporate Schemes	12.071	12.071	0.000	0%
Neighbourhoods	23.584	23.710	0.126	1%
Regeneration & Place	32.696	30.243	-2.453	-8%
Resources	2.368	2.353	-0.015	-1%
Total	79.717	77.576	-2.141	-3%

NB: items of significant scheme variation from Quarter 1 are included below.

Capital Programme 2021/22 Position by Committee

Table 2: Wirral Council 2021/22 Full Year Capital Budget and Forecast Position

Programme	Forecast	Forecast	Variance £m	Variance %
	Q1 £m	Q2 £m		
Adult Social Care & Health	3.621	3.494	-0.127	-4%
Children, Young People & Education	5.534	5.735	0.201	4%
Economy, Regeneration & Development	17.564	17.519	-0.045	0%
Environment, Climate Emergency & Transport	23.840	24.295	0.455	2%
Housing	7.976	6.926	-1.050	-13%
Policy & Resources	15.706	15.982	0.276	2%
Tourism, Communities, Culture & Leisure	5.476	3.625	-1.851	-34%
Total	79.717	77.576	-2.141	-3%

3.1.1 Table 1 provides an update on the 2021/22 capital Programme. A number of variations have arisen since the re-profiled programme was agreed at the end of June in March 2021. These include the re-profiling of expenditure into and out of the 2021/22 financial year, inclusion of additional grant funded schemes, variations to spend forecasts and the inclusion of potential new capital schemes that are seeking funding via this report. Further detail is provided below.

3.1.2 Given the budgetary pressures that the Council faces, which have been exacerbated by the COVID-19 outbreak, a review of the programme continues to try and identify schemes that may no longer be financially viable, essential or deliverable. This review has resulted in the reprofiling of budget into future years of £59.282 million from the originally approved budget in March 2021. During Quarter 2, £4.911 million was reprofiled. It is anticipated that further reductions and/or deferrals of budget will be made as the review continues. Such deferrals will reduce the borrowing costs incurred during 2021/22 and also delays the resultant Minimum Revenue Provision (MRP) charges into future years.

3.1.3 Appendix 1 of this report categorises the movement in the forecast programme.

3.2 Scheme Updates

3.2.1 Schemes are subject to an ongoing review to ensure that a deliverable Programme is in place, that they are compatible with the Wirral Plan 2021/2026 priorities and to try and identify any savings. Current progress on the more significant schemes is provided in the following sections

3.2.2 Adult Social Care & Health

- **Extra Care Housing** - Poppyfields is an extra care development in Saughall Massie which opened in July 2021. It contains 78 self-contained 1 and 2 bedroom apartments to rent to people aged 55 and over. The Housing 21 Upton scheme is not expected to begin on site until planning permission is granted.
- **Telecare & Telehealth Ecosystem** – The scheme is progressing with over £0.415 million of costs being financed by the NHS that would have previously been incurred by the Council. Discussions are ongoing to substitute Council borrowing with grant funding from the Disabled Facilities Grant. Further cost reduction is expected as negotiations with suppliers result in better value purchasing, along with continued investment from NHS.

3.2.3 Children, Families & Education

- **School Condition Allocation (SCA)** – This programme of works is expected to accelerate as two building surveying staff have recently been appointed to work on both SCA and wider corporate projects, enabling more works to be undertaken this financial year. There are currently two vacancies within the department, one architect and one quantity surveyor, it is hoped these will be filled in this financial year, both posts will again work on School Condition Allocation schemes and wider corporate projects. Funding to support condition works, including:

- £1.055 million worth of Roofing works are scheduled for this year for a number of school sites.
- £0.350 million of works on school sites including boiler installation, sites include Mount Primary, St George's, Bidston Village C of E Juniors, Heswall Primary, St Bridget's Primary.
- A significant contribution towards a proposed total cost of £1.600 million is to be allocated from this funding towards the redevelopment of Riverside Primary School (Phase 1).
- Regarding fire alarm enhancement, schemes totalling £0.200 million have been identified.
- £5.020 million of reprofiling has been applied due to factors including the availability of contractors and problems with the building supply chain, therefore school Capital projects have been on hold/subject to delay, with budget deferred into 2022/23. Scheme costs may increase as a consequence of supply chain issues and budgets will be monitored and aligned accordingly.
- **Transforming Care - Therapeutic Short Breaks**– An open market search is ongoing for a suitable property. National Health Service England have been updated regarding the stage of the project. It is hoped that a firm acceptance of offer will be in place by the end of the year. Estimated refurbishment costs of £0.266 million have been reprofiled into 2022/23.
- **Special Educational Needs and Disabilities** – The investment in the provision of places for pupils 2021/22. Works scheduled include those at Pensby Park Resource Centre to provide 60 SEN places and the Home Education Service relocation. Budget that had been reprofiled into 2022/23 has consequently been reinstated into this financial year. The need for additional classroom requirements by Foxfield are currently being assessed as pupil numbers increase.

3.2.4 Neighbourhoods

- **Street Lighting Column (Replacement or Upgrade)** - A contract was awarded to SSE Contracting Ltd in September 2019 for a two-year fixed term, to include approximately 28,000 lantern replacements and approximately 6,000 column replacements. Further funding of £1.5 million was built into the Capital programme in Quarter 1 to complete the scheme. It is anticipated that this allocation will be fully spent by January 2022, as works are in the final stage of the LED programme.
- **Highway Maintenance** – The 'Hot Road Asphalt' (HRA), Key Route Network (KRN) and Surface Dressing elements of this scheme have now been completed. The Micro-asphalting schemes are to be finished by the end of December 2021, with this budget being forecast to be fully utilised in 2021/22.
- **Combined Authority Transport Plan (CATP)** – This grant has been used historically to support the delivery of small-scale works in local areas' transport plans and capital maintenance on the local highway network. Following the relocation of staff during the Council's COVID response, the scheme has been impacted and met with delivery delays . Consultants have been commissioned to

deliver certain schemes but this in itself has been a lengthy process as procurement processes need to be adhered to.

- **West Kirby Flood Alleviation** – this scheme looks to bring together public realm improvements with flood risk improvements that will not only enhance the environment of South Parade but also reduce flood risk to 70 properties. £1.800 million is forecast to be spent within this financial year. Planning Committee is scheduled for November 2021. The conditions set by Natural England (if approved) only allow for the majority of the construction works to take place between April and October to minimise noise and disturbance within the Dee Estuary, hence the profiling of budget in 2022/23.
- **New Ferry Rangers Community Clubhouse** – scheme to fund essential health and safety works to the building. This will allow further works to be undertaken to turn a run- down youth club into a state-of-the-art community clubhouse.

3.2.5 Regeneration & Place

- **Aids, Adaptations and Disabled Facility Grants** – spend is influenced by several factors including referrals received and the extent/value of the adaptations required, with £6.856 million forecast remaining for 2021/22. An allocation of the Disabled Facility Grant has been separated out and now reports in the 'Adult Social Care & Health' directorate.
- **Housing Infrastructure Fund Marginal Viability (Northbank)** - Delivery of these works, which are being undertaken by Peel Land and Property, will enable the delivery of 1106 residential units at Wirral Waters including the Urban Splash/Peel development, the Belong Care Village, and the Wirral Waters One (Legacy) project. Work has progressed to remediate, service and provide infrastructure on the land at Northbank. The works are well advanced and scheduled to be complete this financial year.
- **Future High Streets (Birkenhead)** – Grant of £12.000 million received in advance from the former Ministry of Housing, Communities & Local Government (MHCLG) in 20/21 as part of the Birkenhead Future High Street programme. Funds were paid as a grant and in advance of signing a grant funding agreement. Currently negotiating a project adjustment and revised spend profile with Government. The forecast for 21/22 (£3.318 million) is dependent on a number of solutions being agreed.
- **Birkenhead Regeneration Delivery Fund** - Funding allocated to enable the delivery of the 'Brownfield First' development strategy in support of The Local Plan. Further work is underway to allocate the total budget against individual projects, this work will be completed for an update to be included in the Quarter 4 Report.
- **Wirral Waters Investment Fund (WWIF)**– Current approvals for WWIF grant total £5.850m
 - Marine, Energy & Automotive (MEA) Park Phase 2 - £1.5 million – awaiting updated programme but construction should commence this financial year. (£0.750 million in for 21/22)

- Egerton Village – £1.750 million – due to start on site this financial year (£0.9 million for 21/22)
- Green and Civilised Streets - £0.400 million –infrastructure works to Tower Rd. The main contract is now complete with some additional works estimated to be completed in January 2022, subject to material availability.
- **Maritime Knowledge Hub-** A new scheme added into the programme in Quarter 1. The budget for the scheme is £23.0 million Scheme, funded £2.2m from the Wirral Waters Investment Fund, £8.85m Liverpool City Region Combined Authority’s ‘Strategic Investment Fund’ (Awaiting formal award in Quarter 3 2021/22) and £11.95m from the Council. £1.7m is forecast for potential spend in Quarter 4 of this financial year. subject to grant approval and Peel meeting certain scheme conditions regarding levels of pre-lets. The remaining budget will be split 50:50 over 2022/23 and 2023/24 to cover the build costs.

3.2.6 Resources

- **Enterprise Resource Planning (ERP)** - The project has moved from advisory to the build phase. All work streams are rated green which includes Data Migration, Integration, Finance, Procurement, Planning/Budgeting, Projects and Reporting. The next phase is for pilot system build and to specify the data management requirements. Overall, the project remains on track for the system to go live from 1 Apr 2022. Budget has been profiled into 2022/23 to cover ‘Smartbusiness’ costs and contingency.
- **Customer Experience Improvements Project** - The ‘Customer Access Solution’ (CAS) is a project to replace the council’s end of life CRM system with a modern customer engagement platform that will modernise service delivery and improve the customer experience. The project is currently in the delivery phase and rated ‘green’ for budget, schedule and risk. There is a migration plan in place and the next tranche of services to be delivered are waste related processes such as Graffiti, Fly tipping etc. Overall, the project remains on track for June 2022.

3.3 Reprofileing of expenditure

3.3.1 Since the approval of the revised Capital Programme as at Quarter 1, a number of schemes have had reprofiled budget into 2021/22 from 2020/21.

3.3.2 Regular meetings are held with officers who are responsible for capital projects contained within the programme. During these meetings assessments are made regarding the deliverability of the schemes and their budgetary requirement for the year. These assessments are reflected in the forecast outturn provided through the quarterly update reports to members. Should it be assessed that a scheme will continue into the next financial year, or beyond, budget is reprofiled as deemed appropriate at that time.

3.3.3 A review of the Capital Programme is ongoing to identify which schemes can either be delayed, deferred or even withdrawn to reduce the ongoing financial commitments that result from the programme.

- 3.3.4 Those schemes that have encountered significant delays as a result of operational reasons are included with the items of significant variations, summarised in Appendix 2 of this report. A review of the profiling of expenditure within the Capital Programme is continuing and is likely to lead to a further reduction in anticipated spend for the year.
- 3.3.5 All the Leisure Centre related capital projects, have been reprofiled into the financial year 2022/23, pending approval of the Sport and Physical Activity Strategy and associated Action Plans. The Sport and Physical Activity Strategy is to be considered by Members on 17th November 2021, at the Tourism, Communities, Culture and Leisure Committee.

3.4 Grant Funded Schemes

3.4.1 Since the original 2021/26 Capital programme was approved in March 2021, the Authority has been successful in its application for grant funding to either enable the following schemes to take place or be continued. There is no request for new Council funding to be considered as part of these schemes. In the event of any notable grant awards being achieved in the future, the relevant schemes will be introduced into the capital programme via the regular monitoring reports.

3.4.2 Coastal Defence – Meols Feasibility Study - £0.100 million

Allocated to Wirral Council by the Environment Agency as a flood and coastal risk management capital grant. The award is to undertake a feasibility study for future coastal defence works at Meols (also looking at feasibility of highway drainage improvements at Hoylake).

3.4.3 Future High Street Fund – New Ferry - £3.214 million

Issued to the Council by the Department for Levelling Up, Housing and Communities (formerly the MHCLG) capital grant funding of £3,213,523 for the investment required to deliver the Future High Street Fund - New Ferry. This includes the redevelopment of Woodhead Street car park and explosion sites, partial de-pedestrianisation of Bebington Road and opening up of School Lane. Budget profiled to meet expected expenditure in 2021/22 and 2022/23.

3.5 Capitalisation Directive

The Council applied to Central Government for a capitalisation directive known also as 'Exceptional Financial Support.' This would allow the Council to charge to capital additional COVID-19 related costs. Under normal accounting convention such costs would be a revenue item, but the exceptional COVID-19 circumstances have required us to seek capitalisation.

On 30 June 2021, The Policy and Resources Committee resolved that £6.53m of such Exceptional Financial Support be capitalised in relation to the 2020/21 financial outturn. The Department have indicated that they are content to offer a capitalisation direction up to a maximum value of £10.68m for 2021/22, subject to conditions and an external assurance review, the outcome of which is still awaited.

The maximum value of £10.68 million will be included within the programme for 2021/22. It is anticipated that this value may not be fully required and once a firm value is ascertained the capital programme will be reduced accordingly.

3.6 Virements

Appendix 3 of this report lists the budget virements that have been proposed where schemes have been identified as not requiring the full budget allocation as originally expected. It is proposed that this resource be reallocated to schemes that require additional resource to fully complete the works.

3.7 Capital Funding Requirements

Table 3: Financing the Capital Programme 2021/22

Source of Financing	Programme 30 Jun 2021 £m	Programme 30 Sep 2021 £m	Variance £m
Borrowing	46.442	45.725	-0.717
Grants/Contributions	32.510	31.086	-1.424
Capital Receipts	0.744	0.744	0.000
Revenue/Reserves	0.021	0.021	0.000
Total	79.717	77.576	-2.141

3.7.1 Any re-profiling that reduces borrowing will produce one-off revenue savings. A permanent saving only occurs if schemes cease, otherwise the full budget will be required in 2022/23 when the re-profiled expenditure is incurred.

Revised PWLB Guidance

3.7.2 A number of restrictions remain in place upon Local Authorities in regard to applying to the Public Works Loan Board (PWLB) for new loan agreements. These would prevent or limit access to PWLB borrowing in any year where the council seeks to use capital expenditure for any scheme with a primarily yield/return objective. The Council's current capital programme does not contain schemes that are primarily focussed on a commercial return. This revised guidance does not impact any of this Authority's current schemes.

3.7.3 HM Treasury published further guidance on PWLB borrowing in August 2021 providing additional detail and clarifications predominantly around the definition of an 'investment asset primarily for yield'. The principal aspects of the new guidance are:

- Capital expenditure incurred or committed to before 26th November 2020 is allowable even for an 'investment asset primarily for yield'.
- Capital plans should be submitted by local authorities via an online Government return. These open for the new financial year on 1st March and remain open all year. Returns must be updated if there is a change of more than 10%.
- An asset held primarily to generate yield that serves no direct policy purpose should not be categorised as service delivery.

- Further detail on how local authorities purchasing investment assets primarily for yield can access the PWLB for the purposes of refinancing existing loans or externalising internal borrowing.
- Additional detail on the sanctions which can be imposed for inappropriate use of the PWLB loan. These can include a request to cancel projects, restrictions to accessing the PLWB and requests for information on further plans.

3.7.4 The aim of these clarifications is to prescribe a proportionate and equitable way of preventing local authorities from using PWLB loans to buy commercial assets primarily for yield, without impeding their ability to pursue service delivery, housing, and regeneration under the prudential regime as they currently do.

Capital Receipts

3.7.5 In accordance with the original Capital Receipts flexibilities introduced by the Government capital receipts generated between 1 April 2016 and 31 March 2022 can be used to support expenditure that is 'Transformational' in nature. In a press release published on 10th February 2021, the MHCLG announced that there is to be a 3-year extension period to this flexibility from 2022/23 onwards.

3.7.6 Within the Capital Programme for 2021/22 is the scope for use of up to £0.744 million of capital receipts to fund expenditure that meets the conditions of the flexible receipts allowance. The costs are being managed through revenue monitoring as this is more appropriate for operational reasons but will be reported as capital at year end.

3.7.7 Application of receipts to fund such expenditure is predicated on the realisation of the receipts within this financial year. If the anticipated receipts do not come to fruition, this will cause a subsequent pressure in the revenue budget as the costs will need to remain within the revenue budget for funding, rather than via capital receipts.

4.0 FINANCIAL IMPLICATIONS

4.1 This is the Quarter 2 budget monitoring report, to the end of September 2021 that provides information on the forecast outturn and progress against the capital programme. The Council has systems for reporting and forecasting budgets in place and alongside formal Quarterly reporting to Cabinet, the financial position is reported monthly at each Directorate Management Team and corporately at the Strategic Leadership Team (SLT). In the event of any early warning highlighting pressures and potential overspends, the SLT take collective responsibility to identify solutions to resolve these to ensure a balanced budget can be reported at the end of the year.

4.2 Where the Authority finances capital expenditure by debt, it must put aside resources to repay that debt in later years. The amount charged to the revenue budget for the repayment of debt is known as Minimum Revenue Provision (MRP). If the capital programme is delivered as forecast in this report, the Authority will consequently increase its capital debt by £45.7 million. This debt is repaid via charges to the revenue budget over the lives of the assets created or enhanced. The revenue impact of the additional £45.7 million of borrowing required to fund all forecast works in 2021/22 is as follows:

Table 4: MRP Charges to Revenue Relating to 2021/22 Debt Funded Capital

	2022/23	2023/24	2024/25	2025/26
	£m	£m	£m	£m
Additional revenue cost	1.662	1.692	1.723	1.753

Note – MRP repayments from revenue only start the year after the capital expenditure has taken place i.e., for spend incurred in 2021/22, the first MRP repayments will be charged in the 2022/23 revenue accounts.

- 4.3 It is estimated that these costs will peak in 2028/29 at £1.849 million reflecting the fact that the principal repayment associated with debt (the Minimum Revenue Provision) increases over the expected life of the asset funded from borrowing. Any reprofiling or ‘slippage’ of debt funded capital spend will delay the associated MRP being charged to the revenue budget.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council must set the budget (of which the Capital Programme is part of) in accordance with the provisions of the Local Government Finance Act 1992 and approval of a balanced budget each year is a statutory responsibility of the Council. Sections 25 to 29 of the Local Government Act 2003 impose duties on the Council in relation to how it sets and monitors its budget. These provisions require the Council to make prudent allowance for the risk and uncertainties in its budget and regularly monitor its finances during the year. The legislation leaves discretion to the Council about the allowances to be made and action to be taken.
- 5.2 Members must bear in mind their fiduciary duty to the council taxpayers of Wirral. Members must have adequate evidence on which to base their decisions on the level of quality at which services should be provided.
- 5.3 Where a service is provided pursuant to a statutory duty, it would not be lawful to fail to discharge it properly or abandon it, and where there is discretion as to how it is to be discharged, that discretion should be exercised reasonably.
- 5.4 The report sets out the relevant considerations for Members to consider during their deliberations and Members are reminded of the need to ignore irrelevant considerations. Members have a duty to seek to ensure that the Council acts lawfully. Members must not come to a decision which no reasonable authority could come to; balancing the nature, quality and level of services which they consider should be provided, against the costs of providing such services.
- 5.5 There is a particular requirement to take into consideration the Council’s fiduciary duty and the public sector equality duty in coming to its decision.
- 5.6 The public sector equality duty is that a public authority must, in the exercise of its functions, have due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act

2010; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7 Any decision made in the exercise of any function is potentially open to challenge if the duty has been disregarded. The duty applies both to Full Council when setting the budget and to Committees when considering particular decisions.

5.8 Once a budget is in place, Council has delegated responsibility to the Policy and Services Committees to implement it. The Committees may not act contrary to the Budget without consent of Council other than in accordance with the Procedure Rules set out at Part 4(3) of the Constitution.

5.9 It is essential, as a matter of prudence that the financial position continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered, and that new expenditure is contained within the available resources. Accordingly, any proposals put forward must identify the realistic measures and mechanisms to produce those savings.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no staffing, IT or asset implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 The possibility of failure to deliver the Capital Programme will be mitigated by the monthly review by a senior group of officers, charged with improving performance. The Capital & Assets Group has been disbanded; however, the Investment & Change Board receive a monthly report on the Capital programme and associated issues for review.

7.2 The possible failure to deliver the Revenue Budget is being mitigated by:

- (i) Senior Leadership / Directorate Teams regularly reviewing the financial position.
- (ii) Availability of General Fund Balances.
- (iii) Where possible, reprofiling of 2021/22 projected Capital expenditure

7.3 In terms of individual scheme specific risks, these are identified as part of the original business case application and any potential risks to deliverability should be flagged as part of the ongoing scheme review process.

7.4 A risk register for Capital activity is currently under development with Internal Audit & Risk with the aim of a draft being available in Quarter 3 of 2021/22.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is an in-year report. Consultation takes place as part of considering the capital programme and over the planning and implementation of the specific schemes within the Programme.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Capital bids are welcomed that support the Council's Climate Emergency Plan that was compiled following the declaration of a Climate Emergency by the Council in May 2019. Within the existing capital programme there are projects that positively contribute to environmental issues. The environmental and climate implications, both positive and negative, are reported for each scheme separately to the relevant policy an service committee

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Community Wealth Building Strategy is a key part of how the Authority will tackle economic, social and health inequalities across the borough and make a major contribution to improving the economic, social and health outcomes on the Wirral. Schemes contained within the Capital programme include several regeneration projects that look to improve the economic outlook for the borough, including job creation, training facilities and enhanced transport links. The Community Wealth Building implications are reported for each scheme separately to the relevant policy and service committee

11.2 The programme also includes projects that focus on environmental initiatives such as energy efficient buildings, sustainable and green travel infrastructure, energy efficient street lighting, urban tree planting etc.

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APPENDICES

- Appendix 1 Movement Between Q1 Forecast and Q2 Forecast Position
- Appendix 2 Summary of Significant Programme Variations in Quarter 2
- Appendix 3 Proposed Virements
- Appendix 4 Revised Capital Programme 2021/22

Disclaimer Notice - The appendices/PDF files below may not be suitable to view for people with disabilities, users of assistive technology or mobile phone devices. Please contact markedgar@wirral.gov.uk if you would like this document in an accessible format.

BACKGROUND PAPERS

Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Local Authority Accounting in the UK 2020/21.
Local Government Act 2003 and subsequent amendments.
Local Government (Capital Finance and Accounting) Regulations 2008.
Accounts and Audit (England) Regulations 2015.

SUBJECT HISTORY

Council Meeting	Date
Budget Council – 2021/26 Capital Programme	1st March 2021
Budget Council - 2021/22 Capital Financing Strategy	1st March 2021
P&R Committee - 2020/21 Capital Outturn Report	30th June 2021
P&R Committee – 2021/22 Capital Monitoring Q1	1st September 2021

Appendix 1

Movement Between Q1 Forecast and Q2 Forecast Position

Programme	Forecast Q1 £m	Additional Grant £m	Funding Adjustments £m	New Bids £m	Scheme Reduction £m	Reprofiling to Future Yrs £m	Forecast Q2 £m
Adult Care & Health	3.494	-	4.270	-	-0.500	-3.770	3.494
Children, Families & Education	5.504	-	-	-	-	0.201	5.705
Corporate Schemes	12.071	-	-	-	-	-	12.071
Neighbourhoods	23.584	0.136	0.530	-	-	0.460	24.580
Regeneration & Place	32.696	3.234	-4.800	-	-0.100	-1.787	29.373
Resources	2.368	-	-	-	-	-0.015	2.353
Total	79.717	3.370	0.000	0.000	-0.600	-4.911	77.576

Appendix 2

Summary of Significant Programme Variations in Quarter 2

Area	Scheme	Forecast	Forecast	Variance	Comment
		Q1 £m	Q2 £m	from Q1 £m	
Children, Families & Education	Transforming Care - Therapeutic Short Breaks	0.866	0.600	-0.266	Purchase of a property for respite & short breaks, funded by an NHS England grant of £866k. An open market search is ongoing to purchase a property by the end of the year. The estimated refurbishment of £266k has been reprofiled into 22/23.
	Special Educational Needs and Disabilities	0.033	0.500	0.467	Investment in the provision of school places for pupils. Foxfield school require an additional three rooms on top of the three already estimated for this year. Funds of £ 467k brought forward from 22/23 to support the additional rooms.
Neighbourhoods	Tower Road National Productivity Investment Fund (NPIF)	0.134	0.534	0.400	Scheme to develop green infrastructure and public realm improvements in the Tower Road area of Birkenhead. An amount of £400k has been allocated from the Wirral Water Investment Fund as approved by Cabinet on 30 September 2019.
	Urban Tree Challenge Fund	0.525	0.319	-0.206	The Department for Environment, Food and Rural Affairs' (DEFRA) Urban Tree Challenge Fund with the strategic objective of increasing green infrastructure in support of climate change and broader environmental objectives. Expected spend for 21/22 is £319k with the remaining £206k deferred into 22/23.

Area	Scheme	Forecast Q1 £m	Forecast Q2 £m	Variance from Q1 £m	Comment
Regeneration & Place	Aids, Adaptations and Disabled Facility Grants	6.856	6.386	-0.470	Reallocation of grant to Adults area and reprofiling of expenditure into 22/23.
	Land Clearance Schemes	390.000	10.000	-380.000	Funds to cover historical costs of property purchase compensation and it is difficult to predict when this will be claimed as it is outside of the Authority's control, however this is not expected in 21/22.
	Sustainable Urban Development (SUD) - Leasowe to Seacombe Corridor	0.529	0.150	-0.379	Scheme completion is anticipated for Summer '22. The 'SUD Leasowe to Seacombe Corridor' and 'Green Travel Corridors SUD' are the same scheme therefore both elements of the budget have been consolidated under 'SUD Leasowe to Seacombe Corridor' and budget profiled to meet expected costs in 21/22 and 22/23.
	Green Travel Corridors Sustainable Urban Development	0.612	0.000	-0.612	The 'SUD Leasowe to Seacombe Corridor' and 'Green Travel Corridors SUD' are the same scheme therefore both elements of the budget have been consolidated under 'SUD Leasowe to Seacombe Corridor'.
	Major Infrastructure Development & Strategic Transport Forward Planning	0.462	0.200	-0.262	Funding to support future business case development of major schemes. Budget reprofiled to meet expected spend in 21/22 and 22/23.

Area	Scheme	Forecast Q1 £m	Forecast Q2 £m	Variance from Q1 £m	Comment
Regeneration & Place	Future High Streest Fund - New Ferry 21/22	0.000	0.529	0.529	Department for Levelling Up, Housing and Communities (formerly the MHCLG) capital grant funding of £3,213,523 for the investment required to deliver the Future High Stree Fund - New Ferry. This includes the redevelopment of Woodhead Street Car Park and explosion sites, partial de-pedestrianisation of Bebington Road and opening up of School Lane. Budget profiled to meet expected expenditure in 21/22 and 22/23.
	Transport Advisory Group Business Case- A41 Corridor North	0.265	0.050	-0.215	Scheme is supporting the progression of the Left Bank programme. Budget reprofiled into 22/23 to match expected progress and spend.
	Wirral Waters Investment Fund	2.005	1.605	-0.400	Current approvals for WWIF grant total £5.85m. Budget retained within 21/22 consists of allocations assigned to MEA Park Phase 2, Egerton Village, and Green and Civilised Streets. Remaining budget reprofiled into future years. £400k has been allocated to the Civilised St/Tower Rd NPIF scheme previously approved by Cabinet.

Appendix 3

Proposed Virements

Directorate	Scheme	Proposed Virement £'m	Proposed Reallocation	Reason
Neighbourhoods	New Cycle Infrastructure	1.000	Active Travel	Funding was originally identified to support development of Liveable Neighbourhood Pilot but subject to Committee approval this work is now being funded by Sustrans. Reprofiled for 21/22 and 22/23 to support the delivery of other active travel schemes including enhancing ATF2 Leasowe Rd scheme.
Neighbourhoods	Wirral Waters Investment Fund	0.400	Tower Road National Productivity Investment Fund (NPIF)	Funding of £400k from the WWIF to support the improvements to public realm in Tower Road, Birkenhead was approved by Cabinet on 30 September 2019.
Regeneration & Place	Central Park Compound	0.180	Depot Welfare Improvements	Budgets consolidated to allow any minor changes to the specification of work at the three sites to be variable whilst remaining within the overall maximum spend of £280,000.
Regeneration & Place	Leasowe Castle Depot	0.025	Depot Welfare Improvements	
Regeneration & Place	Plymyard Cemetery Welfare & Storage	0.075	Depot Welfare Improvements	
Regeneration & Place	Strategic Acquisition Fund	0.130	New Ferry Rangers Community Clubhouse	A further £130,000 for this project to meet the increase in materials costs and to provide a contingency for the project

Appendix 4

Revised Capital Programme at Quarter 2 2021/22

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Adult Care and Health						
Better Care Fund (Disabled Facilities Grant)	0	0	0	4,270	0	0
Citizen and Provider Portal/Integrated I.T.	112	112	0	0	0	0
Community Intermediate Care	0	0	0	0	0	0
Extra Care Housing	2,874	2,874	0	2,467	0	0
Liquidlogic - Early Intervention & Prevention	125	125	0	125	0	0
Telecare & Telehealth Ecosystem	383	383	0	1,200	1,492	0
Total Adult Care and Health	3,494	3,494	0	8,062	1,492	0
Children, Families & Education						
Basic Needs	600	600	0	688	0	0
Children's System Development	423	423	0	403	0	0
School Condition Allocation (SCA)	2,564	2,564	0	7,520	2,500	2,500
Family support	0	0	0	157	0	0
Healthy Pupils Capital Fund	18	18	0	0	0	0
High Needs Provision Capital	500	500	0	547	0	0
PFI	0	0	0	85	0	0
School remodelling and additional classrooms (School Place Planning)	500	500	0	437	0	0
Special Educational Needs and Disabilities	33	500	467	329	0	0
Transforming Care - Therapeutic Short Breaks	866	600	-266	266	0	0
Total Children, Families & Education	5,504	5,705	201	10,432	2,500	2,500

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Corporate Schemes						
Capitalisation of Salaries	647	647	0	0	0	0
MHCLG Capitalisation Directive	10,680	10,680	0	0	0	0
Transformational Capitalisation	744	744	0	0	0	0
Total Corporate Schemes	12,071	12,071	0	0	0	0
Neighbourhoods						
Aids to Navigation	40	40	0	0	0	0
Allotment Sites Expansion	127	127	0	0	0	0
Arrowe Park Sports Village Redevelopment Feasibility Study	25	25	0	0	0	0
Beach Cleaning - Replacement of equipment	122	122	0	0	0	0
Birkenhead Park World Heritage Project Team	85	85	0	0	0	0
Bridges-Lingham Lane Bridge	350	350	0	0	0	0
Bridges-Network rail	401	401	0	0	0	0
Catering Provision, West Kirby Sailing Centre-Leisure 21-22	95	95	0	0	0	0
Cemetery Extension & Improvements (Frankby)	171	171	0	0	0	0
Coastal Defence - Meols Feasibility Study	0	100	100	0	0	0
Combined Authority Transport Plan (CATP)	1,659	1,659	0	1,000	0	0
Coronation Park Sustainable Drainage	182	182	0	0	0	0
Dock Bridges replacement	517	517	0	0	0	0
Fitness Equipment	4	0	-4	4	0	0
Food Waste	0	0	0	0	3,200	0
Future Golf - Project 1.1	460	460	0	0	0	0
Highway Maintenance	4,277	4,313	36	0	0	0

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Neighbourhoods (Continued)						
Highways Asset Management System	133	133	0	0	0	0
Key Route Network	88	88	0	0	0	0
Key Route Network (LGF3) - Operate Key Roads / Routes Efficiently	361	361	0	0	0	0
Key Route Network 21/22	537	537	0	0	0	0
Lyndale Ave Parking & Safety Measures	150	150	0	0	0	0
Mersey PK & Ilchester Parks improvements	4	4	0	0	0	0
Modernisation of CCTV System	170	170	0	0	0	0
Monks Ferry Slipway	40	40	0	0	0	0
Moreton Sandbrook Drainage	440	440	0	0	0	0
New Brighton Gym Equipment	162	162	0	0	0	0
New cycle infrastructure	0	0	0	0	0	0
New Ferry Rangers Community Clubhouse	922	1,052	130	0	0	0
North Wirral Coastal Park	0	0	0	0	0	0
Parks Machinery	552	552	0	2,083	0	0
Parks Vehicles	250	250	0	821	0	0
People's Pool Feasibility Study	72	72	0	0	0	0
Play Area Improvements	467	467	0	0	0	0
Plymyard Playing Field	147	0	-147	147	0	0
Quick Win Levy	45	45	0	0	0	0
Removal of remaining analogue CCTV circuits	233	233	0	0	0	0
Solar Campus 3G	375	375	0	0	0	0
Sustainable Transport Enhancement Package	625	625	0	0	0	0

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Neighbourhoods (Continued)						
Street Lighting Column - Replacement or Upgrade	5,203	5,203	0	0	0	0
Street Lighting -Illuminated Lighting and Signage	364	182	-182	182	0	0
Studio refurbishment Les Mills classes	138	138	0	0	0	0
Studio refurbishment Les Mills classes new bid	88	88	0	0	0	0
Surface Water Management Scheme	90	90	0	0	0	0
Thermal mapping	10	10	0	0	0	0
Tower Road National Productivity Investment Fund (NPIF)	134	534	400	0	0	0
Town Link Viaduct	332	332	0	0	0	0
Tree Strategy	115	115	0	57	34	0
Urban Tree Challenge Fund	525	318	-207	207	0	0
West Kirby Flood alleviation	1,800	1,800	0	3,339	0	0
Williamson Art Gallery Catalogue	73	73	0	0	0	0
Wirral Country Park Car Park Surfacing	210	210	0	0	0	0
Wirral Way Widening	134	134	0	0	0	0
Woodchurch Rd Drainage	80	80	0	0	0	0
Total Neighbourhoods	23,584	23,710	126	7,840	3,234	0
Regeneration & Place						
65 The Village	164	164	0	0	0	0
Active Travel Tranche 1	188	188	0	0	0	0
Active Travel Tranche 2	681	681	0	1,000	0	0
Aids, Adaptations and Disabled Facility Grants	6,856	6,386	-470	1,500	0	0

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Regeneration & Place (Continued)						
Arrowe Country Park - New Machine Shed & Wash Bay	186	186	0	0	0	0
Arrowe Country Park Depot: Re-Surfacing, Material Bays & Electronic Er	40	40	0	0	0	0
Bebington Oval Facility Upgrade	0	0	0	701	0	0
Birkenhead Market Development	0	0	0	0	0	0
Birkenhead Park Depot Resurfacing	30	30	0	0	0	0
Birkenhead Park Event Infrastructure	0	0	0	164	0	0
Birkenhead Regeneration Delivery Fund	2,599	2,599	0	1,350	0	0
Birkenhead Regeneration Framework	667	667	0	85	0	0
Business Investment Fund	955	955	0	0	0	0
Castleway & Leasowe Early Years	30	30	0	1,170	0	0
Central Park Compound	0	0	0	0	0	0
Clearance of Land Schemes	390	10	-380	380	0	0
Community Bank	185	185	0	575	4,240	0
Concerto Asset Management System	38	38	0	0	0	0
Connecting Wirral Waters: Detailed Design	610	610	0	0	0	0
Consolidated Library Works Fund	100	100	0	190	0	0
Depot Welfare Improvements	0	200	200	80	0	0
Eastham Library	0	0	0	0	0	0
Empty Property Grant Scheme	310	210	-100	310	310	310
Energy efficient buildings	450	450	0	450	0	0
Eureka	100	100	0	0	0	0
Floral Pavilion	0	0	0	175	0	0
Future High Street Fund New Ferry 21-22	0	529	529	2,685	0	0

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1	Q2	Variance	Budget	Budget	Budget
	Forecast £000	Forecast £000	£000	£000	£000	£000
Regeneration & Place (Continued)						
Future High Streets - Birkenhead	3,318	3,318	0	7,133	14,130	0
Health & Safety - Condition Surveys	1,000	1,000	0	2,806	2,500	2,500
Heswall Day Centre	127	127	0	0	0	0
Hind Street Movement Strategy Project 21-22	123	123	0	0	0	0
Home Improvements	350	250	-100	100	0	0
Housing Infrastructure Fund (Enabling Infrastructure)	21	21	0	0	0	0
Housing Infrastructure Fund Marginal Viability (Northbank)	3,788	3,748	-40	40	0	0
Hoylake Golf works depot demolish and replace	104	50	-54	54	0	0
Landican Chapels	119	119	0	0	0	0
Leasowe Castle Depot	25	0	-25	0	0	0
Leasowe Leisure Centre/Evolutions	0	0	0	1,720	0	0
Legislative Compliance	44	44	0	0	0	0
Leisure Health & Safety Compliance	0	0	0	842	0	0
Lever Sports Pavilion	0	0	0	80	0	0
Major Infrastructure Development & Strategic Transport Forward Plannin	462	200	-262	262	0	0
Maritime Knowledge hub	1,700	1,700	0	10,650	10,650	0
Moreton Youth Club & Library	500	500	0	500	0	0
New Ferry Regeneration Strategic Acquisitions	280	280	0	320	118	0
Office Quarter Building Fit-Out	196	196	0	660	4,613	0
Onstreet Residential Chargepoint Scheme	102	102	0	0	0	0
Parks and Countryside (Equalities Act)	25	25	0	430	0	0
Plymyard Cemetery Welfare & Storage	75	0	-75	0	0	0

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Regeneration & Place (Continued)						
Pool Covers	72	72	0	0	0	0
Property Pooled Plus I.T System	70	70	0	0	0	0
Seacombe Library	0	0	0	0	0	0
Soft Play Areas Leisure Centres	0	0	0	410	0	0
Strategic Acquisition Fund	1,200	1,070	-130	1,834	1,800	0
Sustainable Urban Development - Leasowe to Seacombe Corridor	529	150	-379	991	0	0
Transport Advisory Group Business Case-A41 Corridor North	265	50	-215	215	0	0
Transport Advisory Group Business Case-Wirral Waters outline	131	131	0	0	0	0
Town Centre scheme - Liscard	296	316	20	0	0	0
Town Centre scheme - New Ferry	177	177	0	0	0	0
Town Fund Birkehead	115	115	0	0	0	0
Wallasey Central Library	0	0	0	0	0	0
Wallasey Village Library	0	0	0	0	0	0
Washdown Facilities	97	97	0	0	0	0
West Kirby Concourse/Guinea Gap Reception upgrade / improve	0	0	0	351	0	0
West Kirby Marine Lake/Sailing Centre – accommodation	229	229	0	0	0	0
Wirral Tennis Centre - Facility Upgrade	0	0	0	766	0	0
Wirral Waters Investment Fund	2,005	1,605	-400	1,645	5,205	4,500
Total Regeneration & Place	32,696	30,243	-2,453	42,624	43,566	7,310

Scheme	2021/22			2022/23	2023/24	2024/25
	Q1 Forecast £000	Q2 Forecast £000	Variance £000	Budget £000	Budget £000	Budget £000
Resources						
Access Wirral	51	51	0	0	0	0
Creative & Digital Team - specialist software and hardware	15	0	-15	15	0	0
Customer Experience Improvements Project	561	561	0	856	0	0
Digital Corporate Storage - upgrade & refresh technologies	66	66	0	0	0	0
Enterprise Resource Planning	1,418	1,418	0	3,235	0	0
HR e-Recruitment Solution	21	21	0	0	0	0
Legal Case Management System	60	60	0	0	0	0
Windows 10 Rollout	0	0	0	0	0	0
Worksmart I.T.	176	176	0	0	0	0
Total Resources	2,368	2,353	-15	4,106	0	0
Total Capital Budget	79,717	77,576	-2,141	73,064	50,792	9,810

MINUTE EXTRACT LICENSING ACT COMMITTEE

24 NOVEMBER 2021

8 DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005

The Director of Law and Governance sought Members' approval of the draft Statement of Policy under the Gambling Act 2005 so that it may be presented to Council for approval on 6 December 2021 in compliance with the statutory requirement that it must be reviewed every three years.

The Licensing Manager reported that the Council's Statement of Policy had first been published in December 2006 and had been reviewed in accordance with the requirements every three years. Each review had been consulted upon and subsequently recommended to Council for approval by this Committee.

The Licensing Manager informed Members of the Committee that following a review of the current Statement of Policy, proposed amendments had been made which had been highlighted in red in the revised draft Statement of Policy attached in Appendix 1 to the report. The amendments were summarised as follows:

- Updates to contact details, committee and panel
- Reference to the withholding of personal details
- Additional section on test purchasing and age verification
- The Licensing Authority's role in remote gambling
- Further information in respect of who can apply for a licence and the information required
- Additional information relating to the protection of children and vulnerable adults
- The meaning of 'available for use'

The draft Statement of Policy had been circulated for consultation to a number of consultees as stated within Appendix 2 attached to the report and had been publicised on the Council's website. The consultation period commenced on 1 October 2021 and closed on 18 November 2021.

Members were advised that at the time of writing the report no comments had been received in response to the consultation, however, the Licensing Manager advised that a letter had subsequently been received on behalf of the Betting and Gaming Council who had made a number of observations.

The Licensing Manager outlined the feedback received from the Betting and Gaming Council which included making the following amendments to the draft Statement of Policy:

- That paragraphs 15.3 and 15.4 be amended to remove reference to having a specific policy with regard to areas where gambling premises should not be located.

- To have it clarified within the Policy that applicants are not expected to offer conditions within their application but that the expectation is for them to outline their policies, procedures and mitigation measures in their risk assessment.
- To include reference within the Policy that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment.

Members considered the feedback provided by the Betting and Gaming Council which had been outlined by the Licensing Manager and agreed that the suggested amendments in respect of risk assessments be made to the Statement of Policy but that paragraphs 15.3 and 15.4 should remain without the amendments suggested by the Betting and Gaming Council.

It was highlighted to the Licensing Manager that it should be made clear in paragraph 20.2 that where a person is employed as a door supervisor they are required to hold a licence issued by the Security Industry Authority. The Licensing Manager agreed to make this amendment.

On a motion by Councillor M Collins and seconded by Councillor C Jones it was –

RECOMMENDED – That the draft Statement of Policy attached in Appendix 1 to the report be recommended for approval by Council on 6 December 2021 subject to the following amendments:

- **To have it clarified within the Policy that applicants are not expected to offer conditions within their application but that the expectation is for them to outline their policies, procedures and mitigation measures in their risk assessment.**
- **To include reference within the Policy that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment.**
- **To amend paragraph 20.2 to make it clear that where a person is employed as a door supervisor they are required to hold a licence issued by the Security Industry Authority.**

LICENSING ACT COMMITTEE**24 NOVEMBER 2021**

REPORT TITLE	DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Committee to recommend to Council the approval of the draft Statement of Policy under the Gambling Act 2005.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

It is recommended that the draft Statement of Policy attached in Appendix 1 to this report be recommended for approval by Council.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for the Council to review and consult upon a revised Statement of Policy under the Gambling Act 2005 every three years. The current policy was last approved in December 2018 and therefore in order to comply with statutory requirements the review of this policy must be completed no later than December 2021. It is therefore proposed that a revised Statement of Policy is presented to Council for approval on 6 December 2021.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee direct officers to make amendments to the revised draft policy before it is submitted to Council for approval on 6 December 2021.
- 2.2 The Committee do not approve the amendments made to the current policy as detailed in paragraph 3.3 and direct officers to present the current policy to Council for approval on 6 December 2021 with no amendments. This however is not considered to be appropriate due to the risks presented in paragraph 7.2 of this report.

3.0 BACKGROUND INFORMATION

- 3.1 The Gambling Act 2005 requires the Council to prepare and publish a statement of the principles to be applied when exercising its functions under the Gambling Act 2005. The Statement of Principles is referred to in this report as the Council's Statement of Policy. It is a requirement that this policy document be reviewed every three years.
- 3.2 The Council's Statement of Policy was first published in December 2006 and has been subject to a review every 3 years since that date. Each review has been consulted upon and subsequently recommended to Council for approval by this Committee.
- 3.3 Following a review of the current Statement of Policy, proposed amendments have been made to the Statement of Policy. These amendments are highlighted in red in the revised draft Statement of Policy attached in Appendix 1 to this report and are summarised below:
- Updates to contact details, committee and panel
 - Reference to the withholding of personal details
 - Additional section on test purchasing and age verification
 - The Licensing Authority's role in remote gambling
 - Further information in respect of who can apply for a licence and the information required
 - Additional information relating to the protection of children and vulnerable adults
 - The meaning of 'available for use'
- 3.4 The draft Statement of Policy has been circulated for consultation to a number of consultees and has been publicised on the Council's website. A list of consultees is

attached in Appendix 2 to this report. The consultation period commenced on 1 October 2021 and closes on 18 November 2021.

- 3.5 At the time of writing this report no comments have been received in response to the consultation. Should any comments be received before the close of the consultation period these comments will be presented at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The costs incurred in undertaking this consultation will be recovered from licence fees.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 349 of the Gambling Act 2005 places a duty on the Licensing Authority to undertake a review of its Statement of Policy every three years. In accordance with section 154 of the Gambling Act 2005 this function cannot be delegated to the Licensing Act Committee and must therefore be approved by Council. In accordance with this requirement a revised policy must be published no later than December 2021.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 The work undertaken to review the Statement of Policy and undertake the consultation has been undertaken within existing resources.

7.0 RELEVANT RISKS

- 7.1 There is a risk that the Council could be open to challenge if the current policy is not reviewed and republished within the statutory timescale without sufficient justification as to why this is the case.
- 7.2 If the proposed amendments to the Statement of Policy summarised in paragraph 3.3 of this report are not approved it is considered that the policy would not include relevant additional information which it is considered will further assist licence holders and those seeking licences or permissions to comply with the requirements of the Gambling Act 2005
- 7.3 Should the Council not adopt the proposed amendments which relate to children and vulnerable adults it may put them at a higher risk of harm from gambling.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The guiding principles for a fair consultation can be summarised as follows:
- It should be at a time when proposals are at a formative stage
 - Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response
 - Those consulted should be made aware of the factors that are of decisive relevance to the decision
 - Adequate time should be given for consideration and response

- The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken

8.2 Consultation has taken place with statutory consultees and those bodies listed in Appendix 2 of this report.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes. The impact review is attached.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that gambling is undertaken in a fair and open way and that children and vulnerable adults are protected from being harmed or exploited by gambling. The Statement of Policy sets out the principles to be applied in exercising its functions under the Gambling Act 2005 to achieve these objectives.

REPORT AUTHOR: Margaret O'Donnell
Licensing Manager
email: margaretodonnell@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Statement of Policy

Appendix 2 – List of Consultees

BACKGROUND PAPERS

The Gambling Commission Guidance to Licensing Authorities.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	10 December 2018
Licensing Act 2003 Committee	17 October 2018

Equality Impact Assessment Toolkit

(April 2014)

Section 1: Your details

EIA lead Officer: Margaret O'Donnell

Email address: margaretodonnell@wirral.gov.uk

Head of Section: Vicki Shaw

Chief Officer: Director of Law and Governance

Directorate: Law and Governance

Date: 3 November 2021

Section 2: What Council proposal is being assessed?

Review of Statement of Policy in respect of Gambling

Section 2a: Will this EIA be submitted to a Cabinet or Policy & Performance Committee?

Yes /No If 'yes' please state which meeting and what date

Licensing Act 2003 Committee – 24 November 2021

Regeneration & Environment (Environment & Regulation, Housing & Community Safety, Regeneration)

<http://bit.ly/regenEIA>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 4:

Could the proposal have a positive or negative impact on any protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
All	The Policy recognises the potential for negative impact of gambling and sets out the parameters to ensure legal compliance and how the licensing objectives under the Gambling Act 2005 should not be undermined	Applications for licences under the Gambling Act 2005 are subject to consultation and any negative impact could be considered by a Licensing Act 2003 Sub-Committee	Margaret O'Donnell	Ongoing	With current staff resources

Section 4a: Where and how will the above actions be monitored?

Through the Licence application process

Section 4b: If you think there is no negative impact, what is your reasoning behind this?

Section 5: What research / data / information have you used in support of this process?

Section 6: Are you intending to carry out any consultation with regard to this Council proposal?

Yes

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 7: How will consultation take place and by when?

Wide consultation was undertaken between 1 October 2021 to 18 November 2021, details of which can be found within the report to the Licensing Act 2003 Committee on 24 November 2021.

Before you complete your consultation, please email your preliminary EIA to engage@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal publishing requirements. The EIA will need to be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 4. Then email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing.

Section 8: Have you remembered to:

- a) **Select appropriate directorate hyperlink to where your EIA is/will be published (section 2a)**
- b) **Include any potential positive impacts as well as negative impacts? (section 4)**
- c) **Send this EIA to engage@wirral.gov.uk via your Chief Officer?**
- d) **Review section 4 once consultation has taken place and sent your updated EIA to engage@wirral.gov.uk via your Chief Officer for re-publishing?**

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Statement of Policy

Gambling Act 2005

December 2021

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

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APPENDICES:

Appendix A - Scheme of Delegation

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Appendix C – Responsible Authorities

Appendix D – Summary of gaming machine categories and entitlements

Appendix E – Summary of machine provisions by premises

The Licensing Objectives

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

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

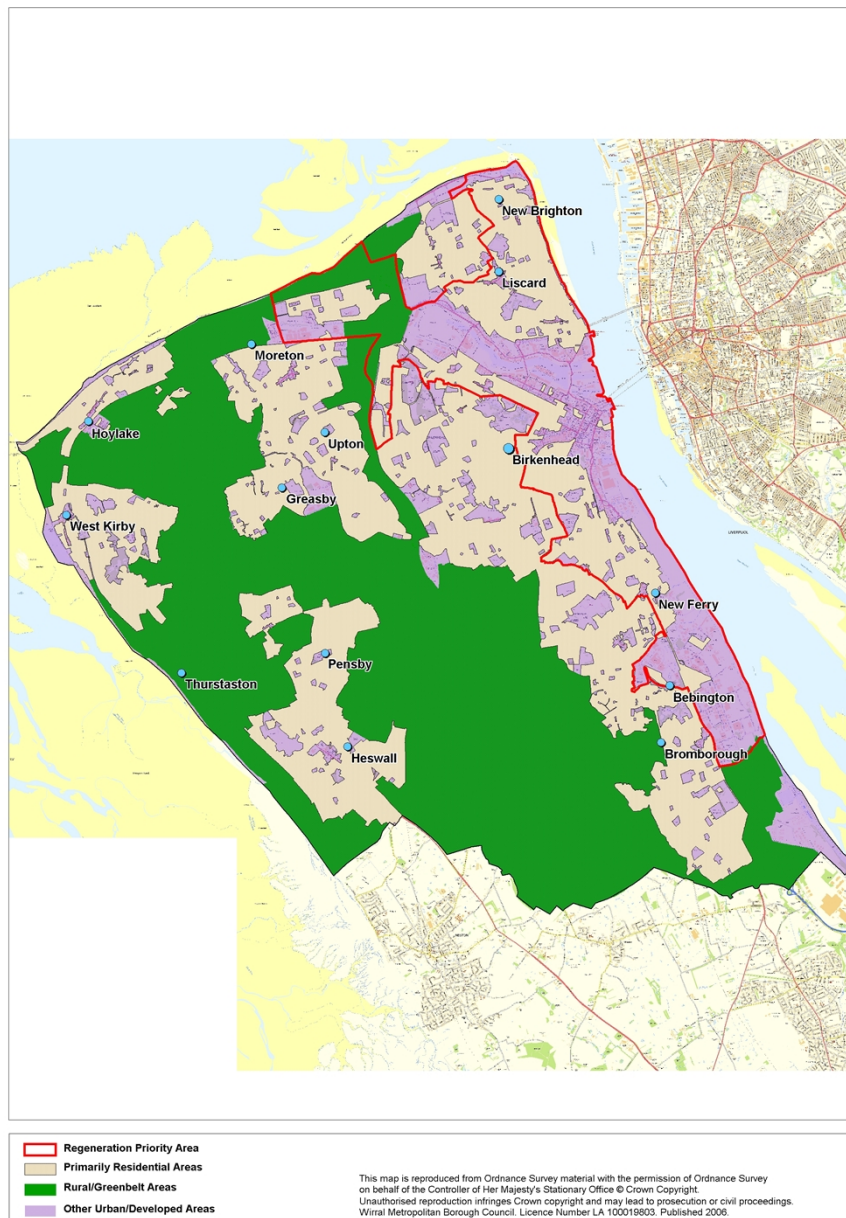
It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

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

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

1.0 Introduction

- 1.1 Wirral Borough Council is situated in the County of Merseyside, which contains no district Councils, but 5 metropolitan councils: Knowsley, Liverpool, Sefton, St Helens and Wirral. The Council area has a population of 324,011 (ONS 2010 midyear population estimates) making it the second largest after Liverpool in the County in terms of population. In terms of area it is the largest in Merseyside, covering 60.1 square miles. The Borough is mainly urban in outlook, with 32.85 square miles (54.66% of the borough) covered in Residential, Industrial or Commercial buildings.



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

- 1.2 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The

statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

1.3 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005

1.4 A list of the persons that the Council sent this document to for consultation is illustrated at Appendix B.

1.5 The draft will be circulated to consultees and additional copies will be available on our web site www.wirral.gov.uk.

1.6 Consultees were advised to send any comments to:

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

Email: licensing@wirral.gov.uk

The closing date for comments on the draft policy statement is 18 November 2021. The feedback from the consultation will be presented to the Licensing Act 2003 Committee on 25 November 2021 and the policy will be presented for approval at the Council meeting on 6 December 2021.

1.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.8 In determining this policy, the Licensing Authority has had regard to the ‘Guidance issued to Licensing Authorities’ issued by the Gambling Commission. In determining what weight to give to particular representations, the factors to be taken into account will include:

- who is making the representations (what is their interest or expertise)
- relevance of the factors to the Licensing Objectives

- how many other people have expressed the same or similar views
- how far the representations relate to matters that the Licensing Authority should be including in its policy statement.

2.0 Declaration

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

3.0 Responsible Authorities

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

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

3.2 In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this Authority designates the Wirral Safeguarding Children Partnership for this purpose as a Responsible Authority.

3.3 Safeguarding children is a key priority for Wirral Council, and the Licensing Authority expects all licensees to have strict control measures in place to mitigate any risks to underage gambling.

3.4 The Responsible Authorities under the Gambling Act 2005 are:

- Licensing, Wirral Borough Council
- The Gambling Commission
- The Chief Constable, Merseyside Police
- Merseyside Fire and Rescue Authority
- Planning, Wirral Borough Council
- Environmental Health, Wirral Borough Council
- Wirral Safeguarding Children Partnership
- H.M. Revenue & Customs (HMRC)

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

4.0 Interested Parties

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

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

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

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

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

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

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

4.4 In determining whether there is a business interest the Licensing Authority will take into consideration the size of the premises, the catchment area of the premises and whether the person making the representation has a business interest in that catchment area that could be affected. The nature and scope of business interest that could be affected will also be taken into consideration.

- 4.5 In considering whether there is a business interest the Licensing Authority will consider business interests in its widest possible interpretation, to include partnerships, charities, faith groups and medical practices.
- 4.6 Interested parties can be persons who are democratically elected such as Councillors, M.P.'s etc. No specific evidence of being asked to represent an interested party will be required as long as the Councillor / M.P. etc. represents the Ward likely to be affected. Save for democratically elected persons, other representations may include bodies such as trade associations and trade unions, and residents' and tenants' associations. A School Head or Governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the premises. This Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority by emailing licensing@wirral.gov.uk.

5.0 Exchange of Information

- 5.1 The Licensing Authority recognises that shared regulation depends on effective partnership and collaborations. The exchange of information between the Commission and Licensing Authorities is an important aspect of that and to the benefit of both. Licensing Authorities play a particular role in sharing information about gambling activity at a local level, which is important for the Commission's overarching view of gambling activity, not least because that enables the Commission to identify risks and feed information and intelligence back to licensing authorities. It also enables the Commission to fulfil its duty to advise the Secretary of State about the incidence of gambling and the manner in which it is conducted.

Section 29 of The Gambling Act 2005 enables the Commission to require information from Licensing Authorities, including the manner in which the information is compiled, collated and the form in which it is provided, providing that it:

- forms part of a register maintained under the Act
- is in the possession of the Licensing Authority in connection with a provision of the Act.

- 5.2 This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes compliance with the General Data Protection Regulations. We will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

5.3 Section 350 of The Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a Constable or Police Force
- an Enforcement Officer
- a Licensing Authority
- HMRC
- the First Tier Tribunal
- the Secretary of State

5.4 As a Licensing Authority we will maintain data on Premises Licences. As part of the application process for a premises licence, applicants will forward notice of the application to the Commission, and we will subsequently notify the Commission of the outcome of each application, whether it is granted or refused. The Act also requires Licensing Authorities to notify the Commission of other matters such as when a licence has lapsed or been surrendered, and the cancellation of certain permits and registrations. Under s.29 of the Act, the Commission has identified further information requirements that it is necessary for Licensing Authorities to provide, which form part of the Licensing Authority Return in the Single Data List.

5.5 Should any protocols be established as regards information exchange with other bodies then they will be made available.

5.6 The details of individuals or interested parties making representations in respect of applications for or a review of a licence will be shared with applicants and licence holders respectively as well as the Licensing Panel considering such applications. In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation if their personal details such as name and address are divulged to the applicant or licence holder. Should the Licensing Authority receive notification from such persons making representations that this is the case the Licensing Authority may withhold some or all of the person's personal details, giving minimal details such as street name or general location.

6.0 Compliance Role

6.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

6.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities and will apply the principles of good regulation in accordance with the principles of better regulation and the Regulators' Code. In accordance with the Regulators Code, this Authority aims to support businesses and individuals to comply with the law and grow within the Borough. The Licensing Authority understands that regulatory

activity can have cost implications on businesses. We will undertake such activity to minimise the negative economic impact of this work were possible, choosing proportionate and effective approaches to regulation. This means that inspections and enforcement activities will be undertaken in accordance with the following principles:

- Proportionate: We will only intervene when necessary: remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: We will justify our decisions and be subject to public scrutiny
- Consistent: Rules and standards will be joined up and implemented fairly
- Transparent: We will be open and transparent and keep regulations simple and user friendly
- Targeted: Regulation will be focused on the problem, and minimise side effects

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

6.4 This Licensing Authority will target high risk premises which require greater attention and will operate a lighter touch in respect of low risk premises. The criteria the Licensing Authority will use to determine the level of risk will include;

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of Licensing Policy

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

7.0 Test purchasing and age verification

7.1 Test purchasing is one method by which either the Gambling Commission or Licensing Authorities may measure the compliance of licensed operators or groups of licensed operators, with aspects of the Gambling Act 2005 subject to Primary Authority (PA) arrangements.

7.2 The Licensing Authority will consult with operators in the first instance where we have concerns about the underage access and or age verification policies of a particular business. This will enable the Licensing Authority to identify

what programmes are in place to manage the business risk and take these into account in planning any test purchase exercise.

- 7.3 The Licensing Authority will consult with the Gambling Commission before planning a test purchase exercise in order to ensure that there is no conflict between any ongoing investigation or enforcement activity related to either the premises or the operator. However, irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.4 The Licensing Authority will follow current guidance in relation to the sale of age restricted products in order to ensure that tests are carried out in a manner that is risk-based and fair, with due regard to the welfare of young people involved in the test purchasing.
- 7.5 The Licensing Authority will share any test purchasing results with the Gambling Commission.

8.0 Local Authority Compliance Events (LACE)

- 8.1 In order to make the system of shared regulation as effective and efficient as possible, the Commission notifies Licensing Authorities of complaints and intelligence received regarding non-compliance and illegality in their geographical area which is primarily of a localised nature. These are referred to as Local Authority Compliance Events (LACE). The responsibility for the LACE referral is then discharged from the Commission to the Licensing Authority. Licensing Authorities are requested to advise the Commission of what, if any, action is taken.
- 8.2 The complaints that instigate the LACE referrals come from a variety of sources including licensed operators and members of the public. A number of them are received anonymously via the Commission's intelligence line.
- 8.3 In accordance with the Regulators Code this Licensing Authority has produced an Enforcement Policy which is available on the Council Website – www.wirral.gov.uk.

9.0 Local Risk Assessment

- 9.1 The social responsibility code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, it is expected that premises located in Wirral will have regard to Local Insight Wirral which is an online tool providing detailed area profiles of Wirral. It can be found online within this link <https://wirral.communityinsight.org/>.
- 9.2 Applicants are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, which may be highlighted in the Local Insight Wirral tool which is updated on a monthly basis
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

9.3 The social responsibility provision is supplemented by an ordinary code provision that requires Licence Holders to share their risk assessment with Licensing Authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority.

10.0 Local Area Profile

10.1 Wirral Council has developed its own assessment of the local environment and has mapped out the key characteristics of the local areas. This assessment which applicants can use to have a better understanding of a particular area can be found online within this link:
<https://wirral.communityinsight.org/>.

10.2 For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. In these circumstances, the Licensing Authority would expect licence holders to take appropriate steps to ensure that they have sufficient controls in place to mitigate associated risks in such areas and, if not, the licensing authority would consider other controls themselves.

10.3 The Licensing Authority will expect operators and new applicants to use the local area profiles to inform of specific risks that operators will need to address in the risk assessments which will form part of any new licence application, or an application to vary a licence.

11.0 Licensing Authority Functions

11.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - Register Small Society Lotteries below prescribed thresholds
 - Issue Prize Gaming Permits
 - Receive and Endorse Temporary Use Notices
 - Receive Occasional Use Notices
 - Provide information to the Gambling Commission regarding details of licences issued
 - Maintain registers of the permits and licences that are issued under these functions
- 11.2 It should be noted that the Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. We will engage with the Gambling Commission where necessary on this issue and refer any intelligence or concerns raised in respect of such activity, in particular harm being caused to children or vulnerable persons within the Borough.

12.0 Allocation of Decision Making Responsibilities

- 12.1 The Licensing Authority is involved in a wide range of licensing decisions and functions which will be administered by the Licensing Act 2003 Committee and Licensing Panels thereof.
- 12.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, is delegated to Council Officers.
- 12.3 The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Act 2003 Committee, Licensing Panels and Officers. This form of delegation is without prejudice to an Officer referring an application to a Sub-Committee, a full Committee, or to full Council, if considered appropriate in the circumstances of any particular case.
- 12.4 The Licensing Authority's decision making process will be informed by the local area profile and will have particular regard to the proximity of gambling premises to schools, vulnerable adult centres, residential areas where there is a high concentration of families with children and areas of the Borough that are particularly attractive to children such as New Brighton.

- 12.5 Each application will be decided on its merits taking into consideration how the applicant can demonstrate that they can overcome concerns that the Licensing Objectives may not be met.
- 13.0 Premises Licences**
- 13.1 An application for a premises licence may only be made by persons (which includes companies or partnerships):
- who are aged 18 or over **and**
 - who have the right to occupy the premises **and**
 - who have an operating licence which allows them to carry out the proposed activity. Details of operators that hold an operating licence are available on the Commission's website **or**
 - who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.
- 13.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they are merely providing space for other people to provide betting (and those other people hold valid betting operating licences). However, if a track owner is also acting as a betting operator, for example, running pool betting, they will have to have the relevant type of operating licence.
- 13.3 An application must be made to the relevant licensing authority in the form prescribed in regulations laid down by the Secretary of State and must be accompanied by:
- the prescribed fee
 - the prescribed documents namely a plan of the premises – the plan needs to be to scale, however, a specific scale has not been prescribed.
- 13.4 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007(as amended) states that a **plan** must show:
- the extent of the boundary or perimeter of the premises
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
 - where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
 - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
 - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.
- 13.5 The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. This Licensing

Authority expects plans to show the location of any gaming machines and indicate the line of sight to supervising staff or CCTV. Should the Licensing Authority consider that there is insufficient detail provided on the plan we may ask for further information.

- 13.6 The premises plan itself is only one means by which the Licensing Authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns, and the layout of a particular premises, will determine what is most appropriate for an individual application.
- 13.7 Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in Regulations issued by the Secretary of State.
- 13.8 The Licensing Authority is able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 13.9 This Licensing Authority is aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant Guidance issued by the Gambling Commission
 - Reasonably consistent with the Licensing Objectives
 - In accordance with this Statement of Licensing Policy

The Licensing Authority will not take into consideration whether there is demand for a particular gambling premises when making it's decision.

- 13.10 It is appreciated that gambling can be an emotive subject but acknowledge that in accordance with Gambling Commission Guidance for Local Authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences".
- 13.11 Representations made in respect of applications should be based on the Licensing Objectives as set out at Page 1 of this Policy. It is important to note that the Licensing Objectives are different to those set out in The Licensing Act 2003 and do not include the prevention of public nuisance or public safety.
- 13.12 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can be properly regarded as different premises.

- 13.13 The Licensing Authority will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 13.14 The Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate for examples by ropes or movable partitions, can be properly regarded as different premises. This Licensing Authority supports this view.
- 13.15 The location of the premises will clearly be an important consideration and a significant factor that the Licensing Authority will consider is whether the premises are genuinely separate premises that merit their own licence and are not artificially created part of what is readily identifiable as a single premises. The suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. As stated above areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, will not properly be regarded as different premises.
- 13.16 The Licensing Authority make particular note of the Gambling Commission's "Guidance to Licensing Authorities" which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises without a permit.
 - Customers should be able to participate in the activity named on the premises licence.
- 13.17 In determining whether premises are truly separate the Licensing Authority will consider the following factors:
- Do the premises have a separate registration for business rates?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 13.18 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed

gambling premises. The precise nature of this public area will depend on the location and nature of the premises. As a Licensing Authority we will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.

13.19 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 9 sets out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 years and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into Family Entertainment Centres (FEC), tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

13.20 The relevant access provisions for each premises type is as follows:

Type of Premises	Access Provisions
Casinos	<ul style="list-style-type: none"> • the principal entrance to the premises must be from a 'street' • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
Adult Gaming Centres (AGC)	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> • access must be from a 'street' or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino or AGC
Bingo Premises	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
Family Entertainment Centres	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

13.21 This Authority will consider the above requirement and other relevant factors in making its decision, depending on all the circumstances of the case.

14.0 Premises “ready for gambling”

14.1 The Guidance states that a Licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

14.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made. It is recognised however, by this Authority that Operators can apply for a Premises Licence in respect of premises which have still to be constructed or altered.

In these circumstances where there are outstanding construction or alteration works in respect of a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

14.3 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

15.0 Location

15.1 This Licensing Authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the Licensing Objectives can be considered.

15.2 The Licensing Authority, in accordance with the Gambling Commission’s “Guidance for Local Authorities”, will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

15.3 This Authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon regarding such areas where gambling premises should not be located, this policy statement will be updated.

15.4 It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

16.0 Planning and Building Control

16.1 In determining applications the Licensing Authority will undertake its duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the Licensing Objectives. One example of an irrelevant matter would be the

likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

- 16.2 When dealing with a Premises Licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Nor will fire or health and safety risks be taken into account. Those matters should be dealt with under relevant Planning and Building Control and other regulations, and will not form part of the consideration for the Premises Licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to Planning or Building Control.

17.0 Duplication with other Regulatory Regimes

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

18.0 Licensing Objectives

- 18.1 Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 18.2 This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that the Licensing Authority should pay attention to the proposed location of gambling premises in terms of this Licensing Objective. Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as, the provision of door supervisors. Responsible Authorities would however have the right to make representation with regard to such premises.
- 18.3 The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that prevention of nuisance is not a Gambling Act Licensing Objective.

- 18.4 In considering licence applications, the Licensing Authority will particularly take into account the following:
- The design and layout of the premises
 - The training given to staff in crime prevention measures appropriate to those premises
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
 - Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks
 - The likelihood of any violence, public order or policing problem if the licence is granted

Ensuring that gambling is conducted in a fair and open way.

- 18.5 This Licensing Authority is aware that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed by the Operator and Personal licensing system.
- 18.6 Should this Licensing Authority suspect that gambling is not being conducted in a fair and open way this will be brought to the attention of the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 18.7 Section 45 of The Gambling Act 2005 (the Act) provides the following definition for child and young adult:

Meaning of “child” and “young person”

- (a) In this Act “child” means an individual who is less than 16 years old.
- (b) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

- 18.8 The Licensing Authority expects premises to be vigilant in preventing access to gambling by children where it is prohibited for them to take part in any form of gambling. The Licensing Authority will therefore have particular regard to whether staff are able to adequately supervise premises to prevent underage gambling.
- 18.9 Appropriate measures may include supervision of access points, segregation of areas, the provision of CCTV, the use of floor walkers, the position of counters etc. The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measure that can be put in place.

If the operator fails to satisfy this Licensing Authority that the risks to underage gambling are sufficiently mitigated in premises that are operating, it may be appropriate to conduct a review of the Premises Licence.

18.10 In reference to the term “vulnerable persons” we note that the Gambling Commission or statute law does not seek to offer a definition but the Commission states that “it will for regulatory purposes assume that this group includes:

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

18.11 This Licensing Authority will consider the promotion of this Licensing Objective on a common sense, case by case basis. This Licensing Authority will interpret vulnerable persons in its widest possible concept and does not limit the definition to individuals who participate in gambling but recognises that it may include individuals who are affected by those who gamble, for example, children of adults who gamble beyond their means. This will be reflected in the local area profile and will be balanced with the legal requirement to aim to permit the use of premises for gambling. Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, this Licensing Authority may not do so unless satisfied that such use would be in accordance with the Guidance to Licensing Authorities, any relevant Commission Code of Practice, its own statement of Licensing Policy, and the Licensing Objectives. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

18.12 Applicants should familiarise themselves with their Operator Licence conditions and codes of practice relating to this objective and determine if their policies and procedures are appropriate and robust to protect children and vulnerable adults being harmed from gambling. The Licensing Authority will communicate any concerns about any absence of this required information to the Gambling Commission

18.13 Applicants should consider the following measures for protecting and supporting vulnerable persons, some of which form part of the mandatory conditions placed on premises licences.

- The provision of leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- Training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.

- Trained personnel for the purpose of identifying and providing support to vulnerable persons
- Self-exclusion schemes - Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.-
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with GamCare helpline and website in prominent locations
- Windows, entrances and advertisements to be positioned or designed not to entice under 18's to enter the premises
- Ensure the separation of premises is not compromised

18.14 The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant in their risk assessment.

19.0 Conditions

19.1 All Gambling Act 2005 Premises Licences are subject to mandatory and default conditions which are designed to be sufficient to ensure that the premises operate in a manner that is reasonably consistent with the Licensing Objectives. Additional conditions will only be imposed where there is clear evidence of a risk to the Licensing Objectives which is not adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment.

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

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

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

19.4 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling

from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years

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

19.7 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences, they are

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

20.0 Door Supervisors

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

20.2 Section 178 of the Gambling Act 2005 sets out a definition of “Door Supervisor” and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA) that requirement will have force as though it were a condition on the Premises Licence.

21.0 Gaming Machines

21.1 Section 235(1) of the Gambling Act 2005 sets out the definition of a gaming machine. The definition is wider than those included in previous gambling legislation and covers all types of gambling activity that can take place on a machine, including betting on virtual events. However, the following should be noted:

- there remains a distinction between skill machines and gaming machines, in that skill machines are unregulated
- Section 235(2) of the Gambling Act 2005 contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it – for example, a home PC is not classed as a gaming machine, even though someone could access remote gambling facilities on a home PC.

21.2 The Gambling Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission-licensed suppliers. Similarly, permit holders and those applying for permits for clubs, alcohol-licensed premises or family entertainment centres will also be advised through Commission guidance to obtain gaming machines from Commission-licensed suppliers.

21.3 In order for a premises to site gaming machines some form of authorisation is normally required. Typically this is:

- An operating licence from the Commission and a gambling premises licence from the Licensing Authority
- An alcohol Premises Licence from the Licensing Authority
- A gaming machine permit from the Licensing Authority.

21.4 Depending on the authorisation, there are limits placed on the category of machines that can be sited and, in some cases, on the number of machines that can be made available for use.

21.5 Section 172 of the Gambling Act 2005 prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by authorities. Neither the Commission nor Licensing Authorities have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by Licensing Authorities. The summary of gaming machine categories and entitlements are at Appendix D.

- 21.6 Regulations define four categories of gaming machines, A, B, C and D, with category B divided into a further five sub-categories. The categories and sub-categories have been defined according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. Gaming machines which are capable of being used as a gaming machine, whether or not they are currently operating as a gaming machine, are classified as a gaming machine. For example, a machine fitted with a compensator, which allows it to be converted from a skill machine is classified as a gaming machine.
- 21.7 There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However there is no minimum age for players of category D machines. The holder of any permit or Premises Licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 21.8 The maximum number of machines permitted to be available for use is set out by premises type in Appendix E.

The meaning of ‘available for use’

- 21.9 Section 242 of the Gambling Act 2005 makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.
- 21.10 The Gambling Act 2005 does not define what ‘available for use’ means, but the Gambling Commission considers that a gaming machine is ‘available for use’ if a person can take steps to play it without the assistance of the operator.
- 21.11 There may be more than the permitted number of machines physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are ‘available for use’ at any one time.
- 21.12 A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines ‘available for use’ at a higher category until it switches to that category. Licensees must ensure no more than the permitted number are ‘available for use’ at any one time.
- 21.13 Systems in which a number of machines are networked so that the player can select which game and category they play are permitted but licensees must still adhere to any restrictions on the number of machines at a certain category.
- 21.14 The Gambling Commission updated their available for use guidance in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical

hindrance. For example, the Gambling Commission would consider that a multi-position machine that technically allows two or more players to play simultaneously but in reality requires those players to stand very closely together or adopt unnatural participation positions, to the effect that a second player would be discouraged from attempting to use the machine, could not be classed as two or more machines.

21.15 In relation to tablets, licensees should ensure that there is sufficient floorspace in the premises to permit counted tablets to be used simultaneously.

21.16 Electronic Bingo Terminals (EBTs) that offer gaming machine content in addition to bingo content are gaming machines and subject to adherence with the above principles. Licensees are reminded however that an EBT must only allow participation in one gambling activity at a time and should not therefore contain functionality which allows participation in bingo and gaming machine activity simultaneously.

22.0 Adult Gaming Centres

22.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect an applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the premises.

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

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

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

23.0 Licensed Family Entertainment Centres

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

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

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

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

23.3 This Licensing Authority will, in accordance with the Gambling Commission's guidance, refer to the Commission to see any conditions that apply to Operating Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences as well as the requirements under the Social Responsibility Code.

24.0 Casinos

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

25.0 Bingo Premises

- 25.1 This Licensing Authority notes that the Gambling Commission's Guidance states that "Licensing Authorities will need to satisfy themselves that Bingo can be played in any bingo premises for which they issue a Premises Licence". This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 25.2 Children and young people are allowed into bingo premises; however they are not permitted to participate in the Bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 25.3 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives in their risk assessment, appropriate measures or licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

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

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

26.0 Bingo in Clubs and Alcohol Licensed Premises

- 26.1 Bingo will be permitted on Alcohol Licensed Premises, and in Clubs and Miners' Welfare Institutes, under the allowances for exempt gaming in Part 12 of the Act. Where the level of Bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a Bingo Operating Licence will have to be obtained from the Commission for future Bingo games. The aim of these provisions is to prevent Bingo becoming a predominant commercial activity on such non-gambling premises.
- 26.2 The threshold is that if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once a year, referred to as "high turnover Bingo". There is a legal duty on the licensee or club to inform the Commission if at any point its bingo in any seven-day period exceeds this threshold. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a Bingo Operating Licence may be needed. A 'high turnover period' begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover Bingo occurs within that year, a Bingo Operating Licence will be required. Where bingo is played in a Members Club under a Bingo Operating Licence no premises licence will be required.
- 26.3 The Commission will be informed if it comes to the attention of this Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, which makes it possible that the £2,000 in seven days is being exceeded.

27.0 Betting Premises

- 27.1 The Gambling Act 2005 contains a single class of licence for betting premises although within this there are different types of premises which require licensing.

Gaming machines

- 27.2 This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 27.3 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives in their risk assessment, appropriate measures or licence conditions may cover issues such as:
- Proof of age schemes

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

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

- 27.4 It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.
- 27.5 This Licensing Authority supports the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.
- 27.6 Accordingly, an Operating Licence condition provides that gaming machines may be made available for use in Licensed Betting Premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

Self Service Betting Terminals (SSBTs)

- 27.7 The Gambling Act 2005 provides that a SSBT is not a gaming machine if it is designated or adapted for use to bet on future real events. However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

27.8 The legislation provides licensing authorities with the power to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

28.0 Travelling Fairs

28.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

29.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a provisional statement.

29.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

29.3 The process for considering an application for a provisional statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there are rights of appeal.

29.4 In contrast to the Premises Licence application, the applicant does not have to hold or have applied for an Operating Licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their Provisional application is made.

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

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

29.6 In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:

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

30.0 Reviews

30.1 Requests for a review of a Premises Licence can be made by interested parties or Responsible Authorities, or may be initiated by the Licensing Authority.

30.2 The 'aim to permit' framework provides wide scope for Licensing Authorities to review Premises Licences where there is an inherent conflict with the Commission's codes of practice and this Guidance, the licensing objectives or the licensing authorities own policy statement.

30.3 In relation to a class of premises, we may review the use made of premises and, in particular, the arrangements that Premises Licence holders have made to comply with licence conditions. In relation to these general reviews, it is likely that we will be acting as a result of concerns or complaints about particular types of premises or following an inspection of a premises which may result in them looking at, for example, default conditions that apply to that category of licence.

30.4 In relation to particular premises, we may review any matter connected with the use made of the premises if:

- we have reason to suspect that premises licence conditions are not being observed
 - the premises is operating outside of the principles set out in the Licensing Authority's Policy Statement
 - there is evidence to suggest that compliance with the Licensing Objectives is at risk
 - for any other reason which gives us cause to believe that a Review may be appropriate, such as a complaint from a third party.
- 30.5 In particular, the Licensing Authority may also initiate a review of a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 30.6 A formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a Licensing Authority Officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the Licensing Authority
- 30.7 The determination of whether a review should be carried out will give consideration to the following in respect of whether the way in which the premises is operating is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the Licensing Objectives
 - In accordance with the Authority's Statement of Principles
- 30.8 The Licensing Authority will also take into consideration whether the request is either frivolous, vexatious or would certainly not cause this Authority to wish to alter/revoke/suspend the Licence. The Licensing Authority will also consider whether the representations made in the application for a Review are substantially the same as previous representations or requests for Review. In determining this matter, the Licensing Authority will take into account how much time has passed since any earlier application for a Review or since the Licence was granted.
- 30.9 The Licensing Authority can also initiate a Review of a Licence on the basis of any reason which it thinks is appropriate.
- 30.10 Once a valid application for a Review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the

application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

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

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

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

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

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

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

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

31.0 Unlicensed Family Entertainment Centre Gaming Machine Permits.

- 31.1 Unlicensed family entertainment centres (UFEC) are able to offer only category D machines in reliance on a Gaming Machine Permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as Fire Regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.
- 31.2 UFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.
- 31.3 A permit lapses if the Licensing Authority informs the permit holder that the premises are not being used as a Family Entertainment Centre (FEC).
- 31.4 If the operator wishes to make category C machines available in addition to category D machines, the Operator will need to apply for a 'Gaming Machine General Operating Licence (Family Entertainment Centre)' from the Commission and a premises licence from the licensing authority.
- 31.5 The Gambling Commission's Guidance states: ".....An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. In accordance with the Guidance, this Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
 - That an applicant has no relevant convictions, those that are set out in Schedule 7 of the Act
 - That staff are trained to have a full understanding of the maximum stakes and prizes
- 31.6 We note that a Licensing Authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 31.7 This Licensing Authority will expect the applicant to submit a plan of the premises and show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 31.8 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children

being on the premises, or children causing perceived problems on / around the premises.

32.0 Premises Licensed to Sell Alcohol

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

- The person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under section 282(2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 for example the gaming machines have been made available that do not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

Permit: 3 or more machines

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

32.3 This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the adult only gaming machines.

32.4 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years. Notices and signage on the machines or in the premises may also help and are encouraged by this Authority. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 32.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.
- 32.6 It should be noted that we as the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached to a permit.
- 32.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 32.8 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority must notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.

33.0 Prize Gaming Permits

- 33.1 A Prize Gaming Permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 33.2 An applicant for a Prize Gaming Permit should set out the types of gaming that he or she is intending to offer, a plan of the premises and the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm.
- 33.3 In making its decision on an application for this type of permit the Licensing Authority does not need, but may, have regard to the Licensing Objectives but must have regard to any Gambling Commission Guidance. The Licensing Authority will consult the Wirral Safeguarding Children Partnership where it considers it appropriate to do so.
- 33.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

34.0 Application for Club Gaming and Club Machines Permits

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

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

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

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

34.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

34.5 As the Gambling Commission's Guidance for Local Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which an Authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- That the Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Gambling Act 2005.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."

Club Gaming Permit

34.6 The Licensing Authority will seek to satisfy itself that the Club meets the requirements of the Act to obtain a Club Gaming Permit. Therefore applicants will be asked to supply sufficient information and documents to enable the Licensing Authority to determine whether the Club is a genuine Members Club.

34.7 In determining whether a club is a genuine Members' Club, the Licensing Authority will take account of a number of matters, such as:

- Is the primary purpose of the club's activities something other than the provision of gaming to its members?
- Are the profits retained in the Club for the benefit of the members?
- Are there 25 or more members?
- Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club?
- Do members participate in the activities of the club via the internet?
- What information is provided on the Club's website?
- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests?
- Is the 48 hour rule between applying for membership and participating in any gaming properly applied?
- Are there annual accounts for more than one year?
- How is the Club advertised and listed in directories, including on the internet?

- Are children permitted into the Club?
- Does the Club have a Constitution and can it provide evidence that the Constitution was approved by the members of the Club?
- Is there a list of committee members and evidence of their election by the members of the Club? Can the Club provide minutes of committee and other meetings?

34.8 The Constitution of the Club could also indicate whether it is a legitimate Members' Club. Amongst the things the Authority will consider when examining the constitution are the following:

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

34.9 Other than Bridge and Whist Clubs, which are separately catered for in Regulations, a Club cannot be established wholly or mainly for purposes of gaming. In applying for a Club Gaming Permit, a Club must therefore provide substantial evidence of activities other than gaming. Questions that the Licensing Authority will consider include:

- How many nights is gaming made available?
- Is the gaming advertised?
- What are the stakes and prizes offered?
- Is there evidence of leagues with weekly/monthly/annual winners?

- Is there evidence of non-playing members?
- Are there teaching sessions to promote gaming, such as poker?
- Is there tie-in with other Clubs offering gaming, such as poker, through tournaments or leagues?
- Is there sponsorship by gaming organisations, for example on-line poker providers?
- Are participation fees within limits?

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

Club Machine Permit

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

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

35.0 Temporary Use Notices

35.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

- 35.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant Operating Licence, i.e. a non-remote casino operating licence.
- 35.3 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a Temporary Use Notice. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's Operating Licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
 - gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
 - gaming machines may not be made available under a Temporary Use Notice
- 35.4 A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. A fee is payable to the Licensing Authority to whom the notification is sent. The application must be copied to:
- the Commission
 - the Police
 - HM Commissioners for Revenue and Customs
 - if applicable, any other Licensing Authority in whose area the premises are also situated
- 35.5 The person who is giving the Temporary Use Notice must ensure that the notice and copies are with the recipients within seven days of the date of the notice.
- 35.6 The Licensing Authority and the other bodies to which the notice is copied should consider whether they wish to give a notice of objection. In considering whether to do so, they must have regard to the Licensing Objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the Temporary Use Notice. Such a notice must be copied to the Licensing Authority. The Notice of Objection and the copy to the Licensing Authority must be given within 14 days, beginning with the date on which the Temporary Use Notice is given. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.

35.7 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the Temporary Use Notice, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.

35.8 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's "Guidance to Licensing Authorities".

36.0 Occasional Use Notices

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

Appendix A - Scheme of Delegation

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

Appendix B – List of Consultees

The draft document was circulated to a number of consultees including those listed below.

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

Appendix C – Responsible Authorities

Environmental Health (Pollution Control)

Environmental Health
Town Hall
Brighton Street
Wallasey
CH44 8ED

Chief Officer of Merseyside Police

Merseyside Police HQ
Licensing Unit
5th Floor
Canning Place
Liverpool
L1 8JX

Planning Authority

Development Control
Town Hall
Brighton Street
Wallasey
CH44 8ED

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Body Responsible for the Protection of Children from Harm

Wirral Safeguarding Children Partnership
Hamilton Building
Conway Street
Birkenhead
CH41 4FD

Licensing Authority

Wirral Borough Council
Town Hall
Brighton Street
Wallasey
CH44 8ED

Fire and Rescue Authority

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

H.M. Revenue & Customs

Portcullis House
21 India Street
Glasgow
G2 4PZ

Appendix D – Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	Unlimited – No category A gaming machines are currently permitted
B1	£5	£10,000 ¹
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

Appendix E – Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)
Pre-2005 Act casino(no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)
Bingo premises ¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
Adult gaming centre ²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
Licensed family entertainment centre ³							No limit on category C or D machines
Family entertainment centre (with permit) ³							No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴				Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

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COUNCIL

Monday, 6 December, 2021

REPORT TITLE:	APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT AND RISK MANAGEMENT COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report seeks approval of a recommendation which Audit and Risk Management Committee will consider at its meeting on 30 November, 2021 to appoint independent members to the Audit and Risk Management Committee.

The associated report of the Chief Internal Auditor is attached as an appendix to this report and the minute will be circulated in a supplement to the Council Summons.

RECOMMENDATIONS

Council is (subject to Audit and Risk Management Committee agreeing the recommendation) requested to:

Appoint Joanne Byrne and Peter McAlister as independent Members to the Audit and Risk Management Committee in an advisory and consultative non-voting role.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 To ensure that the Audit and Risk Management Committee is compliant with current best professional practice as detailed in the CIPFA Audit Committees, Practical Guidance for Local Authorities and Police 2018 and supports the outcomes of the Redmond Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting.
- 1.2 To ensure that the Audit and Risk Management Committee is operating in accordance with the Terms of Reference for the Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options are to be considered by the Committee and are included in the Chief Internal Auditor's report.

3.0 BACKGROUND

- 3.1 Background information is set out within the appended report.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Independent Member roles are non-paid positions within the Council although each Member is entitled to receive a remuneration of thirty pounds per meeting to cover expenses.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal implications are set out in the report and the Council's Constitution requires that Council makes appointments to its Committees.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

- 7.1 The relevant risks are covered in the Chief Internal Auditor's report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Engagement and consultation are covered in the Chief Internal Auditor's report.

9.0 EQUALITY IMPLICATIONS

- 9.1 Equality implications are covered in the Chief Internal Auditor's report.

10. ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 These are covered in the Chief Internal Auditor's report.

11. COMMUNITY WEALTH IMPLICATIONS

11.1 These are covered in the Chief Internal Auditor's report.

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APPENDICES

Appendix 1 – Full report

Appendix 2 – Minute of the Audit and Risk Management Committee (to follow)

BACKGROUND PAPERS

The CIPFA Audit Committees, Practical Guidance for Local Authorities and Police
ARMC Terms of Reference

Redmond Independent Review into the Oversight of Local Audit and the
Transparency of Local Authority Financial Reporting

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee	30 November 2021

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**AUDIT AND RISK MANAGEMENT COMMITTEE
TUESDAY 30 NOVEMBER 2021**

REPORT TITLE:	APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT AND RISK MANAGEMENT COMMITTEE
REPORT OF:	CHIEF INTERNAL AUDITOR

REPORT SUMMARY

This report identifies the work undertaken to date by Council Officers and Members of this Committee to appoint independent members to the Audit and Risk Management Committee. The appointments will ensure that the Council satisfies the requirements of the Chartered Institute of Public Finance Accountants (CIPFA) Audit Committees, Practical Guidance for Local Authorities and Police 2018 and the Terms of Reference for the Committee as well as supporting the outcomes from the Redmond Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting, supporting improvements in governance in this area.

The report updates the Committee on the outcome of the recent recruitment exercise.

This decision effects all Wards and is not a key decision.

RECOMMENDATIONS

The Audit and Risk Management Committee is requested to:

1. Recommend to Full Council the appointment of Joanne Byrne and Peter McAlister as independent Members to the Audit and Risk Management Committee in an advisory and consultative non-voting role.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 To ensure that the Audit and Risk Management Committee is compliant with current best professional practice as detailed in the CIPFA Audit Committees, Practical Guidance for Local Authorities and Police 2018 and supports the outcomes of the Redmond Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting.
- 1.2 To ensure that the Audit and Risk Management Committee is operating in accordance with the Terms of Reference for the Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Another option would be not to appoint Independent Members to the Audit and Risk Management Committee although this would fail to comply with best professional practice as detailed in this report.
- 2.2 An alternate option might be to appoint one Independent Member, however it was the collective view of the selection panel that it would be much more beneficial to the effectiveness of the Audit and Risk Management Committee to make two appointments, as well as being in line with best practice.

3.0 BACKGROUND

- 3.1 Audit Committees are a key component of effective corporate governance. They are a key source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and non-financial performance.
- 3.2 Suitably qualified and experienced independent member(s) serving on Audit Committees can bring specialist knowledge and insight to the workings and deliberations of the committee which, when partnered with elected members' knowledge of working practices and procedures, ensure:
 - An effective independent assurance of the adequacy of the risk management framework.
 - Independent review of the Authority's financial and non-financial performance.
 - Independent challenge to and assurance over the Authority's internal control framework and wider governance processes.
 - Oversight of the financial reporting process.
- 3.3 The CIPFA Audit Committees, Practical Guidance for Local Authorities and Police 2018 recommends the appointment of independent members to public sector audit committees as best professional practice and identifies that the injection of an external view can bring a new approach to committee discussions. The guidance also identifies that the addition of independent members can bring the following benefits to an Audit Committee:

- Additional knowledge and expertise.
- Reinforcement of political neutrality and independence.
- Maintenance of continuity of membership where membership is affected by the electoral cycle.

- 3.4 The Redmond Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting is supportive of actions being taken to improve the effectiveness of audit committees in the public sector and acknowledges the role of independent members in this.
- 3.5 The Terms of Reference for the Audit and Risk Management Committee were revised and updated in October 2020 to ensure continued compliance with the CIPFA practical guidance publication. They refer specifically to the appointment of a person to the Audit and Risk Management Committee who is not a Member or officer of the Council who should be allowed to speak but not vote at meetings (Section 13.1.c).
- 3.6 A recruitment exercise has recently been completed by officers from the Council in conjunction with the Chair and Party Spokespersons from the Audit and Risk Management Committee who formed the selection panel. The Officers were not part of the formal panel but were there in support of the panel members. A number of potential candidates were evaluated. Originally the intention had been to appoint one candidate to the post of independent member, however following the interviews it was the collective view of the panel that two individuals be selected for appointment due to their wide-ranging knowledge and experience that would be of great benefit to the Committee. It was agreed therefore that two candidates, Joanne Byrne and Peter McAlister be recommended to the Audit and Risk Management Committee for appointment as independent members of the Committee in an advisory and consultative non-voting capacity.
- 3.7 To comply with requirements of the Council's Constitution the appointments require ratification by Full Council.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Independent Member roles are non-paid positions within the Council although each Member is entitled to receive a remuneration of thirty pounds per meeting to cover expenses.

5.0 LEGAL IMPLICATIONS

- 5.1 Wirral Council's Constitution at Section 13.1(c) of the Audit and Risk Management Committee's Terms of Reference, the Committee identifies that the Audit and Risk Management Committee "should include a person who is not a Member or officer of the Council who shall be a co-opted member of the Committee entitled to speak but not vote at meetings."

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

- 7.1 Appropriate actions are not taken by officers and Members in response to the identification of risks to the achievement of the Council's objectives.
- 7.2 Potential failure of the Audit and Risk Management Committee to comply with best professional practice and thereby not function in an efficient and effective manner.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Members of this Committee have been consulted throughout the process.

9.0 EQUALITY IMPLICATIONS

- 9.1 The content and/or recommendations contained within this report have no direct implications for equality. However, the appointment of independent Members to the Audit and Risk Management Committee will assist in ensuring that the Council, its finances and service provision are effectively managed and governed aiding the advancement of equality and diversity.

10. ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The content and/or recommendations contained within this report are expected to have no impact on emissions of CO₂/greenhouse gases.

11. COMMUNITY WEALTH IMPLICATIONS

- 11.1 The content and/or recommendations contained within this report have no direct implications for community wealth. However, the appointment of independent Members to the Audit and Risk Management Committee will assist in ensuring that the Council, its finances and service provision are effectively managed and governed aiding the advancement of economic, social and environmental justice for all residents.

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APPENDICES

None

BACKGROUND PAPERS

The CIPFA Audit Committees, Practical Guidance for Local Authorities and Police
ARMC Terms of Reference
Redmond Independent Review into the Oversight of Local Audit and the Transparency of
Local Authority Financial Reporting

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee – IA Update Report	March 2021

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COUNCIL

Monday, 6 December 2021

SUBJECT:	REVISION TO THE APPOINTMENT OF COMMITTEES 2021/22
REPORT OF:	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is to advise the Council on the allocation of committee places to political groups following receipt of a notice to the proper officer that Councillor Jo Bird is no longer a member of the Labour Group and to request the Council to allocate such places proportionately for the remainder of this municipal year.

RECOMMENDATION/S

The Council is requested to:

- (a) agree the revised proportionality in the political composition of membership of ordinary committees of the Council as set out at Appendix A; and
- (b) appoint Cllr J. Bird to sit on the Council's Regulatory and General Purposes Committee & Licensing Act Committee and the Pensions Committee.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To comply with proportionality requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 and relevant case law.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 It is alternatively possible for the Council to:
- conduct a review of allocation of committee places to political groups without the inclusion of an independent member;
 - not appoint the independent member to the vacated seats; and/or
 - reduce the number of seats allocated to the Labour Group, but not those seats.
- 2.2 These options do not accord with the purpose of the legislation in obtaining proportionality in the political composition of membership of the Council's committees nor the discussions and agreement between the political groups as to allocation for the municipal year 2021/22.

3.0 BACKGROUND AND KEY ISSUES

3.1 Proportionality

- 3.1.1 The Council is under a duty at specified times to undertake a review of the representation of different political groups on ordinary committees and other bodies subject to the provisions of the legislation.
- 3.1.2 Notice has been given to the proper officer under paragraph 10 of the Local Government (Committees and Political Groups) Regulations 1990, that Councillor Jo Bird is no longer a member of the Labour Group. Cllr Bird has confirmed that she has not joined another political group on the Council.
- 3.1.3 The review of political balance is to take place as soon as practicable after the division of political groups, which is considered to be this meeting of Council.
- 3.1.4 The obligation to ensure that there is proportionality in the political composition of public bodies to which this legislation applies extends only to proportionate representation of members of political groups and does not require independent members to be proportionally represented. The convention, however, is to apply a purposive interpretation and apply the calculations to reflect proportionality across the formal activities of the authority, representing the overall political composition of the authority.
- 3.1.5 The political composition of the 66 Members of Council is now as follows:

Labour	29	(43.94%)
Conservative	23	(34.85%)

Liberal Democrat	6	(9.09%)
Green	5	(7.58%)
Independent Group	2	(3.03%)
Ind. Member	1	(1.52%)

3.1.6 The key relevant principle in this instance, to be applied so far as is reasonably practicable, is that the number of seats on the ordinary committees of the Authority which are allocated to each political group is to bear the same proportion to the total of all the seats on the ordinary committees of the Authority as is borne by the number of members of that group to the membership of the authority. That results, over the 166 current ordinary committee places, to:

Labour	72.94 rounded to	73
Conservative	57.85 rounded to	58
Liberal Democrat	15.08 rounded to	15
Green	12.58 rounded to	13
Independent	5.03 rounded to	5
Ind. Member	2.50 rounded to	2

3.1.7 The Labour Group's representation on current committees will therefore reduce by two ordinary committee seats and, if included and appointed to committees, the Independent Member is to be placed by Council on to two committees.

3.1.8 The wishes of the political groups as to which member is appointed to which committee are to be applied by the proper officer as an appointment. An independent Member is to be appointed directly by Council.

3.1.9 The Labour Group has stated that its wishes are to relinquish a place on Regulatory and General Purposes (and Licensing Act) Committee and Pensions Committee. The independent Member has stated their wish to be placed on a policy and services committee and the Pension Committee.

3.1.10 An appendix is attached showing the revised allocations of committee places, the Labour Group having indicated which two places it will give up. This presumes the basis of seniority of the wishes of the Labour Group over that of the now independent Member.

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS

5.1 The Local Government & Housing Act 1989 requires the Council, in performing its duties under the legislation and in exercising their power at other times to determine the allocation to different political groups of seats on a committee to which this applies ('ordinary committees'), to make only such

determinations as give effect, so far as reasonably practicable, to a set of prioritised principles.

- 5.2 These principles, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, are—
- (a) that not all the seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT / CONSULTATION

8.1 As set out in the report.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising directly from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from this report.

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APPENDICES

A. Revised Committee places allocation.

BACKGROUND PAPERS

Previous reports on the appointment of Committees and amendments made during the year and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	26 May 2021
Council	28 September 2020
Council	14 May 2019

Appendix A

<u>Committee</u>	Places	Lab	Cons	Lib Dem	Green	Ind Grp	Ind Mbr
Policy and Resources	15	7	5	1	1	1	0
Adult Social Care and Public Health	11	5	3	1	1	1	0
Children, Young People and Education	11	5	4	1	1	0	0
Economy, Regeneration and Development	11	5	4	1	1	0	0
Environment, Climate Emergency and Transport	11	5	4	1	1	0	0
Housing	11	5	4	1	1	0	0
Tourism, Communities, Culture and Leisure	11	4	4	2	1	0	0
Audit and Risk Management	11	5	4	1	1	0	0
Decision Review	11	5	4	1	1	0	0
Partnerships	11	5	4	1	0	1	0
Pensions	11	4	4	1	1	0	1
Planning	11	5	4	1	1	0	0
Regulatory and General Purposes (& Lic. Act)	15	6	5	1	1	1	1
Urgency	15	7	5	1	1	1	0
Total	166.00	73	58	15	13	5	2

POLICY AND RESOURCES COMMITTEE

Thursday, 7 October 2021

Present: Councillor J Williamson (Chair)

Councillors T Anderson J Robinson
P Gilchrist P Stuart
P Cleary H Cameron
S Hayes W Clements
EA Grey JE Green
T Jones L Rennie
Y Nolan

Deputy: Councillor K Greaney (In place of J McManus)

54 **WELCOME AND INTRODUCTION**

The Chair welcomed everyone to the meeting and those watching the webcast.

The Chair announced that in respect of item 9b, on the agenda, 'Sale of Land at Cross Lane, Wallasey', following consideration of the item at the Economy, Regeneration and Development Committee, which had determined not to approve the recommendations, the item was now withdrawn.

55 **APOLOGIES**

The Chair confirmed the apologies of Councillor Julie McManus, with Councillor Karl Greaney deputising.

56 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

No such declarations were made.

57 **MINUTES**

Resolved – That the minutes of the meeting held on 1 September, 2021, be approved and adopted as a correct record.

58 **PUBLIC AND MEMBER QUESTIONS**

The Chair reported that no questions from either members of the public or Members had been submitted. Nor were there any statements or petitions to receive.

59 **USE OF COUNCIL BUILDINGS FOR CIVIC, COUNCIL AND COMMITTEE MEETINGS - UPDATE**

Further to minute 8 (9/6/21) the Assistant Chief Executive, introduced a report which provided an update in respect of proposed arrangements for the safe operation of Council meetings for the administrative year 2021/22 giving due consideration to guidance and regulations arising from Covid-19.

At the request of the Committee, a further assessment had been completed to determine the work and processes required to enable access and operation of Wallasey Town Hall beyond the limited capacity arrangements currently in place. This included inspection by qualified technical service providers. Following early soft market testing, the forecast investment required to install mechanical ventilation across all floors of the building with central air handling plant was significant, costing approximately £2.4m, before additional site management fees or other costs associated with the buildings' listed status.

A similar exercise had been undertaken for Birkenhead Town Hall. The forecast investment required to install mechanical ventilation across all floors of the building with a central air handling plant was also significant at this site, costing approximately £1.3m before any site management fees or other costs associated with the buildings listed status.

A number of options with costings were set out in the report which were considered together with the financial implications of the continuing use of the Floral Pavilion site.

In response to a number of comments, the Assistant Chief Executive stated the duty the Authority had as an employer, to its staff in providing a safe working environment and the need to comply with public health guidelines on Covid. The report did cover arrangements up until May 2022, but he acknowledged the need to know as much as possible about the buildings to facilitate a wider discussion on the future use of both Town Halls. He assured Members of the security of the buildings and that both were currently in use to a limited extent, with a notice of the maximum numbers allowed per room.

The Director of Regeneration and Place responded to a comment on the development of new Council offices in Birkenhead, with work due to start on site in the next few weeks, but there would be no civic use for the new office building. Plans were being developed for the regeneration of Seacombe from Seacombe Ferry up to and including the Town Hall and its annexes.

Some Members highlighted examples of recent events they had attended both at Wirral Council and at Liverpool City Council where guidance on Covid health and safety would appear to have been not as strictly adhered to as that which was being followed for meetings at the Floral Pavilion.

The Chief Executive agreed that he would look into the matter raised with regard to Birkenhead Town Hall once provided with further information on the event.

After a lengthy discussion on the issue of the continued use of the Floral Pavilion and whether or not either of the two Town Halls could be brought back into use for meetings, there was a consensus of opinion on the need for more information to be provided for a long term strategy to be agreed upon.

On a motion by the Chair, seconded by Councillor Tony Jones, it was -

Resolved – That -

- (1) it be agreed that the arrangements for the safe operation of Council and Committee meetings continue at the Floral Pavilion for the remainder of the Municipal Year, and to be reviewed sooner as required;**
- (2) surveys be undertaken on the investment proposals for both the Town Halls as set out in the report and request that the Assistant Chief Executive submits an update report to a future meeting of the Committee as soon as possible.**

60 **LOCAL BOUNDARY COMMISSION: PROPOSED WARD BOUNDARY REVIEW**

The Director of Law and Governance, introduced a report on a proposed ward boundary review. He reported upon receipt of a letter by the Chief Executive on 25 August, 2021 from Jolyon Jackson, Chief Executive of the Local Government Boundary Commission for England which informed that the Commission had now decided to undertake an electoral review of Wirral Council.

The purpose of an electoral review was to consider the number of councillors elected to the council, the names, number and boundaries of the wards, and the number of councillors to be elected to each ward. The last electoral review of Wirral Council was undertaken in 2003. Accordingly, the Commission considered that a review of Wirral Council should start within the next one to three years. The Commission were asking for initial views on when the Council would prefer for this review to take place within that period.

The report detailed the process which would be followed and the context in which the review would take place, with 15 other Metropolitan Authorities which had not had a review since 2003, also to be reviewed.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved - That this Committee requests the Chief Executive to formally respond on behalf of the Council to the Local Government Boundary Commission informing that the Council would like the proposed review to commence in 2023/2024 with a view to any changes being implemented at the 2026 Local Government Elections.

61 **WORK PROGRAMME UPDATE**

The Director of Law and Governance introduced a report which advised how this Committee, in co-operation with the other Policy and Service Committees, was responsible for proposing and delivering an annual committee work programme.

The work programme was formed from a combination of key decisions, standing items and requested officer reports. The report provided the Committee with an opportunity to plan and regularly review its work across the municipal year and was attached as an appendix to the report.

In response to a Member's comment, the Director of Resources stated that a workshop was to be arranged on the Change Programme. Items in the Change Programme did form part of the savings programme and budget process which the Committee had agreed to at its meeting on 17 March, 2021, (minute 87 refers). Income generation items would also come back to this Committee once they had been considered at the individual policy committees as part of the Wirral Plan delivery plans. A further workshop for this committee would be scheduled to bring these items to.

Resolved – That the Policy & Resources Committee work programme for the 2021/22 municipal year, be agreed.

62 **PROPERTY DISPOSALS**

The Director of Law and Governance introduced a report on the Economy Regeneration and Development Committee's recommendations, from its meeting on 29 September, 2021 in respect of proposed property disposals at three sites.

Councillor Tony Jones, as Chair of Economy, Regeneration and Development Committee, commented that no issues had been raised about these proposals at the Committee.

The report was before the Committee because in accordance with the Council's Constitution any issue regarding land and property including major acquisition and disposals, which included reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000; was reserved to the Policy and Resources Committee.

Responding to Members' comments on the use of capital receipts from property disposals, the Director of Resources reminded Members that there was a capital receipts target which had to be used to offset the Capitalisation directive agreed with the former Ministry of Housing, Communities and Local Government. With regard to the state of dangerous pathways within Plymyard Cemetery, she would look at what was available within the capital programme to address these possible health and safety concerns.

With regard to a previous suggestion (minute 37 (28/7/21) refers) on the use of a percentage of capital receipts for the benefit of local communities, the Director of Resources suggested that although the use of capital receipts was currently curtailed for such schemes, a report would be brought back to the December meeting on using an identified block of money on a ward or constituency basis to enable bids on the use of such monies for the benefit of specific local projects within communities.

On a motion by the Chair, seconded by Councillor Tony Jones, it was -

Resolved – That -

- (1) 27 Balls Road, Oxtou be declared surplus to requirements and authority be given to the Director of Law and Governance, in consultation with the Director of Regeneration and Place, to arrange for its marketing by auction and subsequent sale on the terms described in paragraphs 3.2 and 3.3 of the report;**
- (2) Plymyard Cemetery Lodge, 996 New Chester Road, Eastham, be declared surplus to requirements and authority be given to the Director of Law and Governance, in consultation with the Director of Regeneration and Place, to arrange for its marketing through a local estate agency on the terms described in paragraphs 3.4 and 3.5. of the report;**
- (3) in the event that a sale of Plymyard Cemetery Lodge through an estate agency is not achieved expeditiously, the Director of Law and Governance, in consultation with the Director of Regeneration and Place, be authorised to arrange for its marketing by auction and subsequent sale on the terms described in paragraphs 3.4 and 3.5. of the report;**

- (4) the Director of Law and Governance, in consultation with the Director of Regeneration and Place be authorised to secure the sale of the Laser Engineering Centre, Birkenhead to the current tenant, for £340,000 (excluding VAT) plus fees of £1,500.

63 **SALE OF LAND AT CROSS LANE, WALLASEY**

Item withdrawn (see minute 54 above).

64 **REFERRAL FROM CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE - CHILDREN'S RESIDENTIAL TRANSFORMATION PROGRAMME**

The Director of Law and Governance introduced a report on the Children, Young People and Education Committee's recommendations in respect of the Children's Residential Transformation Programme.

Councillor Wendy Clements, as Chair of the Children, Young People and Education Committee, spoke to the report, which had been considered in detail at the Committee on 4 October, 2021.

In June 2021, the Children, Young People and Education Committee had considered a report which requested approval for a financial investment of £1,000,000 by way of a commercial loan to support the development of up to four new children's homes in Wirral. The Committee had given an in-principle agreement to the proposal, subject to due diligence being carried out and requested that the Director for Children, Families and Education bring a further report back to the Committee at an appropriate date. The further report had presented a summary of the external due diligence work carried out and outlined the proposed loan arrangements for the investment.

The report was before the Committee as the decision was deemed significant in terms of impact on the Council's revenue or capital.

Prior to discussion on the report, a Member suggested the need to move the exemption so that the details of the exempt appendix could be discussed.

On a motion by Councillor Janette Williamson, seconded by Councillor Yvonne Nolan, it was -

Resolved – That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of this item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

Following a lengthy and considered debate, having heard responses to comments from the Directors for Children, Families and Education; Law and Governance; and Resources, and after a short adjournment at 7.50pm for 10 minutes, it was then, on a motion by Councillor Wendy Clements, seconded by Councillor Jeff Green -

Resolved – That,

- (1) the issue of a commercial loan facility to We Are Juno CIC, in terms approved by the Director of Resources, in consultation with the Director of Law and Governance, as set out in section 5 of this report, in the sum of up to £1,000,000, be approved;**
- (2) the Director of Resources be authorised, in consultation with the Director of Law and Governance, to:**
 - (a) settle and perfect such security for the performance of the borrower’s obligations under the commercial loan facility as is offered by We Are Juno CIC to the Council; and**
 - (b) agree such minor variations in the terms of the commercial loan facility as are necessary to reflect any changes in circumstances arising during the term of any loan agreed, including any security pursuant to recommendation 2(a) above.**

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POLICY AND RESOURCES COMMITTEE

Monday, 25 October 2021

Present: Councillor J Williamson (Chair)

Councillors T Anderson T Jones
H Cameron J McManus
P Cleary Y Nolan
W Clements L Rennie
P Gilchrist J Robinson
JE Green P Stuart
S Hayes

Apologies: Councillor K Greaney (In place of EA Grey)

65 **WELCOME AND INTRODUCTION**

The Chair welcomed everyone to the meeting and those watching the webcast.

66 **APOLOGIES**

The Chair confirmed the apologies of Councillor Elizabeth Grey, with Councillor Karl Greaney deputising.

67 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

No such declarations were made.

68 **PUBLIC AND MEMBER QUESTIONS**

The Chair reported that no questions from either members of the public or Members had been submitted. Nor were there any statements or petitions to receive.

Councillor Julie McManus referred to an email she had received from a member of the public, but that it had been received out of time to be asked at the meeting (to comply with Standing Order 10) and that officers would therefore be responding in writing.

The Director of Resources introduced a report on pre-budget setting which provided the Committee with an update on recent budget setting activity and described the context in which the budget for 2022/23 was being set. The report highlighted the key issues faced by the Council and the intended approach to budget setting, including the roles and responsibilities of key stakeholders. The significant financial challenges facing the Council were set out against a range of potential scenarios, which clearly showed that the current provision of service by the Council was unaffordable from 2022/23.

Specific items addressed in the report included:

- Operational context of Council activity leading up to budget setting.
- A timetable for forthcoming budget setting activity and the approach to be adopted.
- Financial strategy and principles which underpinned the budget process and decision-making, with its links to the Wirral Plan.
- A review of the financial landscape the Council might be operating within, including budget gap analysis and the assumptions that had been incorporated in producing optimistic / mid-ground / pessimistic outlooks for consideration.
- The budget consultation approach.

The Director responded to a number of comments from Members, clarifying how the timetable for consultation and workshops would work. She agreed to bring information on the funds still available in the Covid budget, and that if these weren't required for Covid support would have to be used to reduce the exceptional financial support under the capitalisation agreement with the former MHCLG. She would also ensure that the public consultation did include the range of scenarios possible, not just the most pessimistic one.

The Sub-Committee would be able to meet in a working group capacity as well as in a formal arrangement, and the Director agreed to supply information to the Sub-Committee on the cost and use of consultants in the Council and on the issue of Government grants and which were one-offs and which would be renewed.

The Director agreed to add timelines to the budget proposal workstreams appendix and would also look at how the Treasury Management team had arrived at a figure of 3% in respect of possible inflation figures when the Bank of England was forecasting a rate of 4%. She did meet regularly with other Merseyside Council finance director colleagues including those of the Fire, Transport and Waste Authorities and did push for quicker notification of their respective levies. With regard to these levies she would find out more details as to how they were worked out in respect of populations, which on Wirral had been decreasing.

Both the Directors of Resources and of Law and Governance sought to assure the Committee of the consultation timetable with regard to both the public and Policy and Service Committees and their respective workshops' involvement and for this Committee's overall governance oversight of the process, with necessary adjustments to the timetable if required, prior to this Committee recommending a budget to Council at the end of February, 2022.

The Director of Resources agreed to provide Group Leaders with a lucid flowchart of the budget process.

With an addition to part 2(c) of the recommendation, as suggested by Councillor Phil Gilchrist of further opportunity for consultation and an opportunity for committees to consider before final recommendation, as required, it was moved by the Chair, seconded by Councillor Yvonne Nolan, and then -

Resolved –

- (1) That the current operational context and improvement plans being developed and delivered within service areas amidst budget setting activity, inclusive of policy and service committee budget workshops that have taken place recently, as set out in the report, be noted.**
- (2) It be agreed that:**
 - (a) the budget assumptions that have been made in developing a range of budget scenarios ahead of consultation;**
 - (b) the proposed budget timetable to reflect the timing of the Government's funding announcements and the statutory requirements for determining the Annual Budget and Council Tax level, inclusive of the provision for member amendments as set out at Appendix 2;**
 - (c) the approach to budget consultation outlined in section 3.10 of the report, with a further consultation and opportunity for committees to consider before final recommendation from this Committee, as required;**
 - (d) the guiding principles that will inform the budget setting process and underpin the revised Medium Term Financial Strategy (MTFS), which is currently being developed, be, (i) Organisational Leadership (ii) Accountability (iii) Financial management (iv) Professional standards (v) Assurance and (vi) Sustainability; and**

POLICY AND RESOURCES COMMITTEE

Wednesday, 10 November 2021

Present: Councillor J Williamson (Chair)

Councillors T Anderson T Jones
H Cameron J McManus
P Cleary Y Nolan
W Clements L Rennie
P Gilchrist J Robinson
JE Green P Stuart
S Hayes

Deputy: Councillor K Greaney (In place of EA Grey)

70 WELCOME AND INTRODUCTION

The Chair welcomed everyone to the meeting and those watching the webcast.

71 APOLOGIES

The Chair confirmed the apologies of Councillor Liz Grey, with Councillor Karl Greaney deputising.

72 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

Councillor Lesley Rennie declared a prejudicial interest in agenda item 12, 'Referral from Environment, Climate Emergency and Transport Committee: Appointment to Hilbre Island Nature Reserve Management Committee', due to her close contact with a family who owned a property on the island, and confirmed that she would leave the meeting whilst the item was under discussion.

Councillor Julie McManus declared a personal interest in agenda item 6, 'Household Support Fund' due to her employment and the company having put in an application for funding from the fund. She also declared a personal interest in agenda item 13, 'Referral from Shareholder Board: Edsential Request for Funding' due to her employment and the company having received funding from Edsential.

Councillor Jean Robinson declared a prejudicial interest in agenda item 7, 'Birkenhead Market New Development', due to her being a Wirral Growth Company Board member and confirmed that she would leave the meeting whilst the item was under discussion.

73 **MINUTES**

Resolved – That the minutes of the meetings held on 7 and 25 October, 2021, be approved and adopted as a correct records.

74 **PUBLIC AND MEMBER QUESTIONS**

The Chair reported that no questions from either members of the public or Members had been submitted. Nor were there any statements or petitions to receive.

75 **HOUSEHOLD SUPPORT FUND**

The Assistant Director: Neighbourhood Safety and Transport introduced a report which outlined indicative allocations and spend of a further extension to the government's COVID Local Support Grant, now the Household Support Fund (£3,049,345.09), which was available to support those most in need with the cost of food, energy (heating, cooking, lighting), water bills (including sewerage), housing support and other essentials.

Due to the absence of any lead-in time before the Grant was effective and given the urgent nature of the spend, the proposals had been implemented in the interim and retrospective ratification was sought from the Committee. This approach had been critical to ensure that help was available forthwith to those most in need, that organisations had sufficient lead-in time to deliver projects and ensure full spend of the Grant.

The Assistant Director responded to comments from Members and confirmed how the contingency element of the fund would be used in helping to address pressures which would arise through the Winter months, which might not be readily identifiable immediately. Spend was being mapped out on a regular basis and funding from the contingency could be moved around to help in those areas of need as they were identified. He commented upon the success of now being able to reach those harder to reach areas across the Borough through the much improved working with the third sector and community groups as a result of the work involved in supporting those most in need. A future piece of work when the grants had concluded would look at who the money had helped and how it had helped to enable a redesign of the crisis support systems in place for the future.

During the course of the discussion on this item, Councillor Lesley Rennie declared a personal interest by virtue of her being a member of the Merseyside Fire and Rescue Authority.

Members expressed their most sincere thanks to the Assistant Director and all the team who had worked so hard over the last eighteen months in helping the Borough's most vulnerable residents over this difficult time.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was –

Resolved – That,

(1) this Committee gives retrospective ratification to the indicative allocations and spend of the Household Support Fund as outlined below:

	Indicative allocations (£)
Wirral Household Support Fund - small grants programme	600,000
Wirral Family Cook Off project (Jan-Mar 2022)	300,000
Early Years food & essentials hampers (school holidays)	134,400
School Emergency Food Pantries	310,000
School winter coats and winter uniforms	80,000
Financial support with school meal food debt	100,000
Wirral Emergency Financial Support with Welfare Needs Scheme	500,000
Financial support with fuel (Fuelbank Foundation)	100,000
Financial support with fuel (direct debit customers)	100,000
Financial support with energy (fuel) and water bills debt	200,000
Crisis support with emergency heating (Energy Projects Plus)	30,000
Crisis support with white goods (North Birkenhead Development Trust/St Vincent de Paul Society)	45,000
Risk reduction items (Merseyside Fire & Rescue Service)	20,000
Housing Support Costs	40,000
Contingency	337,477.09
Admin (5%)	152,468
	£3,049,345.09

(2) it be agreed that this decision is urgent and therefore not subject to review.

76 **BIRKENHEAD MARKET NEW DEVELOPMENT**

Having previously declared a prejudicial interest, Councillor Jean Robinson vacated the room during consideration of this item (minute 72 refers).

The Director of Regeneration and Place introduced a report which sought the Committee's approval to enter into a development agreement between the Council and the Wirral Growth Company LLP (WGC) to develop the new Birkenhead Market.

Having regard to timing constraints attached to the delivery of the Future High Streets programme and informed by additional consultation undertaken with Members, officers, and market traders it was considered that there was a sound basis for accommodating the permanent facility, to the former House of Fraser site. To facilitate this location a new Site Development plan (SDP) had been formulated and agreed at the WGC Joint Venture Board on 21 October 2021.

The Future High Streets Fund (FHSF) would be used to bring forward early designs and cost plans before a final design was brought back to the Economy, Regeneration & Development Committee for sign off.

Responding to comments from Members the Director confirmed that since the Council took ownership of the Market in 2018, his officers had been working alongside colleagues from Legal Services and Licensing to look at providing more flexibility in relation to applications from other place based initiatives, whilst protecting and safeguarding the operation of Birkenhead Market, and this would be shared with Members in the future. He acknowledged the risks of meeting the March, 2024 deadline within the confines of the grant funding agreement but was hopeful of spending the Future High Street funding upfront with remaining funding then flowing in behind. He commented upon the improved engagement with the Market Tenants' Association and market traders and how his officers would be taking their comments and concerns into account. He also commented upon the opportunities to lift the design quality and the cross cutting infrastructure the Council could introduce as well as the move to make sure carbon neutral design standards were built in from the outset and that progress was being made with this.

On a motion by Councillor Tony Jones, seconded by the Chair, it was -

Resolved – That,

- (1) the revised Wirral Growth Company stage 2 Site Development Plan for Birkenhead Town Centre (Appendix 4), be approved;**
- (2) the Director of Regeneration and Place be authorised to progress directly to a permanent market;**
- (3) the Director of Regeneration and Place be authorised to award the Wirral Growth Company LLP a development agreement to undertake the design and cost modelling to RIBA Stage 5 for the new permanent market and negotiate terms with WGC in accordance with**

the outline terms and specification attached at appendices 2 and 3 to the report, including any associated infrastructure and demolition works to support the new market facility on the site of the former House of Fraser building, adjacent to St Werburgh's Square;

- (4) the Director of Regeneration and Place be authorised to engage with the Liverpool City Region Combined Authority and agree, if required, any necessary changes to the grant funding agreement consequently to the inclusion of a new market on the House of Fraser site;**
- (5) the Director of Regeneration and Place be authorised to adopt the preferred option, to demolish, design and develop the former House of Fraser site, the cost of which to be met from within the planned Future High Street Fund and Wirral Growth Company Surplus resources allocated.**

77 2021-22 BUDGET MONITORING FOR QUARTER 2 (1 JULY - 30 SEPTEMBER)

The Director of Resources introduced a report which set out the financial monitoring information for the Council as at quarter 2 (July - September) of 2021-22. The report provided Members with an overview of budget performance to enable the Committee to take ownership of the budgets and provide robust challenge and scrutiny to officers on the performance of those budgets.

The Committee was aware that the former Ministry for Housing, Local Government and Communities (now the Department for Levelling Up, Housing and Communities DLUHC) had provided a conditional offer of Exceptional Financial Support (capitalisation directive) for 2021/22 of up to £10.7m. One of the conditions of that offer was that the Council would need to provide evidence from the assurance review of the authority's financial position and its ability to meet any or all the identified budget gap without any additional borrowing. The review had concluded and the report had been received, and this would be considered at a briefing meeting on 15 November, with a response to be confirmed at a special meeting of the Committee on 30 November, 2021.

In light of this, the Director emphasised the vital importance of the Council having robust processes in place to manage and monitor the in-year financial position, to ensure it delivered a balanced position at the end of the year.

The projected year-end revenue outturn, recorded as part of Quarter 2 financial monitoring activity, represented a favourable variance against revenue budget of £0.496m. This improved forecast since quarter 1 reflected

the identification of mitigation for delayed savings options and mid-year reassessment of pressures. As any favourable variance had to contribute to the reduction in the value of the Exceptional Financial Support for 2021/22, the forecast year end position was a balanced budget.

This budget position included the utilisation of the Government's Exceptional Financial Support (EFS) but it was not anticipated that the full amount would be required, following a review of new funding received and a reduction in pressures estimated in March. Additional Government Funding of £3m had been received that was not known about when the request for Exceptional Financial Support was submitted and this was offsetting the value of the original request.

Responding to comments from Members, the Director stated that there was a need for a longer term review of the printing service with directorates not spending as much on printing as they had previously. With regard to interims, the Director acknowledged that there were currently more interims in the Authority than the Council had previously had, this was because of current recruitment difficulties. This was being addressed in a campaign led by HR with more digital advertising gaining a wider reach to recruit permanent staff and as soon as staff were recruited interims were let go.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved – That this Committee,

- (1) notes the favourable forecast position presented at Quarter 2;**
- (2) notes the forecast reduction in the requirement to utilise the Government's Exceptional Financial Support (EFS);**
- (3) approves the budget virement proposals detailed within each Directorate Area of the report;**
- (4) notes the impact of funding and expenditure as a direct consequence of Covid-19, including the additional funding sources which have been identified, but as yet, not received.**

78 **CAPITAL MONITORING QUARTER 2 2021/22**

The Director of Resources introduced a report which provided an update on the progress of the Capital Programme 2021/22 at the end of September 2021. The report recommended that the Committee agree the revised 2021/22 Capital Programme of £77.6 million which took account of re-profiling, virements, additional funding requirements and grant variations identified since the Capital Programme was formally agreed on 1st March 2021.

Responding to a Member's comment, the Chief Executive stated that with regard to the West Kirby Flood Alleviation Scheme, he would ensure that officers engaged with the RNLi and Ward Members in respect of the timings of when this work would take place.

The Director of Resources responding to a Member's comment assured the Committee that the spending for the Urban Tree Challenge Fund had been reprofiled and would be carried forward to go ahead.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

RECOMMENDED to Council:

(1) the approval of the revised Capital Programme of £77.6 million for 2021/22, including the addition of the new grant funding referred to in section 3.4 in the report, as follows:

- **Coastal Defence – Meols Feasibility Study - £100,000;**
- **Future High Street Fund – New Ferry - £3.214 million;**

(2) the approval of the virements referred to in Appendix 3 in the report.

79 **TREASURY MANAGEMENT MID-YEAR REPORT 2021/22**

A report by the Director of Resources advised that the Authority's treasury management activity was underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which required the production of an annual Treasury Management Strategy Statement on likely financing and investment activity. The Code also recommended that Members were informed of treasury management activities at least twice a year.

The report fulfilled the Authority's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the Ministry of Housing, Communities and Local Government (MHCLG) Investment Guidance.

At the Mid-Year point the Treasury Management budget forecast for this year was for a balanced outturn. Whilst the low interest rate environment continued to impede investment interest, this shortfall was being offset by lower interest costs on Treasury Management loans.

In response to a Member's question the Director explained to the Committee the principles behind inter authority lending, which many other authorities did also, and how this was of benefit to the Council, in that it did make money for the Council and as far as she was aware, no authority had ever defaulted on a loan.

She also elaborated on the LOBO (Lender's Option Borrower's Option) loans which the Council had entered into in the 1980/90's, and which, at the time, had very good long term fixed rates of interest, although if the Council wanted to redeem these loans now this often had very significant penalties. Work was ongoing with the Council's financial advisers on the possibility of replacing some of these with less costly loans and for some of the small value loans negotiations had been successful in achieving repayments without the high penalties.

With regard to the interest rate on the Capitalisation Directive the Director agreed that she would provide this information for all the Committee.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved – That the Treasury Management Mid-Year Report for 2021/22, be noted.

80 **WORK PROGRAMME UPDATE**

The Head of Legal Services introduced a report which advised how this Committee, in co-operation with the other Policy and Service Committees, was responsible for proposing and delivering an annual committee work programme.

The work programme was formed from a combination of key decisions, standing items and requested officer reports. The report provided the Committee with an opportunity to plan and regularly review its work across the municipal year and was attached as an appendix to the report.

Resolved – That the Policy & Resources Committee work programme for the 2021/22 municipal year, be agreed.

81 **REFERRAL FROM ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE - APPOINTMENT TO HILBRE ISLAND NATURE RESERVE MANAGEMENT COMMITTEE**

Having previously declared a prejudicial interest, Councillor Lesley Rennie vacated the room during consideration of this item (minute 72 refers). Councillor Jeff Green also declared a prejudicial interest and vacated the room, as current Chair of the Management Committee.

The Head of Legal Services introduced a report on the Environment, Climate Emergency and Transport Committee's recommendations from its meeting on 7 September in respect of membership of the Hilbre Island Nature Reserve Management Committee.

In moving the motion Councillor Tom Anderson suggested that the status quo be maintained in allocating places. The motion was seconded by Councillor Yvonne Nolan, and it was -

Resolved – That the Monitoring Officer as proper officer, be authorised to carry out the wishes of the Group Leaders in allocating Members to membership of the Hilbre Island Nature Reserve Management Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

82 **REFERRAL FROM SHAREHOLDER BOARD - ESENTIAL REQUEST FOR FUNDING**

The Head of Legal Services introduced a report on the recommendations of the Shareholder Board meeting of 28 October, in respect of the request for funding from Edsential. The minute of the Shareholder Board and associated report of the Director of Resources were provided for information.

Members expressed thanks for the work which Edsential had undertaken during the difficult circumstances presented by Covid.

On a motion by the Chair, seconded by Councillor Jeff Green, it was -

Resolved – That,

(1) the Director of Resources, be authorised, in consultation with the Director of Law and Governance to approve financial support to be provided to the company over the forthcoming financial year, in the form of Covid related funding support grant of £643,000 and an interest bearing loan of £857,000 as set out in the report and its appendices.

(2) the Director of Resources, be authorised, in consultation with the Director of Law and Governance to provide a letter of comfort to Edsential confirming the agreed financing and support.

83 **MINUTES OF THE SHAREHOLDER BOARD**

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved – That the minutes of the Shareholder Board meetings held on 1 September and 28 October, 2021, be noted.

84 **MINUTES OF THE SENIOR OFFICER AND APPOINTMENTS STAFFING SUB-COMMITTEE**

In respect of minute 6, 'Employment Appeals' of 13 October, 2021 meeting Councillor Gilchrist, having voted at the Sub-Committee against the proposal asked that his vote against that particular minute be recorded also in these minutes.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved – That the minutes of the Senior Officer and Appointments Staffing Sub-Committee meetings held on of 18 August, 27 September and 13 October, 2021, be noted.

85 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was -

Resolved – That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

86 **REFERRAL FROM ECONOMY, REGENERATION AND DEVELOPMENT COMMITTEE - HIND STREET REGENERATION**

The Head of Legal Services introduced a report in respect of one particular recommendation of the Economy, Regeneration and Development Committee from its meeting on 29 September with regard to the Hind Street Regeneration area.

On a motion by the Chair, seconded by Councillor Tony Jones, it was -

Resolved – That the recommendation in the report be approved and the Director of Law and Governance, in consultation with the Director of Regeneration and Place, be authorised to finalise the associated legal documentation.

87 **EXEMPT APPENDICES - BIRKENHEAD MARKET NEW DEVELOPMENT**

Resolved – That the exempt appendices to the Birkenhead Market New Development report, be noted.

88 **EXEMPT APPENDICES TO REFERRAL FROM SHAREHOLDER BOARD -
EDSENTIAL REQUEST FOR FUNDING**

Resolved – That the exempt appendices to the referral from the Shareholder Board: Edsential Request for Funding report, be noted.

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ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

Wednesday, 13 October 2021

Present: Councillor Y Nolan (Chair)

Councillors B Berry (In place of M Jordan) P Gilchrist
I Camphor S Mountney
K Cannon C O'Hagan
T Cottier J Walsh
S Frost

51 APOLOGIES

Apologies for absence were received from Councillor Mary Jordan.

52 MEMBER DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

The following declarations were made:

Councillor Clare O'Hagan	Personal interest by virtue of her employment in the NHS.
Councillor Jason Walsh	Personal interest by virtue of his family member working in the NHS.
Councillor Tony Cottier	Personal interest as a director of a construction company contracted by the NHS.
Councillor Ivan Camphor	Personal interest as a General Practitioner at Heatherlands Medical Centre, a member of the British Medical Association, Chair of the Community Care Committee of the British Medical Association, Medical Secretary for Mid-Mersey Medical Committee, Executive Trustee of Age UK Mid-Mersey, and by virtue of his wife's employment as a nurse practitioner.
Councillor Moira McLaughlin	Personal interest by virtue of her family member working in the NHS and being in receipt of an NHS

53 **MINUTES**

A minute silence was held to honour the loss of Councillor Andy Corkhill and former Councillor Gerry Ellis. The Chair expressed her deepest sympathy and commended them on their excellent service.

Resolved - That the minutes of the meeting held on 23 September 2021 be agreed as a correct record.

54 **PUBLIC QUESTIONS**

No public questions, statements or petitions had been received.

55 **POOLED FUND ARRANGEMENTS**

The Director of Care & Health introduced the report which detailed the proposed arrangements, key principles, content and value of the 2021/22 Section 75 pooled fund arrangements with Wirral NHS Clinical Commissioning Group (CCG), and sought the Committee's approval of the arrangements for 2021/22 as well as delegated authority for the Director of Law and Governance in consultation with the Director of Care and Health to sign off the Section 75 Agreement for 2020/21. It was outlined that the key aim of the pooled fund was to ensure joint planning and delivery of services across care and health so that people experienced joined up services, the arrangements for which would be taken into the Integrated Care System.

Members welcomed the report and the additional funding into the fund from the CCG. Concerns were expressed at the prospect of increased costs associated with Covid-19 resulting in reduced spending in other services.

Resolved – That

- (1) the continuation of the pooled fund arrangement between the Council and Wirral Clinical Commissioning Group (CCG) for 2021/22 be approved.**
- (2) the commissioning pool value of £235m for 2021/22 be agreed and the additional funding the CCG will contribute as detailed in Appendix 1 to the report be noted.**
- (3) it be agreed that the key principles as set out in the pooled fund agreement 2020/2021 be incorporated into the pooled fund**

agreement 2021/22, including the risk share agreement.

(4) it be noted that the shared risk arrangements are limited to the Better Care Fund (BCF) arrangements only, which is currently reporting a break-even position.

(5) delegated authority be given to the Director of Law & Governance in consultation with the Director of Care & Health to enter into a s75 Agreement with Wirral CCG for 2021/22.

(6) delegated authority be given to the Director of Law & Governance in consultation with the Director of Care & Health to sign off the s75 Agreement with Wirral CCG for 2020/21 in accordance with the terms agreed by the decision of the Cabinet Member - Adult Care, Health and Wellbeing made on 15 July 2020.

56 PUBLIC HEALTH ANNUAL REPORT

The Director of Public Health introduced the report which provided the Committee with the independent annual report of the Director of Public Health. The 2020/2021 Report described enduring health inequalities in Wirral, the immediate impact of the COVID-19 pandemic on these differences in health outcomes and recommended actions that were needed to improve residents' health.

The report detailed how Wirral became one of the first places in the world to respond to Covid-19 when British residents repatriated from Wuhan, China were hosted in Wirral. Since then, it was reported that Covid-19 had affected everyone in the borough but that the pandemic had highlighted the existing health, economic and social inequalities within Wirral. The detail of the health inequalities people in Wirral faced was outlined, including the difference in life expectancy based on geographical location and gender. Comparisons to national statistics in a range of health factors were also outlined to the Board, with issues such as fuel poverty, alcohol misuse and prevalence of depression all worse in Wirral than the national average.

The report presented five key recommendations that had been made to improve the health and wellbeing of residents and reduce health inequalities in Wirral and these were outlined to the Board. They included:

- Prioritise economic regeneration and a strong local economy;
- Safeguard a healthy standard of living for all;
- Increase support for children, young people and families;
- Strengthen action to address differences in health outcomes and prevention; and
- Residents and partners continue to work together.

Members welcomed the report and the work undertaken by the Public Health team during the pandemic. The previous success on tackling smoking prevalence was acknowledged and members encouraged officers to take the learning from that and best practice from other authorities and apply it to tackling health inequalities. The need to embed the recommendations across Council services was recognised, and the Director of Public Health assured members that she would continue to work other services such as Regeneration to ensure that local people were benefiting and health outcomes would be improved, and that the Public Health Annual Report would be considered by the other Policy and Services Committee.

Resolved – That the recommendations detailed with the Public Health Annual Report be endorsed.

57 **OUT OF HOSPITAL REVIEW**

The Director of Care and Health introduced the report which set out the proposed vision and structure of the Out of Hospital Programme Board, and the proposed change of approach to delivering the desired outcomes and the scope of the work undertaken. It was outlined that the intention of the Out of Hospital Programme Board was to utilise the well-established integrated approach to best value commissioning and the strong relationships with the voluntary sector to improve the experience of those people experiencing inequalities and those who require health and social care. The four key priority areas of the programme were:

- Healthy Behaviours
- Community and Place
- Integrated Health and Care
- Commissioning

Members noted that residents aged over 66 represented 12% of the population but 40% of hospital admissions. Further assurances were sought on the programme and its ability to effectively discharge patients safely to their home. It was noted that the report focussed on the services commissioned by the Council and the overall health improvement programme reported to Health and Wellbeing Board, and that the Healthy Wirral Programme could be presented to the Committee if they wished to have a more holistic overview.

Resolved – That

- (1) the renaming of the Out of Hospital Programme Board to the Living Well in Our Community Board to better reflect the aspirations and ambitions of the programme be noted and supported.**

- (2) the membership of the Living Well in our Community Board and the structure for delivery be noted and supported.**
- (3) the vision defining the work of the Board which was ‘Supporting Residents to Live Independent, Healthy, Happy Lives by Listening to and Meeting the Needs of Population Health at a neighbourhood level’ be noted and supported.**
- (4) the initial scope of the Board be approved.**
- (5) the outcomes identified to deliver better health, better care, and better value, improve people’s experience of Health and Social Care, reduce inequalities, and avoid duplication across the Health and Social Care Partnership and optimise the use of resources be noted and supported.**

58 **BUDGET MONITORING MONTH 4**

The Director of Care and Health introduced the report which set out the financial monitoring information for the Adult Social Care and Public Health Committee and provided an overview of budget performance for the area of activity. It was outlined that there was a forecast favourable position of £619k, which it was felt showed that the stewardship of the committee and the focus of the budget performance had been strong. The Committee was advised that work was ongoing with Cheshire and Wirral Partnership to develop more effective ways of supporting people with complex disabilities, as well as the ongoing context of Covid-19 and the expected winter pressures, where the NHS was supporting with discharges which protected social care costs somewhat.

Further detail was provided to members on the change initiatives, where a selected number of social workers were working to develop new processes for when people request care support, the review of which was due to be undertaken and the data would be evaluated to review the effectiveness and enable consideration about its further rolling out, information of which would be shared with members.

Resolved – That

- (1) the projected year-end revenue forecast position of £0.619m favourable, as reported at month 4 (July) of 2021/22 be noted**
- (2) progress on the achievement of approved savings and the projected year end forecast position at month 4 (July) of 2021/22 be noted.**

- (3) the reserves allocated to the Committee for future one-off commitments be noted.**
- (4) the projected year-end capital forecast position of £2.6m favourable, as reported at month 4 (July) of 2021/22 be noted.**
- (5) the current activity profiles from 2018 to month 4 (July) of 2021/22 be noted.**

59 **ADULT SOCIAL CARE AND HEALTH PERFORMANCE REPORT**

The Assistant Director for Care and Health and Commissioning for People introduced the report of the Director of Care and Health, which provided a performance report in relation to Adult Social Care and Health, designed based on discussions with Members through working group activity in 2020 and 2021.

It was outlined that care home numbers remained stable despite demographic changes and pressures within the system due to hospital discharges, and that vacancies had slightly reduced to 18.8%. Further explanation was given to that figure, where it was anticipated that NHS England would amend the capacity tracker to only show available beds which would alter the way in which the vacancy rate was reported to members. The quality of care homes was also reported on, with 32% of homes being rated 'requires improvement' or 'inadequate', with the quality improvement team working hard to improve standards and addressing areas of action plans.

Members discussed the different performance indicators in detail including domiciliary care and discharge to assess. It was felt that performance indicators for health services would enable members to have a better understanding of the system and officers undertook to provide this at future meetings. Concerns were raised in relation to the care homes rated as 'requires improvement' or 'inadequate' and it was queried whether the names of care homes that the local authority suspends placements to due to performance should be publicised. The Chair outlined that the Head of Legal Services would need to consider the issue and report back to the Committee.

Resolved – That the report be noted.

60 **INTEGRATED CARE PARTNERSHIPS UPDATE**

The Head of Legal Services reminded members that at the meeting of the Constitution and Standards Committee on 30 September 2021, the Committee granted a general dispensation relating to interests to all members in respect of matters relating to Integrated Care Systems and reminded members they must still declare the interest.

The Director of Care and Health introduced the report which provided an update on the legislative changes that would lead to the establishment of the Cheshire and Merseyside Integrated Care Board. The report also set out the updated policy context for the development of Integrated Care Systems and Integrated Care Partnerships as well as the local governance arrangements, and developments for Wirral's Integrated Care Partnership at "place" level. It was reported that work was ongoing to develop the governance arrangements for the "place", with an all-member workshop to discuss the proposals having taken place on 14 September. Officers from the Local Authority and NHS had met with members of the ICS in the previous week to further discuss the arrangements including the preferred option of a joint committee of the Local Authority and the Integrated Care Board to enable decision the pooled fund, with further information to be shared to members on the proposals as the Health and Care bill progressed through parliament.

Members highlighted the importance of local place arrangements and it was confirmed that work across the Liverpool City Region was ongoing to develop governance arrangements using best practice. It was noted that the indications were that the existing pooled fund arrangements would continue into the next financial year and it was felt that this would enable greater local leadership of "place".

Resolved – That

- (1) the legislative developments detailed in the Health and Care Bill that would lead to the establishment of the Cheshire and Merseyside Integrated Care Board (ICB) be noted.**
- (2) support be given to the preferred model of place-based partnership governance arrangements to develop a Joint Committee between the Council and the Cheshire and Merseyside Integrated Care Board, in which decision making at place level would be jointly carried out in partnership with ICB, local NHS Partners and the Council.**
- (3) regular committee reports be received relating to the developments of the Integrated Care Board and Integrated Care Partnership at system level, and local place-based partnership arrangements for Wirral.**

61 **WIRRAL PLAN DELIVERY PLANS**

The Director of Care and Health introduced the report of the Chief Executive which presented the Wirral Plan 2021-26 Draft Delivery Plans, which were approved at Council on 6th September 2021, together with the recommendation that engagement and discussion with relevant Committees would take place to further shape the underpinning delivery plans and work

programmes required to implement the Wirral Plan. Members discussed the element of delivery plans that encompassed the Committee's remit such as Domestic Abuse, where it was felt that a further report on the Domestic Abuse Strategy should be presented to the Committee. The issue of housing was also highlighted, where it was argued that specialised and extra care housing should be further embedded in housing policy.

Resolved – That the draft Delivery Plans be noted.

62 COVID 19 UPDATE

The Director of Public Health introduced the report which provided the Committee with an update on surveillance data and key areas of development in relation to Wirral's Covid-19 response and delivery of the Local Outbreak Management Plan.

It was outlined that in the week to 7 October 2021 there were 1197 cases in Wirral, translating to a 7 day incidence rate of 367 per 100,000 residents, the largest proportion of which were in children and young adults with 40% of report cases being in the 10-19 age bracket. The overall vaccination uptake was also reported, with 83% of those eligible in Wirral having had at least their first dose and 78.7% having had both doses. Members were advised that the booster vaccine and 12-15 vaccine programmes were going well and as soon as data was available on the uptake it would be shared with the Committee.

Further information was sought on the uptake in vaccinations in care home staff and the planned future use of Council owned buildings for the vaccination programme. Members queried the national grant funding and the possibility of this continuing to deal with future outbreaks, with further information anticipated in the Government's spending review.

Resolved – That the content of the report, the progress made to date and the ongoing Covid-19 response be noted and supported.

63 WORK PROGRAMME

The Head of Legal Services introduced the report of the Director of Care and Health which provided the committee with an opportunity to plan and review its work across the municipal year.

It was proposed by Councillor Tony Cottier, seconded by Councillor Kate Cannon, that an update on the Domestic Abuse Strategy be scheduled for the next meeting. The motion was put and agreed by assent. It was therefore –

Resolved – That

(1) the work programme be noted.

(2) A report on the Domestic Abuse Strategy be scheduled for the next meeting.

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CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Monday, 4 October 2021

Present: Councillor W Clements (Chair)

Councillors K Cannon C Povall
C Cooke P Stuart
C Carubia A Wright
D Brennan S Williams (In place
H Collinson of M Booth)

Apologies Councillors S Frost

31 WELCOME AND INTRODUCTION

The Chair welcomed Members, Officers and members of the public to the meeting, and informed the Committee of the sad passing of Councillor Andy Corkhill and Honorary Alderman Gerry Ellis. A moment of silence was held.

32 APOLOGIES

Apologies for absence were received from Councillors Max Booth and Samantha Frost.

33 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTERESTS

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

No declarations were made.

34 PUBLIC AND MEMBERS QUESTIONS

The Chair reported that no questions from either members of the public or Members had been submitted. Nor were there any statements or petitions to receive.

35 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved – That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the

likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

36 **CHILDREN'S RESIDENTIAL TRANSFORMATION PROGRAMME**

Anne-Marie Carney, Children's Commissioning Manager introduced the report which requested approval for a financial investment of £1,000,000 by way of a commercial loan to support the development of up to four new children's homes in Wirral. Members were informed of the background to the project, alongside an update on the main developments since it was last reported to the Committee in June 2021.

The Committee discussed the report in detail and several members sought clarification on the risks associated with the loan. The Director of Children, Families and Education responded accordingly.

Resolved – That Policy and Resources Committee be recommended to:

- 1) approve the issue of a commercial loan facility to We Are Juno CIC, in terms approved by the Director of Resources, in consultation with the Director of Law and Governance, as set out in section 5 of the report, in the sum of up to £1,000,000.**
- 2) authorise the Director of Resources, in consultation with the Director of Law and Governance, to:**
 - a) settle and perfect such security for the performance of the borrower's obligations under the commercial loan facility as is offered by We Are Juno CIC to the Council; and**
 - b) agree such minor variations in the terms of the commercial loan facility as are necessary to reflect any changes in circumstances arising during the term of any loan agreed, including any security pursuant to recommendation 2(a) above.**

CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Wednesday, 27 October 2021

Present: Councillor W Clements (Chair)

Councillors K Cannon H Collinson
C Cooke P Stuart
C Carubia A Wright
M Booth Y Nolan (In place of
D Brennan S Frost)
I Camphor (In place
of C Povall)

37 WELCOME AND INTRODUCTION

The Chair welcomed Members, Officers and members of the public to the meeting.

38 APOLOGIES

Apologies for absence were received from Councillor Cherry Povall and Councillor Samantha Frost.

39 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTERESTS

Members were asked to consider whether they had any disclosable pecuniary interests in connection with any item(s) on the agenda and, if so, declare and state what they were.

Councillor Paul Stuart declared a personal interest as a Local Authority Foster Carer.

40 MINUTES

Resolved – That

(1) the accuracy of the minutes of the meeting held on 13 September 2021 be agreed; and

(2) the accuracy of the minutes of the meeting held on 4 October 2021 be agreed.

41 PUBLIC AND MEMBERS QUESTIONS

There were no public questions, requests to make a statement or petitions submitted.

42 **PROCUREMENT OF SERVICES TO ENCOURAGE, ENABLE AND ASSIST YOUNG PEOPLE TO PARTICIPATION IN EMPLOYMENT, EDUCATION AND TRAINING**

The Head of Integrated Learning, Skills and Employment introduced the report of the Director of Children, Families and Education, which detailed the background of the service to encourage, enable and assist young people's participation in employment, education and training as well as the proposed procurement of the service alongside Halton Council and Knowsley Council, with Halton Council agreeing to lead on the procurement activity. It was reported that the service had historically been jointly commissioned which had produced improvements in the proportion of children not in education, employment or training, with Wirral performing better than the England and North West average. The current contract with the existing provider was due to expire on 31 March 2022.

Members considered the proposed joint arrangements and sought further information on the previous partnership which had included Liverpool City Council. It was reported that Liverpool City Council had opted to test and trial alternative approaches, but that officers felt that the partnership still provided the best value to Wirral children. It was further reported that Liverpool City Region authorities were closely aligned on the work area to share best practice.

Resolved – That delegated authority be given to the Director of Children, Families and Education to enter into a partnership service delivery contract with Halton Council, Knowsley Metropolitan Borough Council, and an approved service provider, at the end of the procurement process to deliver a service to support and enable NEET young people to positively participate.

43 **EXTENSION OF THE ADOPTION IN MERSEYSIDE (AIM) PARTNERSHIP AGREEMENT AND REVIEW OF PARTNERSHIP ARRANGEMENTS**

The Director of Children, Families and Education introduced the report which outlined the partnership arrangements for the Adoption in Merseyside regional adoption service and sought agreement for the extension of the current arrangements as well as outlining the proposed review of those arrangements. The Committee was advised that the regional adoption service was established in April 2017 following the introduction of the Education and Adoption Act 2016 which set out the requirement to have a service in place. The agency was a partnership with Knowsley Council, Liverpool City Council, Sefton Council and Wirral Council, with Knowsley acting as the host authority.

The existing contract had concluded in March 2021 and had not been reviewed due to Covid-19, therefore approval was sought to extend the contract until March 2022 with a view to a review of the arrangements taking place.

It was noted that the option of Wirral Council hosting the service was considered as part of the budget workshops, but it was felt that there was little extra value when compared to just being part of the arrangements.

Resolved – That

(1) The current Adoption in Merseyside partnership agreement be extended to 31 March 2022.

(2) it be noted that a review of the existing partnership arrangements would take place and a further report would be brought back on future partnership arrangements for 01 April 2022.

(3) the proposal for Wirral Council to not put itself forward as the host authority at the current time be supported.

44 **PERFORMANCE UPDATE - SOCIAL WORK WORKFORCE**

The Assistant Director of Children and Families Services introduced the report of the Director of Children, Families and Education which provided an overview on the current position of the social work workforce and highlighted some of the key challenges faced by the Service, including the workforce adapting to new ways of working, supporting recruitment and retention, managing staff absence rates, and the use of temporary agency staffing.

The report detailed the national issues with workforce instability in children's social work staffing which had been exacerbated by Covid-19. Within Wirral, it was reported that the vacancy rate had increased by over 6% in the previous 12 months to 28%. In the 12 months up to 30 August 2021 32 new employees had been recruited into qualified social work posts, and 36 had left posts, the first 12-month period with a deficit position in terms of staff recruitment and retention. Members were advised that through exit interviews, it was ascertained that a number of staff members had delayed the decision to seek progression elsewhere until after Covid-19 which may have exacerbated the deficit position. Further details were also provided on new initiatives to encourage recruitment and retention.

A detailed discussion ensued where the wellbeing of staff was raised. It was reported that the national survey of social workers was undertaken in September 2020 which identified that the caseload rate of 13.9 per Full Time Equivalent (FTE) staff at Wirral was significantly lower than all statistical neighbours, and whilst it had since risen to 15 per FTE, it was still one of the

lowest rates. The sickness absence levels within the service was also raised and the Director of Children, Families and Education undertook to provide a further detailed report to Committee on the issue. The need to ensure the experience of social workers leaving was retained or replaced was emphasised. Furthermore, the use of agency staff was raised, where it was reported that many staff members preferred the flexibility and increased rate of pay for agency work, but that the benefits of becoming a permanent member of staff were outlined to agency workers such as pension contribution, essential care use and annual leave.

Resolved – That

(1) the current position regarding the children’s social workforce position be noted.

(2) the proposed actions outlined in the report including the development of a revised Social Work Workforce Strategy be noted.

45 **REVIEW OF PARTICIPATION FOR YOUNG PEOPLE AGED 16 TO 18 SEPT 2021**

The Head of Integrated Learning, Skills and Employment introduced the report of the Director for Children, Families and Education which provided an overview of post-16 participation in employment, education and training following the Covid-19 pandemic. The report detailed that the overall rate of young people not in education, employment or training (NEET) and those not know (NK) in Wirral was at 4.9%, a 0.9% reduction from 2018 and overall in the top 50% nationally against the backdrop of the Liverpool City Region’s NEET ‘hotspot’ status. The work ongoing to increase participation was outlined to the Committee which included working with Wirral Growth Company and Morgan Sindall plc on apprenticeships and Wirral Met College. The key challenges were also outlined, with the number of long term inactive young people a growing challenge following the pandemic.

The statistics provided showed that the number of children in education in Year 13 reduced whilst the number in apprenticeships in the same year group grew, and it was suggested that greater advice and guidance at an earlier stage could be assist young people in choosing the most appropriate career path. Further data was also sought on the breakdown of NEET young people on a ward basis as well as the number of young people with Special Education Needs and Disabilities accessing programmes to support participation in employment, education and training.

Resolved – That

(1) the report be noted.

(2) the services' continued intervention to support and engage young people not in education, employment or training or at risk of being be supported.

46 **WIRRAL PLAN DELIVERY PLANS**

The Director of Children, Families and Education introduced the report of the Chief Executive, which presented the Wirral Plan 2021-26 Draft Delivery Plans, which were approved at Council on 6th September 2021, together with the recommendation that engagement and discussion with relevant Committees would take place to further shape the underpinning delivery plans and work programmes required to implement the Wirral Plan. Members were reminded that the Wirral Plan had five key objective areas, and that the Children, Young People and Education work area contributed to every objective. The strands within the plans that directly related to Children, Young People and Education were outlined including early help and prevention and school improvement and sufficiency, but it was felt that it was important for children, young people and families to have a voice in how all elements of the delivery plans.

Members highlighted the importance of the breaking the cycle programme for both Children and Adults and how that would improve prevention across all areas. It was requested that the Covid-19 Education Catch Up Plan be included within the projects and initiatives section of the plans.

Resolved – That the Draft Delivery Plans be noted.

47 **WORK PROGRAMME**

The Head of Legal Services introduced the report of the Director of Law and Governance which provided the Committee with an opportunity to plan and regularly review its work across the municipal year.

It was highlighted that the Committee had agreed at its last meeting to receive a report on the Covid-19 Education Catch Up Plan in January 2022 and that it needed to be included on the work programme.

Resolved – That

(1) the Work Programme be noted.

(2) the Covid-19 Education Catch Up Plan be added to the Work Programme for January 2022.

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ECONOMY REGENERATION & DEVELOPMENT COMMITTEE

Wednesday, 29 September 2021

Present: Councillor T Jones (Chair)

Councillors K Greaney A Hodson
T Smith C Povall
G Wood D Mitchell
D Burgess-Joyce E Gleaves
A Gardner J Bird (In place of P Martin)

23 WELCOME AND INTRODUCTION

The Chair opened the meeting and reminded everyone that the meeting was being webcast and a copy is retained on the Council's website.

24 APOLOGIES

Councillor Paul Martin gave apologies for absence and was deputised by Councillor Jo Bird.

25 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest. There were no declarations of interests.

26 MINUTES

**Resolved (by assent) –
That the minutes of the meeting of Economy, Regeneration and Development Committee held on 26 July 2021 be approved and adopted as a correct record.**

With the assent of the Committee, the Chair brought forward item 9 (Dominick House Liscard) so that it would be considered immediately after item 4 (Statements and Petitions), as the items were linked.

27 PUBLIC QUESTIONS

There were two questions from members of the Birkenhead Market Traders Association.

Question 1 from David French

At a meeting of 10 August Mr Evans informed our community representatives that the decision has been made to scrap plans for a temporary Market, that our community will remain on the current market site and furthermore no demolition/redevelopment work will be commenced anywhere on the current market site. When does Wirral Borough Council expect demolition reconstruction to begin?

Answer to question 1.

As discussed with me as Chair and a number of members of the Market Traders Association Committee on 10th of September 2021, we are revisiting our plans for a temporary market solution and responding to traders' feedback. We are now working towards having just one move, to a permanent-only offer. At this meeting, we discussed that we would not be able to share further details at that point but would be in a stronger position in the following 4 to 5 weeks to outline the council position. We are still working to secure a permanent option so we are not yet able to update on when the move to a permanent market will take place or the subsequent date for demolition of the current market.

Question 2 from Bernard Furlong, read out by David French.

Our community have been informed via newsletter that the vacant Marks & Spencer site proposal has been revisited and examined by WBC Officers and rejected. As this proposal has been rejected by Officers we do not see that any information can be classed as commercially sensitive. Therefore will WBC Officers furnish our representatives with copies of all documents pertaining to the Marks & Spencer site held by WBC without delay?

Answer to question 2.

All information held by the Council appertaining to the Marks and Spencer unit on Borough Pavements is commercially sensitive and was provided by the owners of the shopping centre under the restrictions of a non-disclosure agreement. It is not possible for the Council to disclose any of this information.

Supplementary question to question 2

Currently we have the Market Manager who is going round site telling tenants that Wirral Borough Council will not support our move if we do decide to move to the Marks and Spencer's site ourself. Is this the point of the Wirral Borough Council or the Market Manager's personal opinion?

Answer to supplementary question to question 2

The Council has concerns about the potential for undermining the future of Birkenhead Market in the event that it granted additional rights to a second town centre market. Wirral Council has recently shared with traders its proposals for a new purpose built modern market within the town and looks forward to working with existing and new traders to develop these proposals

further. It does not therefore support a relocated market into the former Marks and Spencer building. That said should a consortium wish to establish a new independent concern then they will be required to apply through a market licence application process in accordance with the Markets Policy. Any such application will be evaluated on a number of set characteristics by a regulatory panel and as custodian of the market charter, the Council has the right to approve or refuse or any proposals for markets that fall within its Charter area. All applications made to the regulatory panel are assessed independently so individuals can therefore not comment on whether an application may or may not be approved.

28 STATEMENTS AND PETITIONS

There was one statement from Roger Lee in respect of the Dominick house report.

My name is Roger Lee, I am a chartered town planning consultant and have acted as a consultant on behalf of Prospect Estates Ltd for a number of years on a range of development projects, including outline and full planning applications, planning appeals and prior approval applications.

I submitted the prior approval applications on Prospect's behalf for the change of use of Dominick House to residential units, comprising three separate applications – one for 45 units, one for 50 units and one for 70 units, all of which were approved by the council. The reason for the variation in unit numbers is to give maximum flexibility relating to what the ultimate demand may be for occupation of the building.

As a starting point to demonstrate the compatibility of Prospect's proposals with the aspirations of the Council, Dominick House is included in the draft Liscard Masterplan for refurbishment and redevelopment to bring it back into an active use with the primary aim for it to be a residential use, although the Masterplan advises of a preference for a more interactive use of the ground floor rather than wholesale residential, which is what the current planning approvals are for.

Prospect Estates are agreeable to a non-residential use of the ground floor and last year entered into discussions with the Citizens Advice Bureau who had expressed an interest in occupying the ground floor of the building. Unfortunately, due to the ongoing delays in reaching an agreement with the council the CAB have now secured alternative premises.

Prospect and the council have been in discussions over the freehold of the building since May last year and until the turn of the year those discussions were progressing positively with an understanding that the council wished to progress with an agreement with Prospect without delay.

Unfortunately, that position has subsequently changed and the council now appears to wish to take a considerably longer period of time to explore its options and have linked this to the unknown future at this stage of the Cherry Tree Shopping Centre.

With respect though, Prospect's proposals align with those in the draft Master Plan and there is no need to delay the negotiations on the freehold interest as the current position with Dominick House does not have any negative effect on the overall long-term aspirations for Liscard.

Prospect Estates is a longstanding experienced property and development company. It has carried out a number of similar developments in recent years in the north of the country – in Accrington, in Stockport, in Bolton, in Barnsley, and in Sunderland – building out residential conversions and securing much needed high quality residential occupation for people living in those areas. This is its simple aspiration for Dominick House and I would urge you to support the company's proposals to acquire the freehold interest and bring this building forward for development which will have a considerable and positive impact in terms of the regeneration of the centre.

The Chair thanked Mr Lee for his representations and assured him that his comments would be taken into account by members during their consideration of item 9 (Dominick House Liscard).

29 **QUESTIONS BY MEMBERS**

There were no questions by Members.

30 **DOMINICK HOUSE, LISCARD**

David Armstrong, Assistant Chief Executive, presented this report of the Director of Regeneration and Place which provided background to matters relating to Dominick House and informed members of current discussions with the leaseholder. Selling of the freehold had been agreed by Cabinet but the Council had been cautious about the selling over concerns about the management of the building and about the type of residential community that could result.

Resolved - That the current position with respect to matters relating to Dominick House, Liscard be noted.

31 **LIVEABLE NEIGHBOURHOODS**

Sally Shah, Assistant Director and Chief Regeneration Officer, introduced the report of the Director of Regeneration and Place which sought approval for officers to work with Sustrans, the Liverpool City Region Combined Authority (LCRCA) and local stakeholders to co-develop and design a 'Liveable Neighbourhood' in Bebington, and to produce a business case which could be used to secure future funding to be used to deliver the required infrastructure. A Liveable Neighbourhood would prioritise people over cars and encourage active travel. Any permanent infrastructure proposals would be subject to a further report to Committee.

Members queried the selection of area and it was explained that the areas was selected based on numerous criteria such as car ownership and number of schools and also reflected issues raised by residents and members in recent years in relation to traffic speeds and rat running.

Resolved – That

- (1) the Director of Regeneration and Place, in consultation with the Director of Neighbourhood Services, be authorised to work with Sustrans and local stakeholders, including schools and residents, to co-develop and design a Liveable Neighbourhood (incorporating a school neighbourhood cluster) in Bebington, and to produce a business case which could be used to secure future funding;**
- (2) the Director of Regeneration and Place, in consultation with the Director of Neighbourhood Services, Chair and Spokespersons of the Economy, Regeneration and Development Committee and the Chair and Spokespersons of Environment, Transport and Climate Change Committee, be authorised to implement any temporary test/trial schemes which arise from the stakeholder co-development programme; and**
- (3) a further report be brought forward to Members for approval of the business case, the submission of any funding application and installation of any permanent Liveable Neighbourhoods infrastructure.**

32 MASS TRANSIT

Sally Shah, Assistant Director and Chief Regeneration Officer, introduced the report of the Director of Regeneration and Place which provided an update regarding the business case development which has been undertaken to date for the delivery of a mass transit system in Wirral and sought approval for Wirral Mass Transit Phase A to be included in the Liverpool City Region Combined Authority Bus Service Improvement Plan submission in October 2021. The plan was to introduce a system based upon 'Glider' hydrogen powered buses as an interim to move away from car usage as a permanent system was developed within the Wirral Waters development and active travel opportunities were developed.

Members debated the options of vehicles, costs and established that:

- investment in the system should improve infrastructure ready for the permanent system but also allowed flexibility
- Having infrastructure in place within the Wirral Waters developments would maximise the investment in it and would demonstrate demand
- Merseytravel would operate the system to link with the wider public transport network
- A Members workshop to discuss issues in detail would be useful

- Developments in vehicles such as fuels and reducing debris from tyres would be monitored and included if possible

Resolved - That:

- (1) the progress made in the development of the Wirral Mass Transit business case to date be noted, and a further report be brought forward to a future meeting of this committee following completion of the business case work in early 2022; and
- (2) the Director of Regeneration and Place be authorised to work with the Liverpool City Region Combined Authority to include Wirral Mass Transit Network Phase A in Lorca's Bus Service Improvement Plan submission to the Department for Transport in October 2021.

33 PROPERTY DISPOSALS

David Armstrong, Assistant Chief Executive, presented the report of the Director of Regeneration and Place which sought approval for the disposal of three of the Council's property assets which were no longer required for operational needs.

Members queried some details of the proposals to ensure they were clear on the extent of the disposals.

Resolved – That Policy and Resources Committee be recommended to approve that:

- (1) 27 Balls Road, Oxton, be declared surplus to requirements and authority be given to the Director of Law and Governance, in consultation with the Director of Regeneration and Place, to arrange for its marketing by auction and subsequent sale on the terms described in paragraphs 3.2 and 3.3. of the report;
- (2) Plymyard Cemetery Lodge, 996 New Chester Road, Eastham, be declared surplus to requirements and authority be given to the Director of Law and Governance, in consultation with the Director of Regeneration and Place, to arrange for its marketing through a local estate agency on the terms described in paragraphs 3.4 and 3.5. of the report;
- (3) In the event that a sale of Plymyard Cemetery Lodge through an estate agency is not achieved expeditiously, the Director of Law and Governance, in consultation with the Director of Regeneration and Place, be authorised to arrange for its marketing by auction and subsequent sale on the terms described in paragraphs 3.4 and 3.5. of the report;
- (4) The Director of Law and Governance, in consultation with the Director of Regeneration and Place be authorised to secure the

sale of the Laser Engineering Centre to the current tenant, for £340,000 (excluding VAT) plus fees of £1,500

34 **SALE OF LAND AT CROSS LANE, WALLASEY**

David Armstrong, Assistant Chief Executive, presented the report of the Director of Regeneration and Place which sought approval for a recommendation to be made to Policy and Resources Committee for the disposal of land at Cross Lane, Wallasey to enable West Wallasey Van Hire to meet its expansion needs and to generate a capital receipt.

Members questioned the proposal and expressed concerns at the use of the land, the increased traffic and the loss of green space and flood plain in the locality.

Councillor Andrew Hodson proposed that the land not be sold at this time. This was seconded by Councillor David Burgess-Joyce and supported unanimously.

**Resolved – That
the site edged red in Appendix 1 to the report, at Cross Lane, Wallasey, not be declared surplus to Council requirements and not be sold at this time.**

35 **QUARTER 1 MONITOR REPORT**

Peter Molyneux, Senior Finance Manager, presented this report of the Director of Regeneration and Place which provided a summary of the projected year-end revenue and capital position as at the end of Quarter 1 (June 2021) of the 2021/22 financial year.

Resolved – That -

- (1) the projected year-end revenue forecast variance of £0.02m favourable position as reported at quarter 1 (Apr-Jun) of 2021-22 be noted;**
- (2) progress on the achievement of approved savings and the projected year-end forecast position at quarter 1 (Apr-Jun) of 2021-22 be noted;**
- (3) the reserves allocated to the Committee for future one-off commitments be noted; and**
- (4) the projected year-end capital forecast expenditure position of £17.5m as reported at quarter 1 (Apr-Jun) of 2021-22 be noted.**

36 **WORK PROGRAMME UPDATE**

The Economy, Regeneration and Development Committee was responsible for proposing and delivering an annual committee work programme. This work

programme was to align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

Resolved – That the content of the Economy, Regeneration and Development Committee work programme for the remainder of the 2021/22 municipal year, as set out in Appendix 1 to the report, be approved.

37 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved – That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

38 **HIND STREET REGENERATION**

Sally Shah, Assistant Director and Chief Regeneration Officer, introduced the report of the Director of Regeneration and Place which provided an update regarding the collaboration work being undertaken by the Hind Street Major Landowner Group. The proposals supported the Birkenhead Wirral Waters plans and had a range of potential delivery options.

Members supported the proposals as good value for money.

**Resolved –
That the recommendations in the report be approved.**

39 **HIND STREET MOVEMENT STRATEGY**

Sally Shah, Assistant Director and Chief Regeneration Officer, introduced the report of the Director of Regeneration and Place which provided an update regarding the work undertaken to develop a movement strategy to mitigate the impact of the removal of the 2 flyovers in Birkenhead.

**Resolved (10 for, none against, one abstention) –
That approval in principle be given that construction of a new link road between Rock Retail Park and central Birkenhead be completed in advance of the closure of the Birkenhead flyovers.**

ECONOMY REGENERATION & DEVELOPMENT COMMITTEE

Tuesday, 26 October 2021

Present: Councillor T Jones (Chair)

Councillors P Martin D Mitchell
G Wood E Gleaves
D Burgess-Joyce M Booth (In place of
A Gardner C Povall)
A Hodson KJ Williams (In
place of T Smith)

40 WELCOME AND INTRODUCTION

The Chair opened the meeting and reminded everyone that the meeting was being webcast and a copy is retained on the Council's website for two years.

41 APOLOGIES

Councillor Tony Smith gave apologies for absence and was substituted by Councillor Jerry Williams.
Councillor Cherry Povall gave apologies for absence and was substituted by Councillor Max Booth.
Councillor Karl Greaney gave apologies for absence.

42 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest. There were no declarations of interests.

43 MINUTES

**Resolved (by assent) –
That the minutes of the meeting of Economy, Regeneration and
Development Committee held on 29 September 2021 be approved and
adopted as a correct record.**

44 PUBLIC AND MEMBER QUESTIONS

No questions, statements or petitions from the public or Councillors had been received.

REGENERATION STOCKTAKE

The Director of Regeneration and Place presented his report on the breadth of the Council's regeneration programme for about the next 4 years, which was one of the largest such programmes in the country. New staff had been appointed to drive forward the programme. The Wirral Growth Company, a partnership between the Council and Muse Developments, had begun the programme in March 2019. The Government's Housing Infrastructure Fund provided £6 million which started the housing developments in the previous industrial areas in Nov 2019 as part of a 'brownfield first' strategy. Extra funding, including the Future High Street Fund, helped drive the regeneration agenda and enabled possibilities for regeneration where Council funding alone would be insufficient, including removing the flyovers to the South of Birkenhead. In total in 2021 £88.71 million funding had been secured for over 130 projects, and additional funding of £130 million had been applied for. There were challenges from increasing costs of all materials, the expectations of sustainable development including the developing guidance and the changing property market following the Covid-19 pandemic.

It was intended that the physical development would enable communities to connect and develop themselves and improve quality of life, community cohesion and the environment, with low carbon developments and housing where active and public transport was encouraged.

Councillor Hodson raised concerns regarding the LGA Planning Peer Review Update report, produced in July 2020 and referred to in the presentation slides, and read out passages from it, which included the statement that "There appears to be a lack of support from Legal Services which has the potential to de-rail the growth agenda. The investors and partners describe ... the attitude, tone and approach of the Council's Legal Service is combative and inefficient".

The Director of Law and Governance, in answer to Members' concerns, explained that the comments in the report about legal services being a potential risk to the progress of the projects had been accepted and acted upon as later presented to Members. This had included the implementation of investment and a restructure going through at the time, including the appointment of a Lead Principal Lawyer who is the advisor to the Committee normally present plus a programme the ongoing training of post-graduates to develop the in-house expertise and capability. There had been commissioned a review of the service conducted by external advisors over the summer of 2020. This had led to a procurement exercise to appoint a strategic legal partner for the regeneration portfolio of legal work. This had recently been completed with the appointment of Trowers and Hamblins. There remained, however, a recruitment issue within the Planning and Property Law Team which was operating at 60% vacancy levels, which had proved difficult to

overcome despite HR recruitment best efforts over the intervening months and resulted in additional costs as expertise was purchased.

Councillor Tony Jones suggested having a standing item on future agendas to note the progress of legal services improvement plan.

Councillor Dave Mitchell requested a report to a future meeting on the ability to bring to the Chair and Spokespersons attention major issues that could cause a bottleneck could be progressed outside of the Committee cycle to see how Members could assist.

Councillor Andrew Hodson proposed an addition to the recommendations as a proposal, which was to refer inform the Audit and Risk Management Committee of the risk of legal services holding up the development programme.

This was seconded by Councillor Tony Jones.

Councillors then asked questions of the presentation and programme which established:

- That a summary of the presentation, and a briefing note on the new methods of sustainable construction being used, would be sent to all Members of the Council.
- The highest environmental standards were used in the design of office buildings and housing.
- Expertise and services are shared amongst the Liverpool City Region.
- Future reports on the programme could note the issues which could potentially derail progress.
- The proposed Maritime Knowledge Hub was intended as a resource an innovation site for the development of the maritime industry, including its decarbonisation.

Councillor Tony Jones moved the recommendations together with the additional referral.

These were seconded by Councillor Jerry Williams.

Resolved – That:

- (1) the transformation and progress made in Wirral’s regeneration to date and the next steps be noted; and**
- (2) whilst we consider the Council’s legal department to be a risk with regard to the comments made with regard to derailing the regeneration programme, this should be passed to the Audit and Risk Management Committee for continued scrutiny whilst this is still a risk to the Council.**

46 **THE WIRRAL PLAN 2021-2026 DRAFT DELIVERY PLANS**

Director of Regeneration and Place introduced the report of the Chief Executive which presented the Wirral Plan 2021-26 Draft Delivery Plans. The Plans had been approved at Council on 6 September 2021, together with the recommendation that engagement and discussion with relevant Committees would take place to further shape the underpinning delivery plans and work programmes required to implement the Wirral Plan. Updates would be provided via the dashboard, with a 'traffic light system for monitoring progress and reporting by exception.

**Resolved –
That the draft Delivery Plans, as they relate to the Economy,
Regeneration and Development Committee set out in Appendix 1 to this
report be noted.**

47 **WORK PROGRAMME UPDATE**

The Economy, Regeneration and Development Committee was responsible for proposing and delivering an annual committee work programme. This work programme was to align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

**Resolved – That the content of the Economy, Regeneration and
Development Committee work programme for the remainder of the
2021/22 municipal year, as set out in Appendix 1 to the report, be
approved.**

ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Wednesday, 20 October 2021

Present: Councillor EA Grey (Chair)

Councillors H Collinson M Collins
S Foulkes S Mountney
C O'Hagan L Rowlands
I Williams C Cooke
B Berry A Brame

29 WELCOME AND INTRODUCTION

The Chair welcomed attendees and viewers to the meeting and reminded everyone that the meeting was webcast and retained on the Council's website for two years.

The Chair led the Committee Members in standing for a minute's silence in memory of Councillor Andy Corkhill, Alderman Gerry Ellis and MP David Amess who had all passed away recently.

The Chair spoke about Councillor Andy Corkhill and his genuine commitment to environmental and active travel matters.

30 APOLOGIES

There were no apologies for absence.

31 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest. There were no declarations of interests.

32 MINUTES

The Chair noted that there had been a commitment in an answer at the last meeting to publish the names of Members who had undertaken carbon literacy training. This will be added and the minutes republished.

Resolved (by assent) –

That, subject to the addition of the names of Members who had undertaken Carbon Literacy training, the minutes of the meeting of the

Environment, Climate Emergency and Transport Committee held on 7 September 2021 be approved and adopted as a correct record.

33 **PUBLIC QUESTIONS**

Question 1 – Julien Priest

The Save Hoylake Beach Group, recently rebranded as Hoylake Beach Community, are campaigning on the basis that simple raking without the use of weedkiller will give them the 'golden sands' they expect.

In a previous one of these meetings a Hoylake and Meols Ward Councillor expressed their view that neglecting the beach for a number of years until such time as the new Beach Management Plan has been approved by Natural England will result in the beach vegetation situation being irreversible.

At that same meeting a Council Officer responded to said Councillor with the view that removal of the vegetation from the beach would require bulldozing.

The public facebook group 'Hoylake Beach - The Evidence' references studies on the control of Spartina that show mechanical removal leads to a 42.8% increase in plant density in subsequent growing seasons because this grass propagates via underground rhizomes [roots] and any activity which fragments and redistributes those rhizomes, such as raking, will increase the rate at which the grass can spread when compared to doing nothing.

The public facebook group 'Hoylake Beach - The Evidence' also references scientific papers that explain how one effective treatment for controlling the vegetation is complete removal of the substrate [sand] containing these rhizomes [roots] which extend 30-40 cm underground.

To eradicate vegetation from the beach scientific evidence points to a requirement for bulldozing the foreshore and wholesale removal of huge amounts of sand to a significant depth, not simply raking the surface of the beach.

My question:

- Are the current studies fully assessing what would be required to remove and eradicate vegetation from Hoylake beach?

And an assurance:

- Will the full impact of what is required, both environmental and financial, be explained in the public consultation so that those who expect to see "golden sands" with no vegetation fully understand exactly what they are asking for?

Answer: [Cllr Elizabeth Grey] The ecological and Geomorphological study is looking at the evolution of the foreshore based on historic changes and an improved understanding of the ecological communities. Predictions of future change based on climate change and management options will also be considered, however the study is not considering eradication of vegetation from Hoylake beach. We can and should include financial implications of each option in the public consultation, as well as explaining environmental implications. Thank you for your question.

Supplementary Question 1 – Julien Priest

The recently tabled motion calling for the Director of Neighbourhoods to engage with Natural England regards the continued spread of spartina grasses appears to be merely aiming to score political points and spread misinformation, fear and divisiveness in the community.

Item 47 resolution (iii) of the 16 March 2021 meeting of this committee agreed to consult with a Coastal Advisory Group of experts who were to offer impartial APOLITICAL advice on current and future windblown sand and beach management.

Can the committee give an assurance that this dialogue with an expert apolitical advisory group is under way and if not, why not, and if not yet taking place, when will this important dialogue begin?

Answer: [Cllr Elizabeth Grey] Officers were required by the Environment, Climate Emergency and Transport Committee to consult with the Coastal Advisory Group on the specification for movement of sand from the sea wall at Hoylake ahead of undertaking a HRA and applying for assent. The Coastal Advisory Group were emailed on the 4th August 2021. One response was received by the deadline of 23rd August. I can only assume that the group of specialists were expecting to meet with officers, and I admit that this is what I expected as Chair of the Committee, rather than just an email. If email is not the most appropriate or expected form of consultation, then I am sure we can arrange a meeting even if its virtual, to follow through with the requirements of this Committee when we voted to request officers to consult with the Coastal Advisory Group. I would expect that this meeting takes place before the end of the calendar year and discusses best practice for the management of wind-blown sand.

Question 2 – Keith Randles

(Partially read out by Chair in Mr. Randles Absence)

With community safety being within this committee's re-mit, please will someone visit the RNL station in Hoylake and review the metal railing area that borders a public footpath which is being buried by sand?

There is now large volume of sand built up on the left-hand side of the station, which is now being heralded as the development of a sand dune. In reality, sand is being blown into this corner of the beach and the railing and the footpath are now completely hidden, only the tips of the railing now show.

This represents a very real health and safety issue, as in a major trip hazard and this was also a disabled access point too.

I have reported this twice before to Wirral Borough council with some matter of urgency, via 2 emails.

1st email was sent on the 14th April 2021 to Neil Thomas and Elizabeth Grey, with these same attached photographs.

"Not sure if you are aware but there is a footpath on the perimeter of the RNL station which is blocked totally with a huge sand drift/dune that is blocking wheelchair and general public access to this area and needs immediate attention"

On the 15th of April had a reply from Elizabeth Grey regarding the above, "Thanks for your email and photos. I will share these with officers"
2nd email sent 25th June via Andrew Gardner, which was forwarded to Martin Jones.

"Dear Councillor Gardner, just an enquiry, who is responsible for this public footpath on the Old Hoylake baths site, which is now part of the RNLI station now, if you could find out for that would be very much appreciated. It's only a matter of time before someone has a serious accident due its height, as it is a trip hazard.

I did make Councillor Grey aware of this blocked footpath in April & to date did not receive any further updates from her regarding it.

As it is not part of the SSSI I feel it can & should be cleared for not only general public's safety but also disable access too, which I referred to Councillor Grey at the time of our email exchange.

The last photo is of Anglesey council workers clearing such a build-up of sand at Trearddur bay, they seem to recognize the dangers of these hazards"

To-date Martin Jones has not responded to my enquiry regarding this matter.

My question is:

Now that I have brought this potentially dangerous situation to this committee's attention (a blocked drain...), can you assure me that this matter will be given some serious consideration and have it investigated, and hopefully have it addressed soon before someone gets hurt?

Answer: [Cllr Elizabeth Grey] Thank you for your question regarding the wind-blown sand on the footpath at the perimeter of the RNLI station at Hoylake. The Council will undertake a risk assessment, and depending upon the outcome of the risk assessment any appropriate actions will be undertaken.

Question 3 – June Turner [00:11:58 –00:13:58]

(Partially read out by Chair in Dr. Turner's absence)

Between 1690 and 1739, the silting up and eventual sanding over of an offshore channel created a direct sand transport route between a sandbank in the Mersey and Formby. In a single stormy night, so much sand came ashore that the church had to be moved inland and the streets and agricultural lands were entirely covered.

Between 1918 and 1938, the north channel of the Ribble silted up and sanded over, providing a direct sand transport link between the town and an offshore sandbank and the beach level rose by around 7m. Despite building a sand shield, the cost of keeping the promenade open and access to Blackpool was eventually more than the town could afford. The problem was solved by actively planting Marram grass in loose sand, seeding the dune which now lie between the promenade and beach.

The parallels with Hoylake are inescapable. The Hoyle Lake channel has silted up, and in the last few years, finally sanded over. Hoylake is now exposed to the East Hoylake bank. A single storm is now capable of closing the promenade

In 2000 Jemmett and Smith prepared a report for the council, which concluded that the existing approach to managing wind blown sand (in 2000) was unsustainable, that costs would continue to spiral upwards and that the changes were the result of the natural evolution of Liverpool Bay. It also highlighted an issue of poor understanding and lack of acceptance of coastal habitat change by the local community, specifically referring to the misconception that Hoylake would “end up as another Parkgate”. The report proposed the deliberate encouragement of a band of embryo dunes to interrupt the wind-blown sand pathway from the East Hoyle Bank to the promenade and test public acceptance to the trial.

A similar trial has been carried out in Swansea, where a single storm in 2016 required a £20,000 clean-up operation. Using sand cleared from against the sea wall, chestnut paling fences and, local school children as manpower, Swansea Council in conjunction with Natural Resources Wales created test dunes. In 2018 Storm Ali against required another massive clean-up operation, but crucially, the part of the promenade behind the new dunes was unaffected.

My question

- How much is the council spending on average to deal with windblown sand now, and how much more do you anticipate needing to spend in the future?

And an assurance

- Given that the Jemmett report in 2020 has proven to be accurate in predicting the situation that we are in now, with respect to beach levels and habitat changes, will all parties represented at council undertake not to kick the can down the road again?

Answer: [Cllr Elizabeth Grey] Responsibility for dealing with the removal of wind-blown sand from all areas of Wirral coast falls to various service areas within the Council.

- Parks and Countryside manage the removal of wind-blown sand from areas which do not form part of the adopted highway. Since April 2019, approximately £8,000 per year has been spent on managing wind-blown sand and in future years this is predicted to rise to £10,000 per annum.
- Waste and Recycling remove accumulations of wind-blown sand from the adopted highway, [but] it's not possible to identify exact spend as planned removal activities are built into the existing contract with Biffa. However, since April 2019 approximately £2,800 per annum has been spent on reactive works in addition to the planned works undertaken through the contracts. A figure of £30,000 per annum is estimated for future activities.
- Highways remove sand from highways drainage systems on planned and reactive basis. The approximate spend per annum is £6,000, so in total this is £46,000 per year removing wind-blown sand.

The Council is undertaking public engagement and consultation on the development of beach management options for Hoylake. The Council is also undertaking an ecology and geomorphology study, which will consider likely future evolution of the beach under a range of management options. The preferred management option will be informed by these studies, but also by the framework set out by the discretionary advice received from Natural England and those set out by the habitat regulations.

34 **STATEMENTS AND PETITIONS**

No statements or petitions had been received.

35 **QUESTIONS BY MEMBERS**

There were no questions by Members.

36 **STREET LIGHTING IMPROVEMENT PROGRAMME, PROGRESS REPORT**

The Assistant Director: Highways and Infrastructure presented the report of the Director of Neighbourhood Services which provided an update for Members on progress of the Council's current programme to improve and upgrade its street lighting stock, as well as on potential future proposals for street lighting. The contract for upgrading street lighting was to end in December 2021.

Members asked questions about the progress of the work and established that:

- By the end of the contract all streetlights, other than where they would be covered by alternative projects such as redevelopment, would have been replaced.
- Replacement of concrete columns would be enabled with a report to the Capital Assets Group.
- Reports of LED lighting affecting insects would be monitored.
- Electric vehicle charging via lampposts would be trialled for 12 months then evaluated. Grant funding had been obtained to cover much of the costs of installation of charging units.
- LED lights provided a 60% energy saving compared to sodium lighting.

Resolved:

That the contents of this report be noted and the team be congratulated for the successful delivery and output of the project.

37 **LOVE WIRRAL STRATEGY**

The Assistant Director for Parks and Environment presented the report of the Director of Neighbourhood Services which provided recommendations for the Council's Love Wirral Strategy (attached as Appendix 1 to the report), which

set out the Council's approach to further develop on the successes of the Loving our Environment strategy, engaging with Wirral's communities and visitors to protect, respect and enjoy Wirral's parks, beaches, towns and local areas. The Love Wirral Strategy focussed on set stages to tackle areas where littering, dog fouling, trade waste and graffiti and fly posting were prevalent to bring about positive behaviour change. Stages included identifying locations, auditing infrastructure, communication campaign, engagement with the community and enforcement, as a last resort.

Members noted how blessed Wirral was with volunteer groups who collected litter and looked after locations across the borough. They also noted how there was only a minority of people who caused the problems that required actions to alleviate.

Councillor Allan Brame suggested an amendment to record the Committee's thanks to the volunteer groups for the work they undertook.

This was seconded by Councillor Liz Grey.

Resolved – That

- (1) the Love Wirral Strategy be approved.**
- (2) regular progress updates on the delivery of the strategy be received.**
- (3) the Committee expresses its appreciate and thanks to the voluntary groups including the Wirral Wombles and New Brighteners who work hard to remove litter and maintain the cleanliness attractiveness of the Wirral.**

This minute was subsequently amended at the meeting on 15 November 2021 and the resolution now reads:

Resolved – That

- (1) the Love Wirral Strategy be approved.**
- (2) regular progress updates on the delivery of the strategy be received.**
- (3) the Committee expresses its appreciation and thanks to the voluntary groups including the Wirral Wombles and New Brighteners who work hard to remove litter and maintain the cleanliness and attractiveness of the Wirral.**

38 THE WIRRAL PLAN 2021-2026 DRAFT DELIVERY PLANS

The Director of Neighbourhood Services presented the report of the Chief Executive which presented The Wirral Plan 2021-26 Draft Delivery Plans. The Plans were approved at Council on 6 September 2021, together with the recommendation that engagement and discussion with relevant Committees

would take place to further shape the underpinning delivery plans and work programmes required to implement the Wirral Plan.

Members asked questions about details of the report and were reassured that the numbers of trees planted was net of disease and failure.

**Resolved –
That the draft Delivery Plan be noted.**

39 **ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE
PERFORMANCE REPORT**

The Assistant Director for Highways and Infrastructure introduced the report of the Director of Neighbourhood Services which provided a performance update on areas which the Committee was responsible for. The aim was to bring quarterly reports subsequently.

Members questioned some of the terms used for clarification and praised progress shown.

**Resolved –
That the content of the performance report be noted.**

40 **WORK PROGRAMME UPDATE**

Members considered the proposed work programme for the remainder of the municipal year.

**Resolved:
That the proposed Environment, Climate Emergency and Transport
Committee work programme for the remainder of the 2021/22 municipal
year be noted.**

HOUSING COMMITTEE

Tuesday, 19 October 2021

<u>Present:</u>	Councillor	J McManus (Chair)	
	Councillors	A Brame	M Collins
		P Martin	A Gardner
		T Smith	I Lewis
		S Whittingham	H Gorman
		H Cameron	
<u>Deputies:</u>	Councillor	S Foulkes (For Cllr J Bird)	

1 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Housing Committee, Officers and viewing members of the public to the meeting.

2 APOLOGIES

The Chair confirmed the apologies of Councillor Jo Bird, with Councillor Steve Foulkes deputising.

3 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any item on the agenda, and to state the nature of the interest.

No such declarations were made.

4 MINUTES

Resolved – That the minutes of the Housing Committee held on 10 March 2021 be approved and adopted as a correct record.

5 PUBLIC AND MEMBER QUESTIONS

The Chair reported that no questions or statements from members of the public or Members of Wirral Council had been submitted.

6 **WIRRAL PLAN DELIVERY PLANS**

The Director of Regeneration and Place introduced a report that presented the Wirral Plan 2021-26 Draft Delivery Plans. The Plans were approved at Council on 6 September 2021, together with the recommendation that engagement and discussion with relevant Committees would take place to further shape the underpinning delivery plans and work programmes required to implement the Wirral Plan.

Members asked a range of questions on the draft Delivery Plans and the detail behind them including what level of information would be included, the homelessness strategy, housing targets under the Local Plan and net-zero homes.

Resolved – That the draft Delivery Plans, as they related to Housing Committee set out in Appendix 1 to this report be noted.

7 **2020/21 REVENUE AND CAPITAL OUTTURN**

This item was withdrawn.

8 **2021/22 BUDGET MONITORING AND 22/23 BUDGET PROCESS**

The Senior Finance Business Partner introduced a report on behalf of the Director of Resources which highlighted the processes for monitoring the 2021/22 budget and for commencing the budget setting process as agreed by the Policy and Resources Committee on 17 March 2021. The report included further supporting information to ensure that these processes could be followed.

The Ministry for Housing, Local Government and Communities had provided a conditional offer of exceptional financial support (capitalisation directive) for 2021/22 of up to £10.7m. One of the conditions of that offer was that the Council needed to provide evidence from the assurance review of the authority's financial position and its ability to meet any or all of the identified budget gap without any additional borrowing.

Resolved – That:

- 1) the content of the report and the current forecast position of savings for 2021/22 and the ongoing work being undertaken to mitigate any under-achievement be noted;**
- 2) it be agreed to include the current proposals with this report from the Medium Term Financial Plan from 2022/23 – 2025/26 and the Director of Regeneration and Place be authorised to develop them**

into full business cases, where appropriate, for inclusion in the 2022/23 budget proposals to Policy and Resources Committee at its October meeting for approval;

- 3) a series of budget workshops be convened to identify any alternative savings/income/reductions in pressures to ensure that a full suite of costed and deliverable proposals can be recommended to the Policy and Resources Committee at its October meeting for approval; and**
- 4) the Zero Based Budgeting project be commenced within the budget workshops to contribute to the overall savings target of £170k in 2021/22.**

9 QUARTER 1 MONITOR REPORT

The Senior Finance Business Partner introduced a report on behalf of the Director of Regeneration and Place which provided a summary of the projected year-end revenue and capital position for Housing Committee as at the end of Quarter 1 (June 2021) of the 2021/22 financial year.

The report provided Members with an overview of budget performance to enable the Committee to take ownership of their specific budgets and provide robust challenge and scrutiny to Officers on the performance of those budgets.

Resolved – That:

- 1) the projected year-end revenue forecast variance of £0.155m favourable position as reported at quarter 1 (Apr-Jun) of 2021-22 be noted;**
- 2) progress on the achievement of approved savings and the projected year-end forecast position at quarter 1 (Apr-Jun) of 2021-22 be noted;**
- 3) the reserves allocated to the Committee for the future one-off commitments, as set out at paragraph 3.9 of the report, be noted; and**
- 4. the projected year-end capital forecast expenditure position of £7.976m as reported at quarter 1 (Apr-Jun) of 2021-22, be noted.**

10 **HOUSING COMMITTEE WORK PROGRAMME UPDATE**

Members gave consideration to a report of the Director Regeneration and Place that set out the proposed Housing Committee Work Programme 2021/22 as detailed in the appendix to the report.

The report advised that the Housing Committee, in co-operation with the other Policy and Service Committees, was responsible for proposing and delivering an annual committee work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the key decisions which were within the remit of the Committee

The report provided the Committee with an opportunity to plan and regularly review its work across the municipal year.

Resolved – That the Housing Committee Work Programme for the remainder of the 2021/22 municipal year be noted.

TOURISM, COMMUNITIES, CULTURE & LEISURE COMMITTEE

Tuesday, 12 October 2021

Present: Councillor H Cameron (Chair)

Councillors B Kenny J Johnson
KJ Williams P Gilchrist
G Wood S Williams
M Booth P Cleary
A Brame J Bird (In place of C
Spriggs)

30 WELCOME AND INTRODUCTION

The Chair welcomed attendees and viewers to the meeting and reminded everyone that the meeting was webcast and retained on the Council's website for two years.

31 APOLOGIES

Councillor Christine Spriggs gave apologies for absence.

The Chair led the Committee as they observed a minute's silence to the memory of Alderman Gerry Ellis and Councillor Andy Corkhill who had both passed away recently.

32 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest. No interests were declared.

33 MINUTES

**Resolved –
That the minutes of the meeting held on 2 Sept 2021 be approved as an accurate record.**

34 PUBLIC AND MEMBER QUESTIONS

There were no questions, statements or petitions from the public or Members.

35 LIVERPOOL AND WIRRAL CORONER AREA ANNUAL REPORT 2020

The Coroner presented his report. A Coroner was an independent judicial office holder, appointed by the local authority. They investigated deaths reported to them if it appeared that: the death was violent or unnatural; the cause of death was unknown; or the person died in prison, police custody or another type of state detention. The report was the full annual report of the Liverpool and Wirral Coroner Area for the period of 2020.

The Coroner thanked the Council for the additional support and employing additional administrators enabling the court to work every day during the pandemic. There had been 300 additional post-mortems requested throughout the pandemic. There was an 11-week delay in dealing with some cases, with 8 weeks being a target. Mr Rebello emphasised that there would be more efficiencies if all authorities throughout the Liverpool City Region merged services but this had not happened.

Members questioned The Coroner about his report which established:

- Limiting factors for the work included budget and staffing
- Some of the authorities in Merseyside did not have facilities such as general hospitals so cases from those areas were dealt with and paid for by those that had, which were Liverpool City and Wirral
- There was a Health and Care bill before Parliament to make Health Trusts appoint medical examiners who scrutinise death certificates that do not go to the Coroner.

Councillor Phil Gilchrist proposed that the Council Leader should be invited to look at new structures with other Merseyside local authority leaders so as to assess pressures within the structure and assist some of the resolutions which might be required.

Councillor Helen Cameron moved the proposal, seconded by Councillor Allan Brame.

Resolved – That

- (1) the Liverpool and Wirral Coroner’s annual report be noted.**
- (2) the Council Leader be invited, with other Merseyside local authority leaders, to assess pressures within the existing death examination structure and assist in any resolutions which might be required.**

36 PUBLIC SAFETY PROTECTION ORDER: BIRKENHEAD AND SEACOMBE

The Director of Neighbourhoods presented the report which aimed to restrict access to specified alleyways to restrict crime. A member of the neighbourhoods team answered questions. Funds had been awarded from the Home Office for the ‘Safer Streets 2 Central Birkenhead and Seacombe’

initiative, which was to be delivered between July 2021 and March 2022, and was aiming to reduce burglary and achieve benefits for communities by reducing anti-social behaviour.

Councillors praised the initiative and the benefits that would result and emphasised that some alleyways had been turned into assets for the community once cleared and cleaned. It was noted that there was a weighting in the tendering process for procurement of the gates locally.

Resolved –

That the making of a Public Spaces Protection Order in the ‘Birkenhead and Seacombe Safer Streets 2’ area as substantially set out in Appendix 1 of this report, be approved for a period of 3 years.

37 THE WIRRAL PLAN 2021-2026 DRAFT DELIVERY PLANS

The Director of Neighbourhoods presented the report of the Chief Executive which presented The Wirral Plan 2021-26 Draft Delivery Plans. The Plans had been approved at Council on 6 September 2021, together with the recommendation that engagement and discussion with relevant Committees would take place to further shape the underpinning delivery plans and work programmes required to implement the Wirral Plan. Officers were to provide reports in future about the delivery on the plans.

Members discussed the cross cutting-themes including domestic abuse and road safety. They also discussed community cohesion and the links with the voluntary sector as it was not present in the Plan, so had no actions or timescale, but it was in the Committee’s terms of reference.

Councillor Helen Cameron proposed an additional recommendation that officers look at how they can add into the delivery plan for next 5 years a clear section around voluntary and faith sector.

Resolved –

- (1) That the draft Delivery Plans, as they relate to Tourism, Communities, Culture and Leisure Committee set out in Appendix 1 to this report be noted.**
- (2) officers look at how they can add into delivery plan for next 5 years a clear section around the voluntary sector.**

38 WORK PROGRAMME UPDATE

The Tourism, Communities, Culture and Leisure Committee was responsible for proposing and delivering an annual committee work programme. This work programme was to align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

Resolved -

That the work programme (as set out in the report) for the Tourism, Communities, Culture and Leisure Committee for the remainder of the 2021/22 municipal year be agreed.

39 **TOURISM, COMMUNITIES, CULTURE & LEISURE COMMITTEE
PERFORMANCE REPORT**

The Assistant Director of Leisure, Libraries and Customer Engagement presented the report of the Director of Neighbourhoods which provided performance information in relation the group of Neighbourhood Services that reported to the Tourism, Communities, Culture and Leisure Committee. Members requests had been incorporated into the performance report, which would evolve as more services recommenced as Covid-19 restrictions were lifted.

Members suggested annotating the timeline to show when lockdown measures were in place, showing the capacity of venues so performance could be judged, and including metrics on gender and people's travel methods.

Resolved - the content of the Performance Report be noted.

AUDIT AND RISK MANAGEMENT COMMITTEE

Monday, 27 September 2021

Present:

Councillor	K Hodson (Chair)	
Councillors	D Brennan K Cannon AER Jones I Lewis S Kelly	J Johnson T Smith Jason Walsh C Jones

12 WELCOME AND INTRODUCTION

The Chair opened the meeting and reminded everyone that the meeting was being webcast and a copy is retained on the Council's website.

13 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor David Brennan declared a personal interest in items 8 and 11 as a member of Merseyside Pension Scheme.

14 QUESTIONS AND STATEMENTS

There were no questions, statements or petitions from the public or from Members.

15 MINUTES

Resolved – That the minutes of the meeting held on 5 July 2021 be approved.

16 INTERNAL AUDIT UPDATE

Audit Manager Iain Miles introduced this report of the Chief Internal Auditor, which identified and evaluated the performance of the Internal Audit Service and included details of issues arising from the actual work undertaken during the period 1st July to 31st August 2021. Notable issues included the governance of the Wirral Growth Company and recommendations made concerning the recording of Section 106 planning agreements.

Members questioned elements of the report and established:

- That the outcome of the adult safeguarding review would be reported to a future meeting
- An action plan had been developed regarding Section 106 agreements and follow-up review was to be undertaken and would be reported to the March Audit and Risk Management Committee.

Resolved:

That the report be noted and a report update on section 106 audit details and new arrangements be brought to the March Audit and Risk Management Committee.

17 **CORPORATE RISK MANAGEMENT UPDATE**

Shaer Halewood, Director of Resources, presented this report which provided an update on the Council's risk management arrangements and areas of risk management focus over the following year. Shaer noted that since the last meeting quite a few things had taken place which had impacted it, including:

- The refreshed Wirral Plan which aligned internal delivery plans in line with the themes of the Wirral Plan. This provided an opportunity to look at risks within programmes and directorates as well as Corporate Risks.
- An engagement session with Insurance risk advisors Zurich Municipal, reviewing the Council's approach to risks. They had given the opinion that 22 risks was high compared to other authorities where 10-12 was common. Some risks may be able to transfer to directorate risk registers rather than remain on the corporate.
- A staff survey by Zurich Municipal to get views on appetite of risk. The outcome of this would be given to this Committee's Risk Sub-Group then return to this Committee.
- The Council's Senior Leadership Team were to review the corporate risk register following the Zurich session and the outcome of this would be given to this Committee's Risk Sub-Group then return to this Committee.

Members questioned aspects of the update and established:

- Members get informed of risks and events via performance dashboards for Committees, and Chairs and spokespersons of Committees have briefings with departmental officers
- Employees and Members were bound by a Code of Conduct and People Strategy to act in a proper manner and should report risks
- The loss of expertise when specialised staff leave could be a Council-wide risk
- Climate change incidents were now being assessed as being more likely
- Underachievement and digital poverty following the Covid-19 pandemic could be picked up by Ofsted and could be added as a Corporate Risk

**Resolved –
That the report be noted.**

18 **EXTERNAL AUDIT UPDATE REPORT 2020/21**

Naomi Povey from external auditors Grant Thornton presented this report of the Director of Resources which provided the progress and update report from external auditors Grant Thornton for the year ended 31st March 2021. Naomi informed Members that the auditors were on target to meet the November date for completion of the finances audit and there were no items so far to draw Members' attention to.

**Resolved –
That the update provided by the Council's external auditors be noted.**

19 **FINANCIAL SUSTAINABILITY - COMPARISON WITH OTHER LOCAL AUTHORITIES**

Diane Grisdale, Senior Finance Manager, presented the report of the Director of Resources which gave the results of a review of the financial position and governance of Wirral which had been undertaken following a number of other Councils issuing Section 114 notices and receiving Public Interest Reports (PIR) from their external auditors. This report set out the findings from these reviews and compared them with Wirral's financial position and governance alongside any lessons learnt.

Members discussed the report and noted the difficulty of comparing Councils as some had different financial policies such as levels of reserves.

Councillor Kate Cannon, who was concerned that the comparisons were not strong enough to review, moved an amendment to delete 'review' in 'To review the lessons learnt' and change it to 'note'.

This was seconded by Councillor Kathy Hodson and agreed.

**Resolved –
That the contents of the report, lessons learnt, actions, and how Wirral is ensuring it moved to a more financial sustainable position be noted.**

20 **WHISTLEBLOWING POLICY**

Paul Martin, Principal Lawyer, presented this report of the Director of Law and Governance which detailed the Council's Whistleblowing Policy which had been approved by the Constitution and Standards Committee on 24 February 2021. This Committee was to undertake the implementation of the policy. The purposes were set out in law for people to report illegal activities or failure to

comply with procedures. There were several ways to report: on a form; in person; or to a relevant external body if one oversaw the functions.

Members confirmed that people could remain anonymous when they made contact.

Resolved – That

- (1) the contents of the Whistleblowing policy be noted;**
- (2) comments they have in respect of the Policy be provided to the Constitution and Standards Committee; and**
- (3) the steps being taken to implement and raise awareness in respect of the Policy be endorsed.**

21 2020/21 DRAFT STATEMENT OF ACCOUNTS UPDATE

Diane Grisdale, Senior Finance Manager, presented this report of the Director of Resources which included the draft unaudited 2020/21 Statement of Accounts and an update on changes to the accounts, prior to the final accounts being presented later in the year as final. The Statement of Accounts set out the Council's financial position as at the 31 March 2021, along with a summary of its income and expenditure for the year ended 31 March 2021. The draft unaudited Accounts were published on the Council's website ahead of the revised statutory deadline of 31 July 2021.

Members discussed the detail in the report, including business rates, Council tax debts and remuneration.

Resolved – That

- (1) the draft, unaudited Statement of Accounts for 2020/21 be noted; and**
- (2) the changes to the draft accounts as set out in paragraph 3.9 be noted.**

22 INTERNAL AUDIT POLICIES AND PROCEDURES

Iain Miles, Audit Manager, introduced this report of the Chief Internal Auditor, which presented the updated Internal Audit Charter and Strategy and Quality Assurance & Improvement Programme, following a review to ensure continued compliance with the Public Sector Internal Audit Standards (PSIAS).

Resolved –

That the revised Internal Audit Charter and Strategy and Quality Assurance Improvement Programme be noted.

CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 30 September 2021

Present:

Councillor	P Gilchrist (Chair)	
Councillors	T Anderson (In place of P Hayes)	K Greaney
	C Cooke	S Williams
	T Cox	M McLaughlin
	C Jones	P Stuart
	S Foulkes	J Robinson (In place of J Williamson)

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Janette Williamson and Councillor Paul Hayes.

12 DECLARATIONS OF INTERESTS

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor Chris Jones declared a personal interest in Item 5 as an employee of the NHS.

13 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 23 June 2021 be agreed.

14 PUBLIC AND MEMBER QUESTIONS

The Chair informed the Constitution and Standards Committee that no petitions, public questions, Member questions, or requests to make a statement had been received.

15 DISPENSATION

The Director of Law and Governance introduced the report, which presented to the Committee a request for a dispensation for Members in respect of an Interest under the Members Code of Conduct in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).

The Committee was advised that given the proposed changes in the NHS and the transfer of statutory functions from Clinical Commissioning Groups to Integrated Care Boards who would then be able to delegate functions to Local Authorities, Councillors would have a number of complex interests given their involvement through undertaking statutory scrutiny and voting on pooled fund arrangements. It was therefore proposed that the dispensation was warranted on the basis that:

- there would otherwise be so many Members prohibited from participating in matters related to the NHS and the ICS that it would be likely that either or both the transaction of the business of a Committee would be impeded and the political representation would be so upset as to alter the likely outcome of any vote;
- the considerations before the Council concerning the NHS and the ICS are of such a large scale and so encompassing that any personal interest of a Member of the Council is unlikely to have a meaningful impact on the decisions of Ministers, NHS leaders or the wider Council in their dealings with any matter related the management and finances of NHS employers; and
- that any bias introduced by a personal benefit to a Member of the Council related to the NHS and the organisation of the ICS will, therefore, be outweighed by the extent of the public benefit obtained by their contribution as a councillor in the interests of persons living in the authority's area.

A detailed discussion from members ensued where concerns were raised that the absence of a dispensation would impact on the Council's ability to conduct business relating to the ICS. Other members argued that the development of the ICS was still in its infancy and that it was too early to grant a dispensation. Further comments were made in relation to the loss of expertise should the dispensation not be granted, and the requirement for members to still declare an interest with the dispensation should they have a direct bias such as directly negotiating a contract with the Council.

Following the discussion, the Chair adjourned the meeting at 7.00pm.

The meeting resumed at 7.33pm.

It was proposed by Councillor Phil Gilchrist, seconded by Councillor Paul Stuart, that –

“this committee –

- a. Thanks the Director of Law and Governance for setting out the issues facing Members in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).

- b. Notes that a number of Members have made and regularly make the appropriate declarations at both Council and Committee meetings.
- c. Recognises the concern that the number of Members making declarations might, in certain circumstances, impact on the balance of and decisions made by the Council and, at this juncture, considers that the likely outcome of potential votes on the NHS and ICS does warrant the granting of a general dispensation relating to interests.
- d. Fully appreciates and underlines the fact that Members should always have full regard to the circumstances in which the development of the ICS and its structures have the potential over time to require specific decisions of this Council which will necessitate the need for greater caution on their part.
- e. Agrees that as greater clarity emerges over the structure of the ICS, with the proposed Board, delegated budgets, along with possible arrangements for scrutiny, the situation will require a further review of the advice provided to members. This should, ideally, be in time for the first meeting of Council in the new municipal year when new members will have received advice at induction and all members will have considered how the allocation of committee places might have a bearing on any interests.
- f. It is essential that, in receiving a dispensation, Members remain aware of perceptions that the public may have of their conduct and their remarks. They should, therefore, ensure that they are aware of this and should ensure that they act in the wider public interest at each and every occasion. If they assess that they are in doubt about how closely involved they might be they should seek further advice in sufficient time.

Accordingly, this Committee requests that officers undertake a review, which needs to be completed early in the next Municipal Year.”

The motion was put and carried unanimously.

The importance of members not becoming complacent as a result of the granting of the dispensation was stressed and the Director of Law and Governance undertook to send a note to all members advising them of the outcome and emphasising that their legal duty under the Code of Conduct remained. It was therefore –

Resolved – That this committee –

- a. **Thanks the Director of Law and Governance for setting out the issues facing Members in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).**
- b. **Notes that a number of Members have made and regularly make the appropriate declarations at both Council and Committee meetings.**
- c. **Recognises the concern that the number of Members making declarations might, in certain circumstances, impact on the balance of and decisions made by the Council and, at this juncture, considers that the likely outcome of potential votes on the NHS and ICS does warrant the granting of a general dispensation relating to interests.**
- d. **Fully appreciates and underlines the fact that Members should always have full regard to the circumstances in which the development of the ICS and its structures have the potential over time to require specific decisions of this Council which will necessitate the need for greater caution on their part.**
- e. **Agrees that as greater clarity emerges over the structure of the ICS, with the proposed Board, delegated budgets, along with possible arrangements for scrutiny, the situation will require a further review of the advice provided to members. This should, ideally, be in time for the first meeting of Council in the new municipal year when new members will have received advice at induction and all members will have considered how the allocation of committee places might have a bearing on any interests.**
- f. **It is essential that, in receiving a dispensation, Members remain aware of perceptions that the public may have of their conduct and their remarks. They should, therefore, ensure that they are of aware of this and should ensure that they act in the wider public interest at each and every occasion. If they assess that they are in doubt about how closely involved they might be they should seek further advice in sufficient time.**

Accordingly, this Committee requests that officers undertake a review, which needs to be completed early in the next Municipal Year.

16 MEMBERS ALLOWANCE SCHEME

The Head of Democratic and Member Services introduced the report of the Director of Law and Governance, which provided an update in respect to the work of the Independent Remuneration Panel and requested the Committee

to refer to Council for decision a proposed change to the Members Allowances Scheme to incorporate a Special Responsibility Allowance for the Independent Member of the Audit and Risk Management Committee.

Members were advised that the proposal was for the Independent Member of the Audit and Risk Management Committee to receive a Special Responsibility Allowance of £30 per meeting or 3 hours to align with that already received by the Independent Members of Constitution and Standards Committee. Furthermore, an update was provided on the work of the Independent Remuneration Panel, where it was reported that the Panel had held a further meeting to consider the Special Responsibility Allowance for leaders of smaller groups and the potential for a Special Responsibility Allowance for Vice-Chairs. An additional meeting in October 2021 was to be scheduled and it had been hoped that a resolution would be made at that meeting in order for the Panel's recommendations to be reported back to Constitution and Standards Committee in November 2021.

Resolved – That

- (1) the Independent Remuneration Panel's recommendation to amend the Members Allowance Scheme to include a Special Responsibility Allowance for the Independent Member of the Audit and Risk Committee be referred to Council.**
- (2) the progress made to date by the Independent Remuneration Panel be noted and that a further update report, including any further recommendations made by the Panel, be submitted to a future meeting of the Committee.**

17 **COMMITTEE SYSTEM REVIEW**

The Chair summarised the report of the Director of Law and Governance which provided the Committee with an update on a proposal previously discussed by the Governance Working Group for that Group to undertake a review of the implementation of and continued operation of the Committee System, as well as providing details of an offer from the Local Government Association as part of their Sector Led Improvement Programme to support the Council in efforts to support the effective working of the Committee System.

Resolved – That

- (1) it be noted that the Governance Working Group would undertake a review on the implementation of and continued operation of the Committee System with a view to submitting an outcomes report and recommendations to a future meeting of the Committee.**

(2) the offer to the Council of support from the Local Government Association as part of their Sector Led Improvement Programme be noted.

18 GOVERNANCE WORKING GROUP UPDATE

The Chair summarised the report of the Director of Law and Governance which provided the Committee with an update on the activities of the Governance Working Group during the 2021/22 Municipal Year.

Members discussed the reference to the cross over in Terms of Reference of Committees in the report, specifically the issue of Active Travel between Economy, Regeneration and Development Committee and Environment, Climate Emergency and Transport Committee where it was reported that conversations were still ongoing between the Chairs.

Resolved – that the report be noted.

19 NEW MODEL CODE GUIDANCE

The Director of Law and Governance introduced the report which provided the Committee with the newly published supporting guidance for the New Model Code, which was aimed to help understanding and consistency of approach towards the implementation of the code. The Committee was advised that since Wirral Council had adopted the new Code of Conduct, the Local Government Association had issued an update to the New Model Code to correct some minor errors in the original version, and that a further report and recommendation would be presented to the Committee in due course. It was however reported that the guidance could still be presented as was.

It was moved by Councillor Gilchrist, seconded by Councillor Tom Anderson, that a covering note be produced to accompany the guidance to advise members of the minor amendments to be undertaken on the Code of Conduct. The motion was agreed by assent. It was therefore –

Resolved – That the New Model Code guidance be distributed to all Councillors with a covering note to advise of the minor amendments to be undertaken to the Code of Conduct.

HEALTH AND WELLBEING BOARD

Wednesday, 29 September 2021

Present:

Councillor Yvonne Nolan	Chair
Councillor Tom Anderson	Wirral Council
Councillor Phil Gilchrist	Wirral Council
Councillor Wendy Clements	Wirral Council
Paul Satoor	Chief Executive
Graham Hodgkinson	Director of Care and Health
Simone White	Director of Children, Families and Education
Julie Webster	Director of Public Health
Dr Paula Cowan	Chair, NHS Wirral Clinical Commissioning Group
Louise Healey	JobCentre Plus
Mark Thomas	Merseyside Fire & Rescue Service
Tony Bennett (in place of Karen Howell)	Wirral Community NHS Foundation Trust
Matthew Swanborough (in place of Janelle Holme)	Wirral University Teaching Hospital NHS Foundation Trust

21 **DECLARATIONS OF INTERESTS**

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

No declarations were made.

22 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Simon Banks, Alan Evans, Liz Bishop, Sue Higginson, Supt Martin Earl, Sir David Henshaw, Michael Brown, Karen Howell, Janelle Holmes, Karen Prior, Abel Adegoke, Sheena Cumiskey and Councillor Janette Williamson

23 **MINUTES**

Resolved – That the accuracy of the minutes of the meeting held on 20 July 2021 be agreed.

24 **PUBLIC AND MEMBER QUESTIONS**

The Chair outlined that a number of public questions had been submitted to the Board, but that they were not within the scope of the Board's Terms of Reference. It was reported that no further questions from either members of the public or Members had been submitted, nor were there any statements or petitions to receive.

25 **FORMATION OF THE COMMUNITY, VOLUNTARY AND FAITH SECTOR REFERENCE GROUP**

The Chair of the Community, Voluntary and Faith (CVF) Sector Reference Group introduced the report which detailed the work of the Reference Group and sought to establish a working relationship with the Health and Wellbeing Board. The report detailed the background to the establishment of the reference group and the overall aim of the group and its relationship with the Health and Wellbeing Board.

The Board was advised of the vital role the CVF sector played in a progressive health and care system and highlighted the need for the sector to be aligned to the governance arrangements as part of the Integrated Care System and embedded within how the system operated. It was further reported that there was a need to strengthen communities through developing community assets and harnessing the skills of those in the sector, which would build upon the work of the humanitarian cell. Organisations around the table were encouraged to develop community-based approaches to utilise the extensive knowledge, expertise, and experience in communities on how services can support local residents.

Members across the Board expressed their thanks to the community groups involved in bringing the work together, as well as thanks to the sector as a whole for the work it had undertaken during the Covid-19 response and recognised the vital role the sector would play in developing future working arrangements. It was queried how the change in the way of working could take place, where it was acknowledged that working alongside local people would enable a change in how services were delivered and allow residents to access those wider community services when required.

Resolved – That

- (1) the establishment of a Community, Voluntary and Faith Sector Reference Group be noted.**
- (2) the development of a progressive and effective working partnership with the Community, Voluntary and Faith sector through the Reference Group be supported.**
- (3) the principal aim of the Reference Group be supported to build and support the development of local infrastructure, in support of ongoing programmes and plans to meet the health and wellbeing needs of Wirral’s communities and residents.**
- (4) the secondary aim of the Reference Group, to work in full partnership to bring forward the opportunities and benefits for communities and residents arising from Government programmes and new legislation be supported.**
- (5) the use of all available data sources by the Reference Group to inform its contribution to plans and programmes be supported.**

26 **WORKING WITH THE COMMUNITY, VOLUNTARY AND FAITH SECTOR: UPDATE REPORT**

The Director of Public Health introduced the report which provided an update on the approach to working with the Community, Voluntary and Faith (CVF) sector to improve health and reduce inequalities. The Health and Wellbeing Board endorsed the proposed approach at its meeting on 31 March 2021 and the report provided a further update on the work being undertaken.

Representatives of the CVF sector were in attendance and provided an update on the ongoing work. It was reported that the project was driven out of the work of the humanitarian cell which was set up in response to Covid-19, and that there was a desire to continue to build on that work. Conferences had been held which involved over 100 organisations in the sector, and during those conferences the sector had identified five key areas for development with task and finish groups being established to take each area forward. These were:

- Increasing collaboration
- Community, Voluntary and Faith Sector representation
- Modernising volunteering
- Behaviours that reflect values
- Tackling health inequalities

The work coming out of these five key areas included working towards a single mechanism for communications, improving collaboration in decision making bodies across the sector and partner organisations and encouraging residents who may not have considered volunteering beforehand to do so through progressing the already modernising ways of working.

It was felt across the Board that the pandemic had highlighted the important role of the CVF sector in Wirral and members acknowledged the need for continued close working with the sector, particularly in the context of the proposed introduction of the Integrated Care System and the wider determinants of health such as regeneration.

Resolved – That the report be noted and the ongoing work programme be endorsed.

27 HEALTHWATCH WIRRAL UPDATE

The Chair informed the Board that the Chief Executive Officer of Healthwatch was unwell and had therefore passed apologies and sought the views of the Board on whether to defer the item. Members continued with a discussion on the information contained within the report which included feedback from health and care users on the quality of service. It was noted that a significant element of the report pertained to access to General Practitioner services which the Partnerships Committee had recently looked at, and that the primary themes from the report could be linked into that work. It was reported that from January to June 2021 there were 791,000 GP appointments in Wirral and it was queried whether this had increased. In response, it was noted that the overall number had increased, but this could be down to the new ways of accessing GP services. Representatives of health providers undertook to take on board the key outcomes from the report.

It was moved by Councillor Yvonne Nolan, seconded by Councillor Wendy Clements, that the Board places on record its appreciation to Healthwatch colleagues for providing the report. The motion was put and agreed by assent. It was therefore –

Resolved – That

(1) the report be noted.

(2) the Board's appreciation for the report be fed back to Healthwatch.

28 **PUBLIC HEALTH ANNUAL REPORT**

The Director of Public Health introduced the report, which provided the Board with the independent annual report of the Director of Public Health. The 2020/2021 Report described enduring health inequalities in Wirral, the immediate impact of the COVID-19 pandemic on these differences in health outcomes and recommended actions that were needed to improve residents' health.

The report detailed how Wirral became one of the first places in the world to respond to Covid-19 when British residents repatriated from Wuhan, China were hosted in Wirral. Since then, it was reported that Covid-19 had affected everyone in the borough but that the pandemic had highlighted the existing health, economic and social inequalities within Wirral. The detail of the health inequalities people in Wirral faced was outlined, including the difference in life expectancy based on geographical location and gender. Comparisons to national statistics in a range of health factors were also outlined to the Board, with issues such as fuel poverty, alcohol misuse and prevalence of depression all worse in Wirral than the national average.

The report presented five key recommendations that had been made to improve the health and wellbeing of residents and reduce health inequalities in Wirral and these were outlined to the Board. They included:

- Prioritise economic regeneration and a strong local economy;
- Safeguard a healthy standard of living for all;
- Increase support for children, young people and families;
- Strengthen action to address differences in health outcomes and prevention;
- and
- Residents and partners continue to work together.

The Board welcomed the report and the recommendations included within it. There was acknowledgement across Council directorates and the organisations represented on the Board that the report detailed the shared priorities. The importance of embedding the recommendations detailed in the report into the work that was ongoing was highlighted.

Resolved – That the recommendations detailed within the Public Health Annual Report be endorsed.

29 **WIRRAL PHARMACEUTICAL NEEDS ASSESSMENT (PNA) 2022 – 2025**

The Director of Public Health introduced the report which detailed the proposed process to produce a new Pharmaceutical Needs Assessment for Wirral. The Health

and Wellbeing Board had the responsibility for the publication and updating of the local Pharmaceutical Needs Assessment. The process for producing a new Pharmaceutical Needs Assessment for Wirral began in Spring 2020 with a view to its publication in March 2021. However, due to the COVID-19 pandemic the publication date was put back to September 2022 as per national direction. The Director of Public Health informed the Board that their endorsement was sought to enable the necessary action to produce the assessment.

Resolved – That

- (1) the Director of Public Health be requested to undertake the necessary steps to produce the next Pharmaceutical Needs Assessment on or before 30th September 2022.**
- (2) the Director of Public Health be requested to produce a further report with the final draft Pharmaceutical Needs Assessment for sign-off prior to public consultation.**
- (3) the Director of Public Health be requested to produce a final report in September 2022 prior to publication of the Pharmaceutical Needs Assessment.**

30 **INTEGRATED CARE SYSTEM DEVELOPMENTS**

The Director of Care and Health introduced the report which provided an update on the legislative changes that would lead to the establishment of the Cheshire and Merseyside Integrated Care Board and set out the updated policy context for the development of Integrated Care Systems and Integrated Care Partnerships and provides an update on the local governance arrangements, and developments for Wirral's Integrated Care Partnership at "place" level. The importance of the role of the Health and Wellbeing Board in providing oversight of the place-based partnership arrangements was set out, which had been reinforced during the meeting through the collaborative work with the Community, Voluntary and Faith Sector and the importance of tackling health inequalities as highlighted in the Public Health Annual Report.

The report set out the various place-based governance arrangements that had been considered and detailed the workshop session that had taken place with elected members on 14 September 2021 to discuss these options. It was reported that a further system wide governance workshop was planned for 8 October 2021 to further develop these arrangements, with the proposals to then be brought back through the Adult Social Care and Public Health Committee.

It was felt by colleagues across the Board that the system as a whole in Wirral had come together strongly. The issue of how resources would be allocated was raised and it was felt that the more collaboration that took place across the organisations the greater the case Wirral as a place had for increased delegation. The importance of clinical involvement in the developing governance arrangements was highlighted.

Resolved – That

- (1) the legislative developments detailed in the Health and Care Bill that will lead to the establishment of the Cheshire and Merseyside Integrated Care Board (ICB).**
- (2) the preferred model of place-based partnership governance arrangements that would be discussed further at the Adult Social Care and Public Health Committee on 13th October 2021, to develop a Joint Committee between the Council and the Cheshire and Merseyside Integrated Care Board, in which decision making at place level will be jointly carried out in partnership with ICB, local NHS Partners and the Council, be noted.**
- (3) regular reports relating to the developments of the Integrated Care Board and Integrated Care Partnership at system level, and local place-based partnership arrangements for Wirral be received.**
- (4) the Board provides an oversight role in shaping local services through setting the vision, priorities and outcomes for population health and wellbeing in collaboration with Wirral's place based partnership.**

31 **SECTION 75 AGREEMENT**

The Director of Care and Health introduced the report which outlined the proposal in relation to the continuation of the pooled fund arrangement and s75 Agreement between the Council and Wirral Clinical Commissioning Group (CCG) for 2021/22. The report described the proposed arrangements, key principles, content, and value of the 2021/2022 Section 75 and set out the additional funding that the CCG would contribute to the pool. It was outlined to the Board that the role of the Health and Wellbeing Board was in relation to agreeing how the Better Care Fund was used to support health and care outcomes across the borough, and that the overall section 75 agreement would be considered by the Adult Social Care and Public Health Committee to agree the Council's contribution.

Resolved – That

- (1) the proposal in relation to which a decision will be made by the Adult Social Care and Public Health Committee to continue the pooled fund arrangement and s75 Agreement between the Council and Wirral Clinical Commissioning Group (CCG) for 2021/22 be noted.**
- (2) the commissioning pool value of £235m for 2021/22 and the additional funding the CCG would contribute as detailed in Appendix 1 to the report be noted.**
- (3) it be noted that the proposal that the key principles as set out in the pooled fund agreement 2020/2021 be incorporated into the pooled fund agreement 2021/22, including the risk share agreement.**
- (4) it be noted that the shared risk arrangements were limited to the Better Care Fund (BCF) arrangements only, which was currently reporting a break-even position.**

32 **WORK PROGRAMME**

The Head of Legal Services introduced the report of the Director of Law and Governance which provided the Board with its current work programme and gave opportunity to propose additional items for consideration at future meetings.

A discussion was had on the restoration and development of NHS services after Covid-19, where it was reported that a recovery programme was underway to address the backlog in elective surgery notwithstanding the current increased demand on services, and that it was hoped a fuller update would be brought to the December meeting of the Board. It was proposed that a report on early years and health as well as a report from young people with Special Education Needs and Disabilities be added to the work programme, with the possibility of young people attending a meeting to speak to Board members.

Resolved – That

- (1) The work programme be noted.**
- (2) a report on Health and Early Years be added to the work programme.**
- (3) a report from Young People with Special Education Needs and Disabilities be added to the work programme.**

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HEALTH AND WELLBEING BOARD

Wednesday, 3 November 2021

Present:

Councillor Yvonne Nolan	Chair
Councillor Tom Anderson	Wirral Council
Councillor Phil Gilchrist	Wirral Council
Paul Satoor	Chief Executive
Graham Hodgkinson	Director of Care and Health
Simone White	Director of Children, Families and Education
Julie Webster	Director of Public Health
Simon Banks	Chief Executive, NHS Wirral Clinical Commissioning Group
Dr Paula Cowan	Chair, NHS Wirral Clinical Commissioning Group
Micha Woodworth (in place of Karen Prior)	Healthwatch Wirral
Mike Gibbs (in place of Janelle Holmes)	Wirral University Teaching Hospital NHS Foundation Trust
David Hammond (in place of Karen Howell)	Wirral Community NHS Foundation Trust
Julie Gray (in place of Liz Bishop)	Clatterbridge Cancer Centre NHS Foundation Trust
Louise Healey	

33 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Paul Satoor, Sir David Henshaw, Warren Ward, Mark Thomas, Mike Maier, Michael Brown, Councillor Wendy Clements, Councillor Janette Williamson, Janelle Holmes, Karen Howell, Karen Prior, Tim Welch, Supt Martin Earl and Liz Bishop.

34 **DECLARATIONS OF INTERESTS**

No declarations of interests were made.

35 **MINUTES**

Resolved – That the accuracy of the minutes of the meeting held on 29 September 2021 be agreed.

36 **PUBLIC QUESTIONS/STATEMENTS AND PETITIONS**

Councillor Phil Gilchrist raised that a resident had submitted a public question on time, but that it had not been received by Democratic and Member Services. The Chair undertook to provide a written response to the question.

37 **DEVELOPING A WIRRAL HEALTH AND WELLBEING STRATEGY WITH SUPPORT FROM THE MARMOT COMMUNITY PROGRAMME**

The Director of Public Health introduced the report which detailed the work of the Marmot Community Programme to reduce inequalities and the work of the Cheshire and Merseyside Health and Care Partnership with the programme. The report also set out proposals for a workshop led by the Marmot team to ensure that work already in progress was acknowledged and aligned to assist in the production of the Wirral Health and Wellbeing Strategy, via the establishment of a working group with representation from partners to take forward the recommendations of the 2021 Public Health Annual Report and findings from the Marmot workshop and final report to produce the local Health and Wellbeing Strategy.

Colleagues around the table welcomed the approach which aligned with other work ongoing in the Health sector and committed to engaging in the working group. The Board was informed of the investment coming into the borough through the Towns Fund, with multi-million-pound capital investment into the renovation of the Treasury Annex building in Birkenhead to develop a multi-sector Wellbeing and Opportunity Centre encompassing health, education and the voluntary sector. It was felt that the Board would benefit from an update on that development and the other work coming out of the Towns Fund from both a Health and Education aspect.

Resolved – That

- (1) a workshop be arranged in November 2021 to be held in Wirral and delivered by the Marmot team, to support the development of Wirral's place plans in line with the identified strategic and local priorities and key drivers to address post Covid-19 inequalities as outlined in the 2021 Public Health Annual Report and Wirral Plan.**
- (2) a working group be established with representation from partners to take forward the recommendations of the 2021 Public Health Annual Report and findings from the Marmot workshop and final report to produce a local Health and Wellbeing Strategy.**
- (3) Wirral Community NHS Foundation Trust and Wirral Met College be invited to present a report to a future meeting on the developments associated with the Towns Fund.**

38 COMMUNITY SAFETY STRATEGY 2021-2026

The Assistant Director Neighbourhoods, Safety & Transport introduced the report of the Director of Neighbourhood Services which provided detail on the Community Safety Strategy 2021-2026. It was reported to the Board the strategy had historically focused on crime prevention, but that the strategy before members had been co-produced following significant consultation with a wide range of stakeholders such as victims of crime and voluntary sector organisations and had been produced taking a public health approach around prevention and early intervention. The Strategy based itself 10 priority thematic areas, these included:

- Anti-Social Behaviour
- Violent Crime

- Domestic Abuse
- Drugs and Alcohol
- Hate Crime
- Modern Slavery
- Prevent
- Road Safety
- Emergency Planning
- Coastal and Inland Water Safety

It was outlined that these themes would be under-pinned by a detailed action plan focusing on operational delivery, and the Board were invited to select thematic areas for further updates at future meetings.

Some Board Members noted that this was the first time the Community Safety Strategy had been considered by the Health and Wellbeing Board and welcomed the public health approach being taken and the involvement of the Board given the breadth of its membership. It was felt that through the strategy there were components that had a consequence on public health and the Director of Public Health undertook to work collaboratively with the Assistant Director Neighbourhoods, Safety & Transport to align the various initiatives.

Resolved – That

(1) The co-produced Crime and Disorder Reduction Strategy (Community Safety Strategy 2021-2026 be noted.

(2) the Assistant Director Neighbourhoods, Safety and Transport be requested to provide regular updates at least annually to the Health and Wellbeing Board on the progress made in respect to the delivery of the Community Safety Strategy.

39 HEALTH AND EMPLOYMENT

The Director of Public Health introduced the report which outlined the link between employment and health, with good quality employment opportunities being a fundamental part of the collective effort to improve health outcomes. It was stated that the Board had considered a number of overarching policy documents such as the Public Health Annual Report, the Health and Wellbeing Strategy and the Wirral Plan and the report sought to illustrate how those strategies were being put into action in relation to employment and the potential further development of the recommendations in relation to the Public Health Annual Report relating to health and employment.

The Director of Public Health introduced the Chief Executive Officer and Contract Manager from Involve North West, which was a voluntary sector organisation who through its ReachOut Partnership sought to help deliver employment solutions to individuals and families across Wirral. It was reported to the Board that of those accessing the service, 40% asked for health and wellbeing support which it was felt demonstrated the link between health and employment.

The work of the partnership was outlined to the Board in detail. There was a team of fully qualified and skilled staff of Wirral residents with 14 years' experience of supporting people into employment. The approach included looking at the health and wellbeing and social circumstances of the service user and considering in the first instance whether employment was the right approach for their circumstances. Established links had been set up with JobCentre Plus and local employers, and over the previous 5 years 2,650 local residents had gained employment, 81% of which had sustained employment for over 6 months.

Members welcomed the presentation and sought advice on how partner organisations could assist the work being undertaken. It was noted that there were issues around recruitment and retention of social workers and more could be done to link in with Involve North West to identify potential candidates to fill those vacancies. It was highlighted that the project had always been funded on a 12-month funding stream and a more sustainable funding stream would allow for more security for the staff and service users.

It was moved by Councillor Phil Gilchrist, seconded by Councillor Yvonne Nolan that Council officers be requested to explore funding streams for the continuation of the work of the ReachOut Partnership. The motion was put and agreed by assent. It was therefore –

Resolved – That

(1) the report and presentation be noted.

(2) Council officers be requested to explore funding streams for the continuation of the work of the ReachOut Partnership.

40 **INTEGRATED CARE SYSTEM PROJECT UPDATE**

The Director of Care and Health introduced the report which provided an update on the development of the Cheshire and Merseyside Integrated Care System (ICS) and Wirral's Integrated Care Partnership (ICP). The report detailed the workshop that had been held with local NHS system partners as well as representatives of the ICS on 8 October 2021 to discuss the development of the associated governance arrangements alongside system progress, system maturity and work to integrate which it was reported would soon be followed up with meetings of chairs across the system. The Cheshire and Merseyside system required 'Places' to self-assess in terms of partnership maturity and it was felt Wirral had well established partnership arrangements in place which should enable the ICS to have a high level of confidence in the local system and therefore delegate responsibilities to a high degree.

The concerns of residents were raised in relation to the duties reserved to the Cheshire and Merseyside Integrated Care System and the potential for merging services or making services and the need to safeguard jobs. It was outlined that the Integrated Care Board that would in effect replace the Clinical Commissioning Group (CCG) at a Wirral level would build on the existing partnerships and deliver local functions in a similar way, and it was felt that the level of partnership working locally would result in most functions being delegated to the Integrated Care Board. It was

further outlined that the guarantee to the 1100 CCG staff to transfer to the new organisation remained. A further query was raised in relation to the existing deficit that would be transferred to the new system and colleagues in the CCG undertook to bring a further report to the Board on the financial framework in the new year.

Resolved – That

- (1) the progress achieved at the Governance workshop held with place partners on 8th October 2021 be noted and regular committee reports relating to the development of Cheshire and Merseyside Integrated Care System and Wirral's Place-based partnership arrangements be noted.**
- (2) the development of and next steps relating to Wirral's Integrated Care Partnership at place level, and the requirement to submit a self-assessment against the development framework to the Cheshire and Merseyside Integrated Care System by 29 October 2021 be noted.**

41 **WORK PROGRAMME**

The Head of Legal Services introduced the report of the Director of Law and Governance which provided the Board with its current work programme and gave opportunity to propose additional items for consideration at future meetings.

Resolved – That

- (1) the work programme be noted.**
- (2) the standing items for the 2021/22 municipal year be agreed.**

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PARTNERSHIPS COMMITTEE

Tuesday, 28 September 2021

Present:

Councillor	J Robinson (Chair)	
Councillors	J Johnson	D Brennan
	S Hayes	T Cottier
	D Mitchell	A Wright
	J Walsh	AER Jones (In place of P Martin)
	B Berry	M Jordan (In place of I Camphor)

13 WELCOME AND INTRODUCTION

The Chair welcomed Members, Officers and any members of the public viewing to the meeting. The Chair expressed the thanks of the Committee to Dr Rob Barnett who was in attendance to contribute to Item 6, and thanked Councillor Ivan Camphor for making the arrangements for Dr Barnett to attend.

14 APOLOGIES

Apologies for absence were received from Councillors Ivan Camphor and Paul Martin.

15 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

The following declarations were made:

Councillor Joe Walsh	Personal interests as his two daughters worked for the NHS.
Councillor Tony Cottier	Personal interest by virtue of being a director of a construction company with contracts with the NHS, and his wife's employment in the NHS.
Councillor Mary Jordan	Personal interest by virtue of her employment in the NHS, her son's employment as a GP and her involvement as a trustee for 'incubabies'.

16 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 29 June 2021 be agreed.

17 PUBLIC AND MEMBER QUESTIONS

The Chair confirmed that no public questions, requests to make a statement or petitions had been received.

18 GP CONSULTATIONS

The Principal Democratic and Member Services Officer introduced the report of the Director of Law and Governance which provided the opportunity for the Committee to discuss and consider access to General Practitioner (GP) consultations. It was reported that the issue had been raised at Council by way of a question to the Chair of the Partnerships Committee, and consequently the Chair had undertaken to refer the matter to the Partnerships Committee in order for the Committee to be able to scrutinise it. The report provided the Committee with figures relating to access to GP Services as provided by the Wirral NHS Clinical Commissioning Group, with a breakdown of total number of attendances and the method of attendance such as in-person, virtual or telephone.

The Chair then invited Dr Rob Barnett, a General Practitioner from Liverpool to contribute. Dr Barnett outlined the background to the issue, reporting that access to GP services had always been an issue as far as he could recall. It was reported that in 2019 the government encouraged GPs to consider remote forms of consultations, but that GPs were eventually forced to incorporate remote consultations due to Covid-19, which Dr Barnett felt was ran well but presented challenges for those without access to internet or telephones.

The Committee was advised that within the NHS infection prevention and control measures were still in place and that GPs could not yet go back to pre-pandemic operations. It was reported that availability of consultations was fairly consistent across Cheshire and Merseyside. Dr Barnett felt that some people did like remote consultations particularly younger people, but he felt clinicians gained more from a patient from a face-to-face appointment. Furthermore, in some cases remote consultations were inefficient as a patient may initially access services via e-consultation, with a resulting phone consultation then taking place before eventually having a face-to-face consultation. It was however noted that due to demand, GPs would struggle even further to manage their workload should they return to total face-to-face consultations.

The Chair then invited members to ask questions of Dr Barnett. The issue of the number of GPs was raised and whether there were enough in the system to deal with the increased demand. It was reported that in 2015 the

government announced that there was a shortage of 5,000 GPs which would need to be addressed by 2020, but that there were in fact now 1,500 fewer GPs than in 2015. Dr Barnett outlined that in his previous experience GPs were encouraged to retire, but over the last 20 years there had been a shift and GPs at retirement age were now being asked to continue. It was felt that one way to address this was to employ different staff within GP services such as physiotherapists and paramedics.

Another issue raised by a number of members was the triage process, with some raising concerns at the involvement of non-clinicians such as receptionists. It was noted that different GP surgeries operated different triage models, but that the receptionists in Dr Barnett's surgery were trained to take basic details from patients to ensure that those requiring immediate access to GP services were able to. Dr Barnett acknowledged that some patients may find it intrusive and reinforced the rights of patients to not disclose the issue to the receptionist if asked.

A range of further questions were raised by members, including around the length of appointments given the increasing complexity of issues patients were presenting with. Dr Barnett advised that his surgery had moved from 10 to 15-minute appointments, but that in other countries the average consultation time was up to 40 minutes. It was felt that GPs had to balance the need for longer appointments with the increasing demands and that patients should be encouraged to access other primary care services when they were more appropriate to enable GPs to spend more time with increasingly complex issues with patients. Members also sought further information on the impact of access to GP appointments on Accident and Emergency, where it was noted that if there was evidence practices weren't able to meet the demand further then it needed to be looked into, but that there had been instances where up to 50% of staff in surgeries had been self-isolating due to Covid-19 which had impacted on surgery capacity during the pandemic.

On behalf of the Partnerships Committee, the Chair thanked Dr Barnett for his informative contribution and thanked all GP staff for their work during the pandemic.

Resolved – That the report be noted.

19 **INTERGRATED CARE SYSTEM**

The Director of Care and Health introduced the report which provided an update on the legislative changes that would lead to the establishment of the Cheshire and Merseyside Integrated Care Board, setting out the updated policy context for the development of Integrated Care Systems and Integrated Care Partnerships at "place" level. It was outlined that the primary aim of the bill was to enable greater collaboration across the NHS, changing much of the

competition rules as well as improving accountability. The Integrated Care Board would be the NHS leadership board with the Integrated Care Partnership holding a wider membership focusing on health inequalities. The timeline for the proposed reform was also outlined, where it was outlined that there was a significant amount due to take place in the run up to April 2022 when it was proposed that the legislation would come into force and that point would be the structural start of the reform.

Member raised a number of queries including where decisions on General Practitioners would be made in the new organisation. It was confirmed that it was proposed that primary care services, community services and social care services would continue to be commissioned and delivered locally via the “Place” Board which had the support of the Cheshire and Merseyside Integrated Care System at that stage. There had also been clarity that the budgetary situation for 2022-23 would remain the same as the current financial year, with high investment within the pooled fund which would continue to enable elected members to contribute to how those services were delivered.

The governance structure at place was also queried, specifically where Primary Care Networks would sit, where it was confirmed that the structure was still in development with NHS colleagues but it was intended that the place board would include a broad group of members including primary care to make decisions on the local system, whilst the Health and Wellbeing Board would continue to provide strategic overview of health outcomes for the population, and a formal decision-making body would be required jointly with the Local Authority and NHS to make decisions relating to the pooled fund.

Members raised a point in relation to the potential for undertaking joint scrutiny with neighbouring Local Authorities on the proposals, and it was confirmed that discussions were taking place amongst Monitoring Officers on how joint scrutiny could be best dealt with, with further detail to be reported to members in due course.

Resolved – That

- (1) the legislative developments detailed in the Health and Care Bill that would lead to the establishment of the Cheshire and Merseyside Integrated Care Board (ICB) be noted.**
- (2) regular reports relating to the developments of the Integrated Care Board and Integrated Care Partnership at system level, and local placed-based partnership arrangements for Wirral be received.**

The Head of Legal Services introduced the report of the Director of Law and Governance, which provided the committee with an opportunity to plan and review its work across the municipal year.

Members discussed whether the item on the Integrated Care System should be a standalone item to enable sufficient time for a detailed discussion, and whether it should be considered earlier in the municipal year.

It was proposed by Councillor Jean Robinson, seconded by Councillor Steve Hayes, that the pooled fund be removed from the work programme for the February 2022 meeting and instead be dealt with at a workshop. The motion was agreed by assent. It was therefore –

Resolved – That

(1) the pooled fund be removed from the work programme for the February 2022 meeting and instead be dealt with at a workshop.

(2) the work programme be noted.

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PLANNING COMMITTEE

Thursday, 14 October 2021

Present: Councillor S Kelly (Chair)

Councillors S Foulkes M Jordan
S Frost A Gardner
AER Jones B Berry
B Kenny H Gorman
P Stuart

Deputy: Councillor J Johnson (In place of K Hodson)

26 MINUTE'S SILENCE

The Chair announced the sad passing of Councillor Andy Corkhill and Honorary Alderman Gerry Ellis. Members stood in tribute for a minute's silence.

27 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 16 September 2021 for approval.

Resolved – That the minutes of the meeting held on 16 September 2021 be approved.

28 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

29 APP/20/01257: PURLEY, KINGS DRIVE, CALDY, CH48 2JH - NEW BUILDING WITHIN THE GROUNDS OF PURLEY, TO BE ANCILLARY TO THE MAIN PROPERTY. AMENDMENT FROM APPLICATION AS ORIGINALLY SUBMITTED, WHICH WAS FOR A SELF-CONTAINED DWELLING. JULY 2021 - FURTHER AMENDMENTS REDUCING HEIGHT OF PROPOSED BUILDING AND OMITTING NEW ACCESS.

The Director of Regeneration and Place submitted the above application for consideration.

An objector on behalf of The Caldý Society addressed the Committee.

The Applicant's Agent was unable to attend the meeting having regard to limiting numbers due to Coronavirus. Mr M Neal, Legal Advisor to the Committee, therefore read out to the Committee the Agent's written representation.

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions with the inclusion of conditions relating to a Construction Management Plan and that no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

The motion was put and carried (11:0).

Resolved (11:0) – That the application be approved with the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5 July 2021 and listed as follows: 2024/010 Rev C, 2024/102 Rev B, 2024/100 Rev C, 2024/101 Rev C, 2024/200 Rev E.

No works shall proceed on site until details of pollution control and protection measures for the adjacent woodland areas have been submitted to the local planning authority for approval. All site works shall then proceed only in accordance with the approved measures.

Prior to the first occupation of the development details of the proposed lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The information submitted shall include details of the type of lights and an estimate of the light levels at the site boundaries of the site. The lighting shall thereafter be installed and operated in accordance with the approved details.

No tree felling, hedgerow or shrub removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

The development hereby permitted shall not be first brought into use until details of bird and bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval to the local planning authority and implemented in accordance with those details. The approved details shall thereafter be implemented before first occupation of the building.

The following measures/precautions should be taken during building works to

protect wild animals:

- **A pre-commencement check for the presence of wild animals.**
- **Any holes or trenches left open overnight should either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any animal should fall in.**
- **Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.**
- **Construction work is limited to daylight hours and should only take place between 8am and 6pm.**
- **All building materials to be stored so that animals cannot access them.**
- **The use of chemicals (such as herbicides & fertilisers) should be avoided wherever possible.**
- **Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.**
- **Any obvious animal paths to be left clear of obstruction.**
- **The property boundaries allow for the free movement of wildlife after construction.**
- **Fencing shall be erected surrounding the construction site during the building work to prevent animals from entering the site.**

Before any construction commences, details of the facing (colour, texture and specification) and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Development of the relevant parts of the building shall not commence until full details of the windows and external doors including sliding doors throughout the development have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings at 1:1 and elevation details at 1:5 scale (or similar) and should incorporate sill, lintel, jamb and reveal details or similar. The development shall be implemented in accordance with the approved details

All rainwater goods shall be of the material aluminium or of a similar quality; profile details and colours are to be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the agreed detail and retained thereafter.

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

The following activities must not be carried out under any circumstances:

- a, No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d, No builders debris or other materials to be stored within the Root Protection Areas.
- e, No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any Root Protection
- f, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that

Order) no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

30 APP/21/01252: WINDWHISTLE, 5 RECTORY LANE, HESWALL, CH60 4RZ - CREATION OF 1 NO PROPOSED DWELLING (RETROSPECTIVE).

The Director of Regeneration and Place submitted the above application for consideration.

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions.

The motion was put and carried (11:0).

Resolved (11:0) – That the application be approved with the following conditions:

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on September 30th 2021 and listed as follows: B101 Rev A and B104 Rev A and plans received by the local planning authority on 21 June 2021 and listed as follows: B102 Rev A and B103 Rev A.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Prior to first occupation, details of privacy screens to the rear terrace shall be submitted to and approved in writing, the details shall include location, materials and height of the screens. The screens shall be installed as approved within an agreed time frame by the Local Planning Authority and maintained as such thereafter.

A scheme of planting to provide a screen along the south west rear boundary of the site consisting predominantly of evergreens or other suitable plants capable of growth to a height of 2 metres shall be submitted to and agreed in writing within 4 weeks of the date of this permission. The approved scheme shall be fully implemented in the first planting season following approval of details in writing by the Local Planning Authority. Any trees or plants, that within a period of 5 years after planting, are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

31 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS**

The Director for Regeneration and Place submitted a report updating Members on the performance of the Development Management Service with regard to determining planning applications.

The report outlined performance against government targets in terms of the speed of processing all applications.

The Assistant Director, Chief Planner reported that in 2021/22, despite the continuing difficulties caused by the Covid-19 pandemic, an increase in planning application numbers and staffing resources, the Service had again comfortably surpassed the requirements for all targets in Major, Minor and Other categories of applications for Quarter 2 which was the period 1 July to 20 September 2021 and that 100% of Major applications and 78% of Minor applications had been determined within 13 weeks (Major) and 8 weeks (Minor) or within the extended period agreed between the Council and the applicant.

It was further reported that 86% of other applications had been determined within 8 weeks or within the extended period agreed between the Council and the applicant for the second quarter of 2021/22.

Members were informed that there was still a backlog due to increased work and staffing resources however two new appointments had been made and a further appointment for a planning assistant was in the process of being appointed.

Councillor S Foulkes commented upon the fact that Matthew Parry-Davies had left the organisation and the Chair requested that the best wishes of the Committee be placed on record.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

Resolved – That the report be noted.

32 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPEALS**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate.

The Assistant Director, Chief Planner reported that the national average for the number of appeals allowed is around 33% per year. During the first quarter of 2021/22 0 appeals had been allowed out of 11 appeals and during the second quarter 3 appeals had been allowed out of 12 appeals from a total of 23 appeal decisions, therefore this was comfortably under 33%. Details of the 3 appeals allowed were outlined in paragraph 3.5 of the report.

Members were advised that the next report to be brought to this Committee would include those decisions that had been particularly successful.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

Resolved – That the report be noted.

33 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - ENFORCEMENT ACTIVITY BETWEEN 1 JULY 2021 AND 30 SEPTEMBER 2021**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period 1 July to 30 September 2021.

Members were advised that the performance of the enforcement service would be reported to the Planning Committee on a quarterly basis in future.

The Assistant Director, Chief Planner reported that 128 new cases had been opened between 1 July and 30 September 2021 and that during this period 67 cases had reached a key milestone, 85% of these had been reached within 13 weeks. During this period 58 cases had been closed.

The report outlined some examples of key successes achieved during this quarter which included Land at the corner of Price Street and Pattern Street, Birkenhead, 37 The Wiend, Tranmere, Old Anselmians Rugby Club, Eastham and Wallasey Cricket Club, The Oval Cricket Ground, Liscard and Members were advised that no formal notices had been issued during this period.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

Resolved – That the report be noted.

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PLANNING COMMITTEE

Thursday, 11 November 2021

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	P Stuart
	K Hodson	M Jordan
	S Frost	B Berry
	AER Jones	H Gorman

Deputies:

Councillors J Walsh (Deputising B Kenny)
A Wright (Deputising A Gardener)

34 **MINUTES**

The Director Law of Governance submitted the minutes of the meeting held on 14 October 2021 for approval.

Resolved – That the minutes of the meeting held on 14 October 2021 be approved.

35 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and if so to declare them and state the nature of the interest.

No such declarations were made.

36 **APP/21/00233 - CRANFORD COTTAGE, 3 BUFFS LANE, BARNSTON, CH60 2SQ REMODELLING OF EXISTING DWELLING TO INCLUDE A REAR HIP TO GABLE CONVERSION TO ALLOW FIRST FLOOR ACCOMMODATION WITH SINGLE STOREY SIDE AND REAR EXTENSIONS. (CONSULTATION ON AMENDED PLANS AND DESCRIPTION OF DEVELOPMENT, REDUCING THE SCOPE OF THE WORKS)**

The Director of Regeneration and Place submitted the above application for consideration.

On a motion by the Chair and seconded Councillor Kathy Hodson it was –

Resolved (11:0) – that the application be approved subject to the following conditions.

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28th June 2021 and listed as follows:

2020 153 002 Revision 05 (Proposed Plans and Elevations) dated 28-06-2021.

- 37 **COMX/21/01509 - 215 SEAVIEW ROAD, LISCARD, CH45 4PD CONVERSION OF GROUND FLOOR SHOP UNIT TO PROVIDE ONE GROUND FLOOR FLAT UNDER GENERAL PERMITTED DEVELOPMENT ORDER SCHEDULE 2, PART 3, CLASS M (AMENDED SCHEME)**

The Director of Regeneration and Place submitted the above application for consideration.

The Ward Councillor addressed the Committee.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (10:1) – that the application be approved subject to the following conditions.

The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th October and listed as follows: 02 Proposed Plans 215SR Rev B; 03 Elevations 215SR Rev A

Prior to first occupation of the ground floor residential unit the secure bike storage, as shown on Drawing 04 Site and Location Plan-216SR Rev A, shall be provided and made available for use, and shall be retained for use at all times thereafter.

- 38 **COMMITTEE DECISION REPORT - PLANNING SCHEME OF DELEGATION FINAL DRAFT**

The Director of Law and Governance submitted the above report for consideration.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (11:0) – That the committee approve;

- 1. The amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters as referred to in Appendix 1 of the report, subject to an amendment that ward members may request that a planning application which has a significant effect on their ward be referred to Planning Committee;**
- 2. That the Director of Law and Governance be authorised to finalise the amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters;**

- 3. The amended Speaking Protocol for Planning Committee as referred to in Appendix 2 of the report; and**
- 4. The update to the guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings as referred to in Appendix 3 of the report.**

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