

# COUNCIL – 2 NOVEMBER 2009

## MATTERS FOR DEBATE

The Council is asked to consider the following motions, submitted in accordance with the notice required by Standing Order 8(1), and objections and amendments submitted in accordance with Standing Order 7(2).

The order of business is as determined by the party groups in accordance with Standing Order 5(3) and the times for speeches by Standing Order 12(8) (all other speakers have 3 minutes).

### 1. MOTION: ADULT SOCIAL CARE - PUBLIC INTEREST DISCLOSURE

**Proposed** by Councillor Simon Mountney (7 minutes)

**Seconded** by Councillor Geoffrey Watt (3 minutes)

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

(2) Council notes the findings of the report:

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

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

(4) Council believes that this PIDA report and the Department's unwillingness to bring to the Council's attention the whistleblower's concerns regarding the treatment

of those in our care demonstrates a lack of effective governance, management and leadership within the Department.

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

## **AMENDMENT**

**Proposed** by Councillor Denise Roberts (7 minutes)

**Seconded** by Councillor Ron Abbey (3 minutes)

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

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

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

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

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

## **AMENDMENT**

**Proposed** by Councillor Leah Fraser (7 minutes)

**Seconded** by Councillor Jeff Green (3 minutes)

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

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

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

- (a) It has now been established that a vulnerable group of people with learning disabilities in the care of this Council were unlawfully financially abused by this Council over many years. The full extent of this financial abuse and the level of unlawfulness is yet to be established, however, the original figure of £78,499.62 first quoted by the Director of DASS is now recognised as woefully short of the total amount improperly obtained from the residents within our care.
- (b) Despite the contributions made by Directors and the most senior officers in its production, the most recent report by Internal Audit has gone only part of the way to revealing the truth. What is much clearer is that much of the evidence presented by Mr Morton and all of his relevant knowledge of this ongoing financial abuse has been ignored or mistakenly omitted from the report.
- (c) This Council continues to applaud the efforts of Mr Martin Morton in attempting to ensure that the full extent of the financial abuse and wrong doing is brought into the open
- (d) Council expresses its concern that the Cabinet member for Adult and Social Care is yet to make a full comment to the Audit committee or Council regarding how aware she was of this situation and why she had not taken any action prior to the publication of the PIDA report.
- (e) Therefore this Council requests that the Chief Executive, in conjunction with the three party leaders selects a person of suitable standing, who is totally independent and fully qualified to carry out a full public inquiry into the PIDA report, in order to draw this matter to a satisfactory conclusion.

**Right of reply:** Councillor Simon Mountney (7 minutes)

## **2. MOTION: THE WIRRAL APPRENTICE**

**Proposed** by Councillor Jean Stapleton (7 minutes)

**Seconded** by Councillor Phil Davies (3 minutes)

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

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

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

## **AMENDMENT**

**Proposed** by Councillor Leah Fraser (7 minutes)

**Seconded** by Councillor Simon Mountney (3 minutes)

*After paragraph 2 insert:*

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

*After paragraph 3 insert:*

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

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

**Right of reply:** Councillor Jean Stapleton (7 minutes)

### **3. MOTION: QUANGOS**

**Proposed** by Councillor Phil Gilchrist (7 minutes)

**Seconded** by Councillor Dave Mitchell (3 minutes)

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

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

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

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

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

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

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

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

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

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

**Right of reply:** Councillor Phil Gilchrist (7 minutes)

#### **4. MOTION: COUNCIL HALLS AND COMMUNITY CENTRES**

**Proposed** by Councillor Gerry Ellis (7 minutes)

**Seconded** by Councillor Sheila Clarke (3 minutes)

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

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

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

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

- (a) Remove the threat that any Hall or Community Centre not transferred by January 2011 will be closed.

- (b) Ensure Council Officers provide the level of support required to assist those JMC's who have indicated their ability and willingness to work towards asset transfer
- (c) Ensure accurate full structural surveys are carried out as a matter of urgency at all Halls and Community Centres currently in the Council's ownership and prior to any transfers

## **AMENDMENT**

**Proposed** by Councillor Bob Moon (7 minutes)

**Seconded** by Councillor Stuart Kelly (3 minutes)

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

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

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

(4) Council notes:

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

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

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

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

**Right of reply:** Councillor Gerry Ellis (7 minutes)

## **5. MOTION: NATIONAL TRAINING AWARD**

**Proposed** by Councillor Phil Davies (7 minutes)

**Seconded** by Councillor Chris Meaden (3 minutes)

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

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

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

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

**Right of reply:** Councillor Phil Davies (7 minutes)

## **6. MOTION: COUNCIL EXECUTIVE PAY**

**Proposed** by Councillor Simon Holbrook (7 minutes)

**Seconded** by Councillor Tom Harney (3 minutes)

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

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

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

(3) The Chief Executive of the Local Government Association, John Ransford, (April 2009) argues high salaries are needed to encourage the most talented people to

work in the public sector, but warned town halls that pay deals need to be reasonable. He said "Councils need talented people in top management positions but they have to balance this with the need, in a tight financial situation, for all salaries to be demonstrably reasonable."

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

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

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

## **AMENDMENT**

**Proposed** by Councillor Phil Davies (7 minutes)

**Seconded** by Councillor Steve Foulkes (3 minutes)

*Delete final paragraph and insert:*

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

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

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

**Right of reply:** Councillor Simon Holbrook (7 minutes)



## **7. MOTION: FREE ACCESS TO LEISURE FACILITIES FOR SERVICEMEN AND DIRECT DEPENDENTS**

**Proposed** by Councillor Jeff Green (7 minutes)

**Seconded** by Councillor Lesley Rennie (3 minutes)

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

### **AMENDMENT**

**Proposed** by Councillor Jerry Williams (7 minutes)

**Seconded** by Councillor John Salter (3 minutes)

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

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

### **AMENDMENT**

**Proposed** by Councillor Ann Bridson (7 minutes)

**Seconded** by Councillor Gill Gardiner (3 minutes)

*Delete all after "courage for this nation," and insert:*

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

**Right of reply:** Councillor Jeff Green (7 minutes)

## **8. MOTION: 20MPH ZONES AROUND SCHOOLS**

**Proposed** by Councillor Jean Quinn (7 minutes)

**Seconded** by Councillor Dave Mitchell (3 minutes)

(1) Council is pleased to note:

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

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

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

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

## **AMENDMENT**

**Proposed** by Councillor Leah Fraser (7 minutes)

**Seconded** by Councillor Tom Anderson (3 minutes)

*Add to paragraph 2:*

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

*Add the following paragraphs:*

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

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

**Right of reply:** Councillor Jean Quinn (7 minutes)

## **9. MOTION: FINANCES**

**Proposed** by Councillor Jeff Green (7 minutes)

**Seconded** by Councillor Lesley Rennie (3 minutes)

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

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

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

### **AMENDMENT**

**Proposed** by Councillor Simon Holbrook (7 minutes)

**Seconded** by Councillor Chris Teggin (3 minutes)

*Delete all after 1st paragraph and insert:*

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

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

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

**Right of reply:** Councillor Jeff Green (7 minutes)

## **10. MOTION: OPPOSITION TO AIR PASSENGER DUTY (APD)**

**Proposed** by Councillor Denis Knowles (7 minutes)

**Seconded** by Councillor Tom Anderson (3 minutes)

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

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

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

**Right of reply:** Councillor Denis Knowles (7 minutes)

#### **11. OBJECTION: MINUTE 163 (CABINET – 15 OCTOBER) TERMS OF REFERENCE – SCRUTINY PROGRAMME BOARD**

**Moved** by Councillor John Hale (7 minutes)

**Seconded** by Councillor James Keeley (3 minutes)

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

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

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

**Right of reply:** Councillor Steve Foulkes (7 minutes)