

Council – 19 April 2010

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. CHARTERIS REPORT

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

(1) Council notes:

The letter from Sue Charteris, now published on the 'Hamilton Squared Blog', to Wirral Borough Council in response to the Labour/Liberal Democrat Administration's attempted rebuttal of her original Draft report.

That Ms Charteris attached an Executive Summary of her report to her letter which she described as 'Embargoed' and that this is at odds with the assertion that has been made, that, all information prior to the secret midnight meeting in the Town Hall of the leaders of Wirral Labour and Liberal Democrat Groups with Senior Officers of the Council and the Administration's retreat from its flagship Strategic Asset Review Policy via press release on 30th September and Cabinet meeting 1st October, was strictly secret and could not be made available to other members of the Council.

(2) Council expresses its shame that arguments advanced by the Labour/Liberal Democrat Administration in its name should have to be dismissed by the Chairman of a Public Inquiry ordered by a Secretary of State using the following terms:

'I find your point about predecessor authorities quite irrelevant given that the reorganization took place in 1974 and that, in any event, compliance with statutory duties are the responsibility of the incumbent administration.'

'I do not accept your view that the Inquiry dismissed your evidence; this was thoroughly tested at the Inquiry. It really is not helpful at this stage to present the Council's evidence as fact and community groups' evidence as hearsay.'

'I find your argument here disingenuous; as stated above, I have based my findings and recommendations in response to the decision that the Council actually took in March 09.'

'I fail to see how any council can judge whether or not it is providing a comprehensive and efficient service without having made an assessment of the needs it is seeking to meet in the delivery of such a service'.

'I can only repeat my concerns about the paucity of evidence on which the Council took this decision. I would like to stress, for the avoidance of doubt that I have not assumed that other financial resources are available from other services budgets'.

'You are fundamentally misjudging the points I am making to presume that this must be written down in legislation for this to apply'.

'You will see that I set out in my report what I consider that a reasonable authority would do in seeking to identify a reasonable option in order to comply with its statutory duties. I am concerned, as stated in the report, at a lack of a service plan or strategy, the lack of a needs assessment (or demonstrable evidence/knowledge of existing local needs), the lack of an implementation plan and so on, all of which would be indicators of processes which could have led to the identification of a reasonable option for compliance'.

(3) Council further notes that Ms Charteris felt compelled to point out to the Labour/Liberal Democrat Administration the following:

'I was indeed struck by the uniqueness of Wirral as a place, surrounded by water on three sides, distinctive and established communities, the location of your estates and the gap between the affluent and deprived. Comparing you to say Darlington in terms of the pattern of library distribution from the perspective of statutory compliance, would be nonsensical'.

(4) Council believes that it is a measure of how lacking in moral courage and how out of touch the Labour/Liberal Democrat Administration is, that despite having had the uniqueness of Wirral explained to them by the Conservative Group, the residents and communities of Wirral and now the Chairman of a Public Inquiry ordered by a Secretary of State, they have still not apologised for betraying the trust of Wirral residents and its communities.

(5) Council expresses its genuine concern that following the receipt of such a letter, independently authored, that no member of the Labour/Liberal Democrat Cabinet did the 'honourable thing' and resign.

(6) Council requests that the Chief Executive writes to Sue Charteris to thank her for reminding this and future Administrations of their responsibilities and apologising on behalf of the current Labour/Liberal Democrat Administration for falling so far below the standards of information gathering, consultation and decision making that the residents and communities of Wirral have the right to expect of their elected representatives.

AMENDMENT

Proposed by Councillor Simon Holbrook (7 minutes)

Seconded by Councillor Bob Moon (3 minutes)

Delete all and replace with:

Council welcomes the publication of the Council's response to the draft inquiry report on Wirral's Libraries. Council notes that the draft libraries report and Wirral's response to it were made confidential at the request of the Secretary of State at the time, and were promptly published after the Council was released from this obligation of confidentiality.

Council notes

- that the Government's National Review of libraries has been concluded and its report has been published. Council looks forward to the publication of future policy guidance from the incoming government after the general election to inform decisions on the long term future and shape of Wirral's library services.
- that at its meeting of 15th February, Council agreed, with all-party support, to bring forward proposals for enhanced community engagement to ensure that major policy decisions include more robust processes of public consultation, as appropriate, before decisions are taken. Thereby demonstrating that it has taken into account the findings of the Inquiry Report on those matters relating to public consultation.
- that the Council is committed to the fullest public consultation on the development of sustainable library services that are both affordable and meet people's needs and have committed to keeping open all libraries until such a review has taken place.
- that the Cabinet has assigned a substantial amount of funding to the completion of maintenance backlogs at all library buildings.

Council is acutely aware that between 2011 and 2014, this Council will need to save over £60m, and that the limited resources the Council has will need to be shared out across a host of demands. This is before the impact of any post general election emergency budget on local government finances is taken into account.

Difficult decisions lie ahead, but the Council has set in place processes to ensure those decisions properly balance the public's priorities with available resources to deliver a modern sustainable library service.

Right of reply: Councillor Jeff Green (7 minutes)

2. UNACCEPTABLE HOMOPHOBIA IN POLITICS

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Adrian Jones (3 minutes)

(1) This Council totally condemns the homophobic comments made on Facebook by a Wirral Conservative Councillor about Labour activists campaigning for Wallasey MP Angela Eagle.

(2) Council welcomes the decision by Wirral's Conservative Party locally to suspend him and demands that David Cameron take decisive action to show that homophobia has no place in modern politics today by expelling Councillor Knowles from the Conservative Party forthwith.

(3) Council believes that Councillor Knowles has demonstrated that he is no longer fit to be a councillor and should therefore resign his seat and allow the electorate of Seacombe to vote for a candidate who is free from prejudice and bigotry.

(4) Council also notes the position taken by Conservative MP Chris Grayling when he stated that Christian bed and breakfast owners should be able to refuse admission to gay couples.

(5) Council again calls on David Cameron to condemn such comments and to take a stand against homophobia within his own party. Failing any such action, Council can only conclude that the Conservatives of today are no different from those of yesterday and that beneath the shiny PR image lies a party still riddled with xenophobia, prejudice and bigotry whose interests lie firmly with the wealthiest members of society and whose actions on the economy will protect business interests and damage the interests of ordinary families for whom they have scant regard.

AMENDMENT

Proposed by Councillor Ian Lewis (7 minutes)

Seconded by Councillor Sue Taylor (3 minutes)

Delete paragraphs (2) to (5) inclusive and in paragraph (1) delete all after, 'This Council totally condemns the homophobic comments made' and insert, 'by any elected representative, following an investigation, and the attitudes of parties, not least the British National Party, which is seeking election to five wards in Wirral on May 6th.

Council condemns the remarks by Wirral BNP MEP Nick Griffin who said in 1999 that gay people flaunted "their perversion" and said this showed why "so many ordinary people find these creatures so repulsive" and when, in 2003, he denounced homosexuality as a "form of behavioural deviancy" and in 2004 in remarks by the BNP made to Outnorthwest - the LGF's monthly magazine - "Prior to 1967 homosexuality was a crime and led to prison. It is unnatural and an undesirable lifestyle which can only be remotely tolerated if the current law is obeyed i.e: consenting adults IN PRIVATE. The constant promotion of this queer lifestyle on TV,

soaps, radio, news papers etc as something which it is not - equivalent to heterosexism (sic) - drains my tolerance and I find the entire topic revolting, disgusting and scary. Queers should remain celibate and don't talk about it. You should all be ashamed of yourselves."

Council also condemns the remarks by the current leader of the ex-communist Bulgarian Socialist Party, Sergey Stanishev, when he condemned Bulgaria's first-ever Pride parade, saying that he did not like 'the manifestation and demonstration of such orientations' (Reuters, 28 June 2008) and the remarks by a leading MP in the Lithuanian Social Democratic Party when he claimed 'as a doctor, I think that [homosexuality] is a disease' (Pink News, 28 February 2007).

AMENDMENT

Proposed by Councillor Stuart Kelly (7 minutes)

Seconded by Councillor Simon Holbrook (3 minutes)

Add to end of paragraph (4):

Council again calls on David Cameron to condemn such comments and take a stand against homophobia within his own party.

Replace paragraph (5) with the following:

(5) However, Council notes with dismay the voting record of those Conservative MPs seeking re-election when it comes to LGBT rights.

- (i) One in six, voted in favour of Section 28 in 1988. A sixth voted against its repeal in 2003 including David Cameron and a third of the Shadow Cabinet.
- (ii) One in three voted to allow only heterosexual, married couples to adopt in 2002 including seven members of the Shadow Cabinet.
- (iii) One in three voted against the Equality Act (Sexual Orientation) Regulations in March 2007 which allows the Secretary of State to make regulations defining discrimination and harassment on grounds of sexual orientation. This included thirty-three, or a third of frontbenchers and four of the Shadow Cabinet.
- (iv) The Conservative Party opposed The Equality Bill 2008-09. Nineteen members of the Shadow Cabinet joined attempts to block the bill which will introduce a single 'public duty' requiring all publicly-funded bodies to proactively promote equality across the board and remove barriers to fair service provision.

Right of reply: Councillor Phil Davies (7 minutes)

3. TACKLING THE RECESSION

Proposed by Councillor Gill Gardiner (7 minutes)

Seconded by Councillor Simon Holbrook (3 minutes)

(1) This Council welcomes Wirral's Economic Recovery Plan as reported to Cabinet on 4th February and the LSP Executive on 17th February 2010 and the work being

carried out to respond to the effects of recession, supporting businesses and preparing Wirral's economy for recovery, including:

- Advice and information cascaded to businesses about how to survive and recover from recession.
- Council invoices paid within 10 days to all creditors employing less than 250 people.
- Continued expansion of the Wirral Apprenticeship Programme to 200 places through this year's budget.
- Targeted employment support for young people aged 18-24.
- Multi agency working and strong voluntary sector support to provide increased capacity for debt advice for residents, support and signposting for older people and newcomers to benefits and personal advice.
- Tailored business start up support through Wirral Biz.
- Construction Integrator to improve engagement and recruitment of local workless residents.
- A mortgage rescue scheme.
- Funding through this year's budget to provide super fast broadband communications for business.
- Measures to attract inward investment.
- Promoting new development in the borough.

(2) Whilst recognising the positive impact of the measures taken to date, this Council believes that every effort must continue to be made to protect residents and businesses through the continuing period of economic uncertainty ahead. In particular, that the anticipated reductions in public sector budgets by the incoming government following the general election do not result in a double-dip recession which would harm Wirral's prospects for economic recovery.

(3) Therefore, Council requests that the Director of Corporate Services continues to seek best practice, including that from other areas, report back on how these can be incorporated into the Economic Recovery Plan and investigate the feasibility of providing additional support measures, such as:

- How the Council's website, along with leaflets aimed at families, businesses, the redundant and unemployed and the elderly and vulnerable community groups, can be used to provide useful tools such as a personal budget planner, finding out about benefits, reducing debt, coping with rising bills, help with getting new skills, advice on how to save money, links to useful partner websites.
- Where practicable, securing more goods and services from local companies, and encouraging others to do the same.
- Building on the success of the 'Boost Your Business – Beat the Economic Downturn' workshops held at the Floral Pavilion with 'Recovery Roadshows' to bring support services to businesses.
- Using the Area Forums as a mechanism to take information about support and advice services out into the community.

(4) In addition, in developing these initiatives, Council believes that it should itself play a strong role by setting an example, as the Borough's largest employer, by

considering how we can provide training and employment opportunities for those groups in greatest need of support, such as looked after children and disabled people.

AMENDMENT

Proposed by Councillor John Hale (7 minutes)

Seconded by Councillor Simon Mountney (3 minutes)

Add:

(5) Council also notes that the best way to help people through the recession is to alleviate the effects of frozen or falling take home pay by freezing Council Tax, supporting the small and medium sized businesses which employ most Wirral residents with help to counter the effects of increased business rates and to support the call of business leaders to prevent the proposed increase in National Insurance.

Right of reply: Councillor Gill Gardiner (7 Minutes)

4. DEATH OF CHLOE FLETCHER

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

(1) Council expresses its deep sadness at the death of Chloe Fletcher's and our sincere condolences go to her family and everyone who knew her.

(2) Council supports and endorses the comments of the Director of Children's Services 'that Chloe's death affected the whole community and continues to resonate with everyone involved'

(3) Council believes that there are major lessons to be learned by the public sector across Wirral particularly those agencies directly involved with families and Child Protection.

(4) Council therefore expresses its disappointment that a suitably anonymised and reasonably redacted, copy of the Serious Case Review into Chloe's death, including OFSTED's comments upon it, has not been made public.

(5) Council acknowledges its own vital role regarding Child Protection in Wirral and believes that we can only hope to learn the lessons of such a tragedy and assure the public that steps are being taken to avoid repeating any shortfalls that made it possible, by a timely and as full as possible publication of the details contained in Serious Case Reviews and OFSTED's comments upon them.

AMENDMENT

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Moira McLaughlin (3 minutes)

Delete paragraph (4) and insert the following:

(4) Council notes the advice of Lord Laming on the importance of maintaining confidentiality in Serious Case Reviews. In his report, 'The Protection of Children in England: A Progress Report', Lord Laming states that "Serious Case Reviews inevitably include a great deal of case material that should remain confidential, not only to protect vulnerable people, but also because SCRs depend upon the cooperation of witnesses, often in a highly charged situation. Without this assurance many would be reluctant to participate in the process, rendering the task worthless. The future of SCRs depends, in large degree, on the guarantee of confidentiality. Full reports should therefore remain confidential beyond the immediate partners involved in a case, the relevant inspectorates, Government Offices and the relevant government departments." Lord Laming goes on to say that "The confidentiality of full SCRs makes the provision of a high-quality executive summary all the more important. Executive summaries should provide an accurate reflection of all the main points in the full report, include a copy of the full action plan, and provide the names of all the SCR panel members so that the public can have confidence that a senior and multi-agency panel, as well as an independent chair and independent author, have been in charge of the process."

Delete paragraph 5 and insert the following:

(5) Council acknowledges its own vital role regarding Child Protection in Wirral and believes that it is essential that we learn lessons from such a tragedy and assure the public that steps are being taken to avoid repeating any shortfalls that made it possible. In the light of the recommendations of Lord Laming, as set out above, Council supports the publication of a high quality executive summary of serious case reviews.

Insert new paragraph 6:

(6) Council notes that the Director of Children's Services and the Director of Adult Social Services has proposed the establishment of a Review Group on Safeguarding as a working group of the Cabinet. This will comprise the Leaders of the three Groups and relevant spokespersons and will be charged with discussing the Annual Safeguarding Report and the findings of serious case reviews in relation to both adults and children.

Right of reply: Councillor Jeff Green (7 minutes)

5. BACKING YOUNG BRITAIN

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Jean Stapleton (3 minutes)

(1) This Council recognises the importance of creating training or job opportunities for young people and preventing long term youth unemployment.

(2) Council notes that the successful Wirral Apprenticeship scheme was set up with precisely this in mind.

(3) Council therefore offers its support to the Backing Young Britain scheme which has been set up by the Government to help hundreds of thousands of young people to get their first step on the career ladder.

(4) This Council agrees to do what it can to help young people, either by offering an apprenticeship, or providing a young person with a job, or providing internships or work experience.

(5) Council further notes that taking this kind of action makes sound economic sense and that action taken by the Labour Government to help young people into employment has helped keep unemployment figures almost half a million lower than those predicted at the time of the budget and has saved the taxpayer around £2billion.

AMENDMENT

Proposed by Councillor Tom Anderson (7 minutes)

Seconded by Councillor James Keeley (3 minutes)

Paragraph (5) delete all after 'Council further notes' and insert:

that 3,090 18-24 year olds in Wirral are currently out of work and that 19,800 people, of working age, have no qualifications.

Council notes that despite high youth unemployment, young people are being deterred from starting apprenticeships. Official figures reveal that in the first quarter of the 2009/10 academic year, 6,500 fewer young people started a new apprenticeship than in the same quarter of the previous year (ONS, Post-16 Education & Skills, 21 January 2010). The number of young people starting apprenticeships has fallen in each of the last three quarters compared to the previous year (ibid.). Despite a costly advertising campaign starring Alan Sugar, more than 20,000 fewer young people started an apprenticeship in the last six months than in the same six months of the previous year (ibid).

Council further notes that the number of young people aged 16-24 who completed an apprenticeship in 2009 was 184,000, down from 197,000 in 2008 (ONS, Post-16 Education & Skills: Learner Participation, Outcomes and Level of Highest Qualification Held, January 2010).

Council is also concerned that the quality of apprenticeships has also deteriorated. All apprenticeships used to be at Level 3 - i.e. equivalent to A-level - but now only around a third of them are (ONS, Post-16 Education & Skills, 17 December 2009). Between 2008 and 2009 the number of people aged 16-24 completing an advanced apprenticeship fell by more than 5 per cent, from 60,400 to 57,200 (ibid).

Council welcomes the support for apprenticeships from leading local employers such as Cammell Laird, Vauxhall and the NHS but recognises that Wirral's small and medium sized enterprises are the engines of growth and the best route out of recession. Council therefore calls for:

1. The inspection regime for apprenticeships to be simplified to enable more small and medium sized enterprises to participate.
2. SMEs to be given a 'bonus' for each apprenticeship they create.
3. Extra support to be given for apprenticeships in science, technology, engineering and maths.

Council further notes that both the Conservative and Liberal Democrat parties are committed to removing the age barrier to apprenticeships and therefore calls for the age cap on applicants to be scrapped.

Right of reply: Councillor Phil Davies (7 minutes)

6. UNITED UTILITIES

Proposed by Councillor Phil Gilchrist (7 minutes)

Seconded by Councillor Dave Mitchell (3 minutes)

(1) This Council appreciates that officers from this and other local authorities in the North West have been meeting with United Utilities to seek prompt maintenance of manhole covers, frames and surrounding surfaces. Council further recognises that agreement has been reached on a recognised procedure or protocol for timely repair works to be done, but that further work needs to be carried out to ensure that this is always followed.

(2) This Council is determined that the gas, electricity and water supply companies must play their part in ensuring a high standard of temporary and permanent reinstatements to the vast number of openings they make in Wirral's roads.

(3) In particular, Council believes that United Utilities should take action to tackle the backlog of sunken manhole covers in our roads, which cause nuisance and inconvenience to road users and safety issues for cyclists in particular.

(4) Accordingly, officers be requested:

- (i) to continue to press the company to respond positively to public concerns, and;
- (ii) to report back on the progress of steps to secure their full co-operation to the Sustainable Communities Overview and Scrutiny Committee.

Right of reply: Councillor Phil Gilchrist (7 minutes)

7. CUTS AT WIRRAL UNIVERSITY TEACHING HOSPITAL (ARROWE PARK)

Proposed by Councillor Leah Fraser (7 minutes)

Seconded by Councillor Paul Hayes (3 minutes)

(1) Council welcomes the commitment and dedication of staff employed at the Arrowe Park site of the Wirral University Teaching Hospital.

(2) Council is therefore concerned to note that as a result of the country's national debt, Wirral University Teaching Hospital has been ordered to make cuts of £38 million.

(3) Council is concerned that the proposals include:

- the loss of beds
- closure of wards
- loss of qualified staff

(4) Council does not support reducing medical provision at a time of rising expectations within the NHS and therefore calls on the Chief Executive of Wirral University Teaching Hospital to call a halt to the closures.

AMENDMENT

Proposed by Councillor Moira McLaughlin (7 minutes)

Seconded by Councillor Denise Roberts (3 minutes)

Delete all after paragraph 1 and insert:

(2) Council welcomes the findings of the recent report by the King's Fund, the highly respected independent "think tank", which stated that the NHS has greatly improved performance since 1997.

(3) It particularly welcomes the findings that waiting times for treatment have been reduced, and that there has been a reduction in deaths caused by cancers and heart disease.

(4) Council re-states its continued support for health and social care policies and investment which further develop ways of delivering treatments and care in community settings, which meet the aspirations of people using the services, reduce the need for unnecessary hospitalisation, and risks to individuals associated with that, and make better use of public finance.

AMENDMENT

Proposed by Councillor Ann Bridson (7 minutes)

Seconded by Councillor Chris Teggin (3 minutes)

Delete “.” and add to end of paragraph (1): “and welcomes efforts to increase the standards of patient care, prevent unnecessary admissions and create greater levels of efficiency by multi agency working.”

Add new paragraph (2):

(2) Council notes the opinion of the Kings Fund that NHS services have improved markedly since the Conservatives lost power in 1997.

Renumber existing paragraph (2) as paragraph (3). After “Council is therefore concerned to note that”, replace the rest of this paragraph with, “Wirral university Teaching Hospital is required to make efficiency savings of £13.5m in 2010/11 with further similar savings expected to be necessary in 2011/12 and 2013/14.

Delete existing paragraphs (3) and (4), and insert new paragraphs (4) and (5):

(4) Council believes that any reductions in funding should not be aimed at front line NHS services and calls on the Chief Executive of WUTH to ensure that clinical provision is not reduced and there is no impact on front line services. Council requests that regular reports be submitted to the appropriate overview and scrutiny committee in order to monitor service provision.

(5) Council further resolves to lobby the incoming Chancellor of the Exchequer to ensure that no arbitrary cuts in funding or non filling of vacancies occur within the NHS that may damage the improvements that have been made.

Right of reply: Councillor Leah Fraser (7 minutes)

8. CONCESSIONARY TRAVEL SCHEMES

Proposed by Councillor Ron Abbey (7 minutes)

Seconded by Councillor George Davies (3 minutes)

(1) This Council recognises the success and popularity of the Merseyside Concessionary Travel scheme, administered by Mersey Travel.

(2) Council also recognises the success of the English National Concessionary Travel Scheme that provides free travel on buses and calls on the Government to continue funding this scheme by direct grant to Integrated Transport Authorities such as Mersey Travel.

(3) Council therefore calls on the Conservative Party to commit fully to this scheme and to put provision in any budget to fully fund this scheme in the same way as the Labour Government does now.

(4) Council also asks the Government to trial a scheme which would provide free Concessionary Travel for young people of 18 years and under during term time and during school hours and recognises that Mersey Travel would be willing to pilot this scheme.

AMENDMENT

Proposed by Councillor Ian Lewis (7 minutes)

Seconded by Councillor Chris Blakeley (3 minutes)

Leave paragraphs (1),(2) and (4) as written

Paragraph (3) delete all after 'Council' and insert 'welcomes the commitment of all three parties to protect this initiative but notes the Government's decision to amend the terms of the English National Bus Scheme will result in the age at which people are entitled to their free bus pass will rise from 60 to 65.

AMENDMENT

Proposed by Councillor Dave Mitchell (7 minutes)

Seconded by: Councillor Jean Quinn (3 minutes)

At paragraph (2), replace "...calls on the Government..." with "...calls on any future Government..."

Delete paragraph (3).

Renumber paragraph (4) as paragraph (3).

Right of reply: Councillor Ron Abbey (7 minutes)

9. ACADEMIES

Proposed by Councillor Stuart Kelly (7 minutes)

Seconded by Councillor Frank Doyle (3 minutes)

(1) Council notes the current consultation and progress being made to create a new academy in Birkenhead.

(2) Council condemns the ill judged and unhelpful comments made by Frank Field MP and disassociates itself from his calls for the resignations of the Council's Chief Executive and the Director of Children's Services.

AMENDMENT

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Jean Stapleton (3 minutes)

Delete paragraph (2) and replace with the following:

(2) Council congratulates Park High School and Rock Ferry High School for the constructive way in which they have engaged in the consultation process around the opening of a new academy in Birkenhead and for the improved performance of these schools in recent years. Council further believes that any decision on the opening of a new academy should be based on what is in the best interests of pupils.”

Right of reply: Councillor Stuart Kelly (7 minutes)

10. PAVEMENT HAZARDS

Proposed by Councillor Walter Smith (7 minutes)

Seconded by Councillor Jerry Williams (3 minutes)

(1) Council recognises that problems can be caused by A boards and some displays outside shops where pavements are narrow and a clear obstruction is being caused that would affect those with disabilities. Council believes that in these cases it is essential that enforcement action is taken to clear the obstruction.

(2) However, Council also recognises that there are many cases where small businesses have had displays in front of their windows for as long as anyone can remember, where pavements are wide and there is no threat of any obstruction to passers by.

(3) At a time of economic recession, when small businesses may be struggling to survive, Council asks that common sense apply and that blanket restrictions are not placed on everyone.

(4) Council further recognises that the Council itself is responsible for many obstructions on pavements and that this has been clearly identified by local disability forums and focus groups as a problem. It therefore asks that the Council lead by example and deal with this issue as a priority rather than place undue pressure on small businesses who are not causing any obstruction.

Right of reply: Councillor Walter Smith (7 minutes)