

COUNCIL

Minutes of the **Annual Council Meeting** held on Monday, 16 May 2011 and reconvened on Monday 23 May 2011

PRESENT

Monday 16 May 2011

The Mayor (Mr Alan Jennings) in the Chair
Deputy Mayor (Councillor Moira McLaughlin)

Councillors	RL Abbey	J Hale	D Realey
	C Blakeley	T Harney	L Rennie
	E Boulton	P Hayes	D Roberts
	A Bridson	A Hodson	L Rowlands
	A Brighthouse	M Hornby	J Salter
	S Clarke	P Johnson	H Smith
	W Clements	M Johnston	T Smith
	A Cox	AER Jones	W Smith
	J Crabtree	C Jones	J Stapleton
	G Davies	P Kearney	A Sykes
	P Davies	J Keeley	S Taylor
	WJ Davies	S Kelly	J Walsh
	D Dodd	B Kenny	G Watt
	P Doughty	A McArdle	S Whittingham
	D Elderton	D McCubbin	R Wilkins
	G Ellis	AR McLachlan	I Williams
	S Foulkes	C Meaden	KJ Williams
	P Gilchrist	D Mitchell	P Williams
	P Glasman	S Mountney	S Williams
	JE Green	S Niblock	K Wood
	P Hackett	C Povall	

Apologies

Councillors	T Anderson	B Mooney
	I Lewis	

Monday 23 May 2011

The Mayor (Councillor Moira McLaughlin) in the Chair
Deputy Mayor (Councillor Gerry Ellis)

Councillors	RL Abbey	J Hale	C Povall
	C Blakeley	T Harney	D Realey
	E Boulton	P Hayes	L Rennie
	A Bridson	A Hodson	D Roberts
	A Brighthouse	M Hornby	L Rowlands
	S Clarke	P Johnson	J Salter
	W Clements	M Johnston	H Smith
	A Cox	AER Jones	T Smith
	J Crabtree	C Jones	W Smith
	G Davies	P Kearney	J Stapleton
	P Davies	J Keeley	A Sykes
	WJ Davies	S Kelly	S Taylor
	D Dodd	B Kenny	J Walsh
	P Doughty	A McArdle	G Watt
	D Elderton	D McCubbin	S Whittingham
	G Ellis	AR McLachlan	R Wilkins

S Foulkes	C Meaden	I Williams
P Gilchrist	D Mitchell	KJ Williams
P Glasman	S Mountney	P Williams
JE Green	S Niblock	S Williams
P Hackett	C Povall	K Wood

Apologies Councillor J Keeley

1 **MAYOR'S ANNOUNCEMENTS**

The Mayor thanked all those within the Council and throughout the Borough who had supported him in the wide variety of activities that he had undertaken throughout his year of office and in the work of the Mayor's Charity Fund, in particular the staff of Civic and Member Services and the Attendants for their valued assistance, the former Mayor, Councillor Andrew Hodson, and the Deputy Mayor, Councillor Moira McLaughlin, for their encouragement and support. All of the Mayor's remarks were warmly endorsed by the whole Council.

At the Mayor's request, Wirral's Young Poet Laureate, Kim Morgan, read a poem specially composed for the occasion entitled "What Wirral Means to Me".

2 **ELECTION OF MAYOR 2011/12**

The Mayor invited nominations for election of the Mayor for the ensuing municipal year.

On a motion moved by Councillor Foulkes, seconded by Councillor Green and endorsed by Councillor Harney and, in the absence of any other nominations, it was -

Resolved (unanimously) - That Councillor Moira McLaughlin be elected Mayor of the Metropolitan Borough of Wirral for the 2011/12 municipal year.

Councillor McLaughlin made the declaration of acceptance of office required by law, and the retiring Mayor (Mr Alan Jennings) vacated the Chair. Councillor McLaughlin occupied the Chair.

The Mayor's Chaplain, Father Nicholas Kerns, then led the Council in prayer after which the Mayor welcomed her guests and spoke to her election.

3 **DEPUTY MAYOR 2011/12**

The Mayor invited nominations for the appointment of a Deputy Mayor for the ensuing municipal year.

On a motion moved by Councillor Green and seconded by Councillor Foulkes, and in the absence of any other nominations, it was –

Resolved (unanimously) – That Councillor Gerry Ellis be appointed Deputy Mayor of the Metropolitan Borough of Wirral for the 2011/12 municipal year.

Councillor Ellis made the declaration of acceptance of office required by law.

4 **APPOINTMENTS TO OUTSIDE BODIES**
- APPOINTMENTS TO MERSEYSIDE POLICE APPOINTMENTS COMMITTEE

Further to the Council supplemental agenda of 16 May, the Director of Law, HR and Asset Management invited the Council to make three appointments to represent the Authority, on a 1:1:1 basis, on the Merseyside Police Authority Appointments Committee.

On a motion moved by Councillor Green, seconded by Councillor Foulkes, it was –

Resolved (unanimously) – That the three Party Leaders, Councillors Green, Foulkes and Harney be appointed to represent the Council on the Merseyside Police Authority Appointments Committee and that the names of deputies be submitted in writing to the Director of Law, HR and Asset Management.

5 **ADJOURNMENT**

The Council agreed, without a vote, pursuant to Standing Order 5A (1), that the meeting stand adjourned to 6.15pm on Monday, 23 May 2011.

6 **MAYOR'S ANNOUNCEMENTS**

The Mayor welcomed those newly elected Councillors and congratulated those Members who had retained their seats at the recent local elections. She referred also to the provisions of the Code of Conduct for Members and reminded the Council of its obligations in relation to conduct at meetings.

The Mayor advised the Council that Brian Ellis (Principal Committee Officer) was attending his last meeting of the Council prior to retirement in June. She commended Brian for 37 years of service and, on behalf of the Council, accorded him her very best wishes for a long and happy retirement.

7 **DECLARATIONS OF INTEREST**

The Members of the Council were invited to consider whether they had a personal or prejudicial 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. No such declarations were made.

8 **PETITIONS**

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

- Councillor J Hale
A petition containing 90 signatures objecting to planning application APP/11/00549 for the proposed change of use of 11 Bennets Lane, Meols from a domestic dwelling to a pre-school nursery.
- Councillor A Jones
A petition containing 40 signatures requesting road resurfacing works in the Seacombe area.
- Councillor G Watt
A petition containing 77 signatures, requesting the urgent introduction of parking restrictions to protect the junction of Hillside Road and Grammar School Lane, West Kirby.

- Councillor P Hackett
A petition containing 114 signatures, requesting the provision of measures, to combat criminal damage to vehicles and property and anti-social behaviour at the Tower Grounds New Brighton.
- Councillor T Cox
A petition containing 4190 signatures objecting to planning application APP/11/00508 for the building of a Sainsbury Store on the Red Cat Car Park, Greasby.
- Councillor S Taylor
A petition containing 98 signatures objecting to planning application APP/11/00352 for the proposed change of use of Albion House, Albion Street, New Brighton from a residential care home to 13 HMO bedsits.
- Councillor J Salter
A petition containing 37 signatures requesting the Council to take action to bring deteriorating boarded up properties in Percy Road, Seacombe into habitable condition.
- Councillor C Jones
A petition containing 824 signatures requesting the Council to address security at Central Park, Wallasey.
- Councillor S Whittingham
A petition containing 30 signatures objecting to planning application APP/10/01316 for the importation of inert materials to raise and recontour land at Alwood Farm Upton.

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

9 MINUTES

The minutes of the Council meeting held on 18 April 2011, having been circulated to all Members, it was –

Resolved – That the minutes be approved and adopted.

10 ELECTION RESULTS - 5 MAY 2011

The Director of Law, HR and Asset Management and Returning Officer presented a summary of the results of the Local Government Elections held on 5 May 2011.

Resolved – That the report be noted.

11 LEADER OF THE COUNCIL

The Leader of the Council was appointed on 24 May, 2010 for a four year period.

In accordance with Article 7.3 of the Constitution (Leader), the Council was requested to consider the following motion –

Proposed by Councillor P Davies
Seconded by Councillor A Jones

This Council recognises that, following the election on 5 May 2011, the Labour Group is now the largest group on the Council. It also recognises that, with over 46,000 votes, Labour has the largest share of the vote on Wirral, with the Conservative Party trailing nearly 10,000 votes behind as the second largest party.

In the light of these recent election victories, Council therefore moves:

1. That Councillor J Green be removed from the office of Leader of Wirral Council.
2. That the Leader of the Labour Group, Councillor S Foulkes, be appointed as Leader of Wirral Council.

AMENDMENT

Proposed by Councillor J Green

Seconded by Councillor Mrs L Rennie

Delete all after:

“This Council recognises that, following the election on 5 May 2011”

and replace with:

“no Party has overall control of the Council but that the parties which formed the Progressive Partnership in 2010-11 hold 36 seats and 51,065 votes in total.

Council welcomes the progress made by the Progressive Partnership to make Wirral Borough Council more open, more transparent and more responsive to the people we serve.

Council welcomes the actions taken to reduce the running costs by £58 million while protecting frontline services, freezing Council Tax and avoiding compulsory redundancies and, in particular, thanks those staff, organisations, partners and residents who have worked with the Partnership to deliver these achievements.

In particular, Council welcomes:

1. The agreement to include Wirral within the new job-creating Enterprise Zone and the announcement of the new International Trade Centre at Wirral Waters.
2. The action to tackle the neglect of our shopping areas including the abolition of car parking charges after 3pm, the ‘deep clean’ to remove years of grime and graffiti and money to bring empty shops back into use.
3. The improvements underway in our library service, including an extra £1 million to tackle the backlog of repairs, purchase of new stock and the introduction of new services.
4. The decision to reinstate Guinea Gap and Leasowe Recreation Centre to the Council’s base budget.
5. The protection given to funding for community, voluntary and faith-based organisations which enhance the Borough’s civil society and provide services for some of our most vulnerable residents.
6. The reintroduction of daytime coverage of the CCTV cameras and to appoint a permanent team of staff to tackle the minority of owners who do not clean up after their pets.
7. The doubling of places available on the Apprenticeship Programme and the creation of the Wirral Jobs Commission.

8. The recognition given to the Children and Young People's Department by Ofsted and the work by that Department to further enhance opportunities and attainment through our schools, including support to schools seeking academy status.
9. The Action already taken and the Plan put in place to tackle the failures within the Department for Adult Social Services following the independent CQC Report.
10. The opening up of decision making beyond the Council to include people and organisations with expertise, knowledge and commitment to enhancing services in Wirral and the opportunity given to residents to take part in the decision making process.

Council believes Wirral is better placed now to face the challenges ahead than when Labour left office in May 2010 and endorses the plans the Progressive Partnership have put in place for 2011-12 that will:

1. Protect children and young people from harm
2. Support schools and offer settings to improve education provision and attainment
3. Ensure children and young people can participate and achieve their potential
4. Provide early intervention and support for vulnerable children and families
5. Improve the health and wellbeing of children and young people
6. Ensure vulnerable people in Wirral are safe and protected
7. Ensure that the widest possible options for care and support are made available close to where people live
8. Ensure that people can choose the care they need from a range of high-quality support services and options for care
9. Ensure that vulnerable people and those in later life can get the care and support they need at an early stage to prevent problems getting worse
10. Reduce Wirral's carbon footprint
11. Minimise waste by encouraging waste reduction and recycling
12. Have high standards of environmental quality across Wirral Council
13. Have a safe and well-maintained highway network for all users
14. Provide and maintain high quality parks and open spaces in partnership with local communities
15. Provide high quality, value for money leisure and cultural facilities for Wirral residents
16. Respond to and recover effectively from incidents and emergencies

17. Support vulnerable people in maintaining their independence in the community
18. Prevent and alleviate homelessness
19. Make best use of the existing housing stock across all sectors
20. Provide new and affordable homes
21. Reduce anti-social behaviour and improve community safety
22. Rebalance Wirral's economy and improve access to employment and skills opportunities and tackle barriers to work
23. Market Wirral as a world class location for businesses and visitors
24. Make Wirral Council one of the most business friendly and supportive councils in the country
25. Delivering the Strategic Change Programme, improving the way the Council works and driving down the costs of running the Council
26. Developing a well led, skilled and committed workforce working on behalf of Wirral residents and businesses
27. Supporting the development of a bigger and stronger society
28. Developing wider public sector partnerships for the improvement of services to Wirral residents".

At 6.30pm the Council stood adjourned for 10 minutes.

Following a debate, the amendment was put and lost (26:30) (9 abstentions) with the Council dividing as follows –

For the amendment (26) – Councillors T Anderson, C Blakeley, E Boulton, SL Clarke, W Clements, T Cox, DM Elderton, GJ Ellis, JE Green, J Hale, P Hayes, AC Hodson, M Hornby, PSC Johnson, P Kearney, I Lewis, D McCubbin, SR Mountney, C Povall, Mrs LA Rennie, SL Rowlands, A Sykes, S Taylor, GCJ Watt, S Williams and Mrs K Wood.

Against the amendment (30) – Councillors RL Abbey, JA Crabtree, G Davies, PL Davies, WJ Davies, D Dodd, P Doughty, S Foulkes, P Glasman, P Hackett, AER Jones, C Jones, BM Kenny, A McArdle, ARC McLachlan, M McLaughlin, Mrs CM Meaden, B Mooney, SAM Niblock, D Realey, DE Roberts, J Salter, H Smith, PA Smith, W Smith, JV Stapleton, J Walsh, S Whittingham, I Williams and KJ Williams.

Abstentions (9) – Councillors A Bridson, A Brighthouse, PN Gilchrist, T Harney, M Johnston, SE Kelly, GD Mitchell, R Wilkins and Mrs PM Williams

Part 1 of the motion was put and carried (30:26) (9 abstentions)

Part 2 of the motion was put and carried (30:26) (9 abstentions) with the Council dividing as follows –

For the motion (30) – Councillors RL Abbey, JA Crabtree, G Davies, PL Davies, WJ Davies, D Dodd, P Doughty, S Foulkes, P Glasman, P Hackett, AER Jones, C Jones, BM Kenny, A McArdle, ARC McLachlan, M McLaughlin, Mrs CM Meaden, B Mooney, SAM Niblock, D Realey, DE Roberts, J Salter, H Smith, PA Smith, W Smith, JV Stapleton, J Walsh, S Whittingham, I Williams and KJ Williams.

Against the motion (26) – Councillors T Anderson, C Blakeley, E Boulton, SL Clarke, W Clements, T Cox, DM Elderton, GJ Ellis, JE Green, J Hale, P Hayes, AC Hodson, M Hornby, PSC Johnson, P Kearney, I Lewis, D McCubbin, SR Mountney, C Povall, Mrs LA Rennie, SL Rowlands, A Sykes, S Taylor, GCJ Watt, S Williams and Mrs K Wood.

Abstentions (9) – Councillors A Bridson, A Brighouse, PN Gilchrist, T Harney, M Johnston, SE Kelly, GD Mitchell, R Wilkins and Mrs PM Williams.

Resolved (30:26:9) –

- (1) That Councillor J Green be removed from the office of Leader of Wirral Council.**
- (2) That the Leader of the Labour Group, Councillor S Foulkes, be appointed as Leader of Wirral Council.**

**12 LEADER'S ANNOUNCEMENTS
- APPOINTMENTS TO CABINET AND APPOINTMENT OF DEPUTY LEADER**

Councillor Foulkes, having been elected Leader of the Council, gave an acceptance speech and thanked the outgoing Leader, Councillor J Green, for his services to Wirral over the past 12 months. He also expressed his thanks to former Councillor S Holbrook, for his significant contribution as Deputy Leader of the Council.

Councillor Foulkes confirmed the appointment of Councillor PL Davies as Deputy Leader of the Council, with responsibility for the Regeneration and Planning Strategy Portfolio.

13 ADJOURNMENT

At 8.15pm the Council agreed that the meeting stand adjourned for 15 minutes.

14 MATTERS REQUIRING APPROVAL BY THE COUNCIL

The Council was requested to consider the reports of the Director of Law, HR and Asset Management on the following matters –

- (i) Appointment and Constitution of Council Committees and the appointment of Chairs and Vice-chairs to such committees.
- (ii) Appointments to Panels, Statutory and Advisory Committees, Working Parties and Miscellaneous Appointments.
- (iii) Appointment of Members (and/or other individuals) to outside bodies and organisations, together with an addendum in relation to appointments to the Merseyside Police Authority

It was moved by Councillor S Foulkes and seconded by Councillor P Davies –

1. That for the 2011/12 Municipal Year the total number of committee places (excluding those on the Standards Committee) shall be 123 and the places shall be allocated in the following proportions:

Committee	Places	Conservative	Labour	Liberal Democrat
Audit and Risk Management	8	3	4	1
Employment and Appointments	8	3	4	1
Licensing Act 2003	15	7	6	2
Licensing, Health and Safety and General Purposes	10	4	5	1
Pensions	10	4	5	1
Planning	12	5	5	2
Children and Young People	10	4	5	1
Economy and Regeneration	10	4	4	2
Health and Well Being	10	4	4	2
Sustainable Communities	10	4	5	1
Council Excellence	10	4	4	2
Scrutiny Programme Board	10	4	5	1
Total	123	50	56	17

2. That nominations for the Chairs of the above committees shall be allocated to the political groups on a proportionate basis (5:5:2) as follows:

Audit and Risk Management	Labour Group
Employment and Appointments	Labour Group
Licensing, Health and Safety and General Purposes	Labour Group
Licensing Act 2003	Labour Group
Pensions	Conservative Group
Planning	Conservative Group
Children and Young People	Conservative Group
Economy and Regeneration	Liberal Democrat Group
Health and Well Being	Labour Group
Sustainable Communities	Conservative Group
Council Excellence	Liberal Democrat Group
Scrutiny Programme Board	Conservative Group

3. That the political groups shall provide their written nominations for their places on these committees to the Director of Law and Asset Management as soon as practicable in order that they may be included in Appendix A to the minutes of this meeting.
4. That individual Committees are strongly recommended to appoint Vice-Chairs to stand in whenever Chairs are not available for meetings.

5. That Council notes the ongoing nominations of Diocesan and Parent Governor Representatives on the Children and Young People Overview and Scrutiny Committee.
6. That for the 2011/2012 Municipal Year the Standards Committee shall be constituted as follows:
 - (a) The Committee shall consist of 13 members comprising four Independent Members and nine Councillors (three Conservative, three Labour and three Liberal Democrat);
 - (b) The Chair and Vice Chairs shall be Independent Members elected by the Standards Committee;
 - (c) The Independent Members shall be –

Mr Brian Cummings (appointed to 31 October 2011)
Mr Ken Harrison (appointed to 31 October 2014)
Mr Alex Nuttall (appointed to 31 October 2012)
Mrs Stella Elliott (appointed to 31 October 2013)
 - (d) The political groups shall provide their written nominations for their places on this Committee to the Chief Executive as soon as practicable in order that they may be included in an appendix to the minutes of this meeting.
7. That the Director of Law and Asset Management be asked to convene a meeting of the three Party Leaders and deputies as quickly as possible and be given delegated authority, following that meeting, to appoint the nominations of each party for appointment to panels, statutory and advisory committees and working parties for the municipal year 2011/12, in accordance with Appendix B, where there is a set proportionality, and, where there is no proportionality, to appoint those nominations where there is all party agreement and refer any areas of dissent to the next meeting of Council for resolution.
8. That:
 - (a) The two positions on the Waste Authority be allocated one each to the Labour Group and the Liberal Democrat Group.
 - (b) The Director of Law and Asset Management be asked to convene a meeting of the three Party Leaders and deputies as quickly as possible and be given delegated authority, following that meeting, to appoint the nominations of each party for appointment to outside bodies for the municipal year 2011/12, in accordance with Appendix C, where there is a set proportionality, and, where there is no proportionality, to appoint those nominations where there is all party agreement and refer any areas of dissent to the next meeting of Council for resolution.

AMENDMENT

Proposed by Councillor J Green

Seconded by Councillor Mrs L Rennie

That, having regard to the appointment of Committee Chairs proposed, which would give de facto control of the Audit and Risk Management and Employment and

Appointments Committee to the Labour Group, the allocation of Committee places be amended as follows –

- (a) The membership of the Audit and Risk Management Committee be increased to 9 places, to be allocated in the proportion 4:4:1.
- (b) The Employment and Appointments Committee be reduced to 7 places, to be allocated in the proportion 3:3:1.
- (c) The Licensing Act 2003 Committee (15 places) be allocated in the proportion 6:7:2.

The amendment was put and lost (26:30) (9 abstentions)

The motion was put and carried (30:26) (9 abstentions)

Resolved (30:26:9) –

- (1) That for the 2011/12 Municipal Year the total number of committee places (excluding those on the Standards Committee) shall be 123 and the places shall be allocated in the following proportions:**

Committee	Places	Conservative	Labour	Liberal Democrat
Audit and Risk Management	8	3	4	1
Employment and Appointments	8	3	4	1
Licensing Act 2003	15	7	6	2
Licensing, Health and Safety and General Purposes	10	4	5	1
Pensions	10	4	5	1
Planning	12	5	5	2
Children and Young People	10	4	5	1
Economy and Regeneration	10	4	4	2
Health and Well Being	10	4	4	2
Sustainable Communities	10	4	5	1
Council Excellence	10	4	4	2
Scrutiny Programme Board	10	4	5	1
Total	123	50	56	17

- (2) That nominations for the Chairs of the above committees shall be allocated to the political groups on a proportionate basis (5:5:2) as follows:**

Audit and Risk Management	Labour Group
Employment and Appointments	Labour Group
Licensing, Health and Safety and General Purposes	Labour Group
Licensing Act 2003	Labour Group
Pensions	Conservative Group

Planning	Conservative Group
Children and Young People	Conservative Group
Economy and Regeneration	Liberal Democrat Group
Health and Well Being	Labour Group
Sustainable Communities	Conservative Group
Council Excellence	Liberal Democrat Group
Scrutiny Programme Board	Conservative Group

- (3) That the political groups shall provide their written nominations for their places on these committees to the Director of Law and Asset Management as soon as practicable in order that they may be included in Appendix A to the minutes of this meeting.
- (4) That individual Committees are strongly recommended to appoint Vice-Chairs to stand in whenever Chairs are not available for meetings.
- (5) That Council notes the ongoing nominations of Diocesan and Parent Governor Representatives on the Children and Young People Overview and Scrutiny Committee.
- (6) That for the 2011/2012 Municipal Year the Standards Committee shall be constituted as follows:
- (a) The Committee shall consist of 13 members comprising four Independent Members and nine Councillors (three Conservative, three Labour and three Liberal Democrat);
- (b) The Chair and Vice Chairs shall be Independent Members elected by the Standards Committee;
- (c) The Independent Members shall be –
- Mr Brian Cummings (appointed to 31 October 2011)
Mr Ken Harrison (appointed to 31 October 2014)
Mr Alex Nuttall (appointed to 31 October 2012)
Mrs Stella Elliott (appointed to 31 October 2013)
- (d) The political groups shall provide their written nominations for their places on this Committee to the Chief Executive as soon as practicable in order that they may be included in an appendix to the minutes of this meeting.
- (7) That the Director of Law and Asset Management be asked to convene a meeting of the three Party Leaders and deputies as quickly as possible and be given delegated authority, following that meeting, to appoint the nominations of each party for appointment to panels, statutory and advisory committees and working parties for the municipal year 2011/12, in accordance with Appendix B, where there is a set proportionality, and, where there is no proportionality, to appoint those nominations where there is all party agreement and refer any areas of dissent to the next meeting of Council for resolution.

(8) That:

- (a) The two positions on the Waste Authority be allocated one each to the Labour Group and the Liberal Democrat Group.**
- (b) The Director of Law and Asset Management be asked to convene a meeting of the three Party Leaders and deputies as quickly as possible and be given delegated authority, following that meeting, to appoint the nominations of each party for appointment to outside bodies for the municipal year 2011/12, in accordance with Appendix C, where there is a set proportionality, and, where there is no proportionality, to appoint those nominations where there is all party agreement and refer any areas of dissent to the next meeting of Council for resolution.**