

## **Motion moved in accordance with Article 7.3 (iii) (d)**

**Proposed** by Councillor Jeff Green

**Seconded** by Councillor Lesley Rennie

Council notes

(1) That under Councillor Foulkes' leadership Wirral residents have had to endure:

Two Public Information Disclosure Act Reports

A Secretary of State intervention leading to the Sue Charteris Library Report

Audit Commission Red Flag

A damning Care Quality Commission Report

A number of issues raised by the Director of Finance in the Council's own Corporate Governance Statements

District Audit qualification of the Council's ability to secure Value for Money from a contract let under his leadership

That under Cllr Foulkes' leadership extra ordinary failings have become ordinary

The overt politicisation of the Council's administration, starting with the break up of the all party approach to Council governance and the dismissal of Conservative members from an all party Cabinet. Council believes this excluding tendency was compounded by his dismissal of Conservative members from the all party 'HESPE Council members working party'

The erroneous claim by Cllr Foulkes himself that "the Martin Morton affair had proved that anyone within the council with a complaint - 'or a whistleblower, as the term has been used in this case' - would have their grievances properly investigated and acted upon." Leading Martin Morton himself to give the withering response that "This reinforced the experience repeated over the last few years of living in a parallel universe where wrong is right, bad is good and lies are truth".

The warnings from Council members following the SAR Libraries debacle of the damage his macho approach to leadership was doing to Wirral and that and that its culture, under his leadership, had become one of secrecy, fear and intimidation.

That in Cllr Foulkes' current role as Cabinet member for Finance he has refused to share any ideas or plans to meet the Council's reported £25 million budget shortfall with the public or the Council's Scrutiny Committees

(2) Council believes the published elements of the AKA report highlight:

The leadership failings of Councillor Foulkes who by refusing members calls to order an independent inquiry himself into the Martin Morton affair attempted to sweep aside Council members genuine concerns.

Cllr Foulkes' assertion that Mr Morton's grievance (generated from his concerns for some of the most the most vulnerable people in Wirral) had been properly investigated and acted upon were nothing short of appalling and have now been shown to be, as members said at the time, breathtaking in their complacency, cruelty and incompetence.

He presided over a corrosive culture leading to back covering, secrecy, intimidation and machination

(3) Council further believes:

- A one party Labour Party Cabinet Committee to refresh and renew the Council's Governance is an inadequate response to what are extraordinary failings
- The AKA report is shaming and means we cannot go on as we are and an extraordinary response is required from the Council to respond to the failings highlighted
- The lack of action on the Council Notice of Motion recommendations calling for the reintroduction of an all party Committee system of governance demonstrates Cllr Foulkes unwillingness to adopt the inclusive approach to leadership now demanded
- That accountability starts at the top

(4) Council resolves -

(i) That Cllr Foulkes be removed from the office of leader of the Council with immediate effect.

(ii) That Council elect a new Leader in accordance with Council Procedure Rule 5B

(iii) To take all necessary steps to establish and convene an all party Council Advisory Committee of 11 members (4:5:2) to oversee and guide the long term process of refreshing and renewing the Council's governance arrangements. The terms of reference for this Advisory Committee to be initially determined by the Director of Law

(iv) That with effect from the 1<sup>st</sup> November 2011 increase the size of the Employment and Appointments Committee by one to nine places (4:4:1) and decrease the size of the Planning Committee by one to 11 (4:5:2)

(5) That the next Leader of the Council is recommended to:

1. Adopt an inclusive approach to decision making, taking account of different points of view from across the Council and seeking all party engagement through an all party Cabinet/Executive Board.
2. Take immediate action, working with all political groups, to develop a committee system and supporting scheme of delegation to be completed by December 2011 and submitted to Council for adoption as soon as practicable.
3. Take immediate action, working with all political groups, to reconfigure the existing Scrutiny arrangements to allow a shadow committee system to be implemented to advise the new Leader and, using current strong leader powers of delegation to facilitate this as necessary, to be in place and in use by January 2012 at the latest with reference to extraordinary meetings of the council, if required, prior to implementation.
4. Review and, where necessary, remove or amend current officer delegations given by the Leader of the Council (including those relating to the Strategic Change Programme) to ensure transparency, effective democratic oversight and good governance.