

COUNCIL – 17 OCTOBER 2011

REFERRALS TO COUNCIL

CABINET - 21 JULY 2011

MINUTE 67 APPOINTMENT OF A PROPER OFFICER (AND OTHERS) FOR THE PURPOSES OF THE NATIONAL ASSISTANCE ACT 1948 AND 1951

A report by the Director of Law, HR and Asset Management sought approval for the appointment of:

- a Proper Officer
- a Deputy Proper Officer
- Appointed Officers

for the purposes of section 47 the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 (“the Acts”).

The authority of the Cabinet was also sought to enable the Interim Director of Adult Social Services, in consultation with the Cabinet Portfolio Leader for Social Care and Inclusion, to appoint, if considered necessary, alternative Appointed Officer(s) for the purposes of the Acts.

RESOLVED: That

- (1) Fiona Johnstone, Director of Public Health, be appointed the Council’s Proper Officer; Jane Harvey, Consultant in Public Health and Teresa Owen, Deputy Director of Public Health, be appointed the Council’s Deputy Proper Officers; and Debbie Mayor, Deputy Director Strategic Partnerships, and Rick O’Brien, Head of Branch (DASS), be appointed as Appointed Officers for the purposes of section 47 the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951.**
- (2) the Director of Adult Social Services, in consultation with the Cabinet Portfolio Leader for Social Care and Inclusion, be authorised to appoint, if considered necessary, alternative Appointed Officer(s) for the purposes of the National Assistance Act 1948 and National Assistance (Amendment) Act 1951;**
- (3) the Council be recommended to amend the Council’s Scheme of Delegations to Officers contained within the Council’s Constitution to include:**
 - **the appointment of the named Proper Officer and Deputy Proper Officers in paragraph (1); and**
 - **the authority delegated to the Director of Adult Social Services in paragraph (2)**

for the purposes of the National Assistance Act 1948 and National Assistance (Amendment) Act 1951.

MINUTE 76 LOCAL DEVELOPMENT FRAMEWORK – LIVERPOOL CITY REGION OVERVIEW STUDY

A report by the Interim Director of Corporate Services informed Members of the main findings of the Housing and Economic Development Evidence Base Overview Study for the Wider Liverpool City Region (“the Overview Study”), produced by GVA on behalf of the Councils of Sefton, Knowsley, Liverpool, St Helens, West Lancashire and Wirral. The Overview Study examined whether a sufficient, appropriate and deliverable supply of land was available to meet housing and employment requirements across the study area. It also assessed the extent to which any excess supply in one or more local authority area(s) could be used to meet the needs of neighbouring or other local authorities, as part of the need to consider cross-boundary interactions in the preparation of the Core Strategy for Wirral. Once endorsed, the study would form part of the evidence base for the Local Development Framework for Wirral.

In terms of housing, results indicated that potential supply and demand, across the study area as a whole, was likely to be relatively balanced over the period from 2010 to 2031, although the more local position differed within individual authorities. Wirral, Liverpool and Halton demonstrated sufficient capacity to meet likely future housing requirements, while Sefton, Knowsley, St Helens and West Lancashire faced a position of potential undersupply of housing land beyond 2020. The potential for authorities in a position of oversupply (including Wirral) to absorb the potential shortfalls within other authorities was, however, considered to be limited by recent patterns of migration, the localised nature of the majority of household moves and the pattern and extent of local housing needs. The Study, nevertheless, noted the ability of planning policies and regeneration initiatives to influence future housing market relationships and highlighted the potential for city centre and waterfront developments in Liverpool and Wirral to absorb some of the younger, more ‘mobile’ households generated within surrounding authorities.

In terms of employment land, sufficient supply was identified in the short-term to accommodate employment growth across the core area, with potential shortfalls expected to emerge in Halton, Knowsley, West Lancashire and Cheshire West and Chester over the medium to longer-term. These conclusions were based on the assumption that the current employment land supply within each of the local authorities would be protected and maintained.

The Overview Study recommended that each local authority continued to monitor the supply/requirement position and that authorities facing a potential undersupply should closely examine the extent of additional land that may be required. With regard to housing this could include consideration of the potential release of Green Belt but this should only be undertaken where needs could not otherwise be met by alternative means and in accordance with prevailing national planning policy.

RESOLVED: That

- (1) it be recommended to the Council that the findings the Housing and Economic Development Evidence Base Overview Study for the Wider Liverpool City Region are used to inform the content of the emerging Local Development Framework for Wirral and are adopted as a material planning consideration in the determination of individual planning applications; and**
- (2) the Housing and Economic Development Evidence Base Overview Study for the Wider Liverpool City Region Main Report and Technical Reference Report, attached to the report, be published for comment alongside the Draft Core Strategy for Wirral.**

CABINET - 1 SEPTEMBER 2011

MINUTE 96 LOCAL DEVELOPMENT FRAMEWORK – LOCAL GEOLOGICAL SITES UPDATE

A report by the Interim Director of Corporate Services advised the Cabinet of the proposed changes to the schedule of Sites of Local Importance for Earth Science identified since the adoption of the Wirral Unitary Development Plan in 2000. The report proposed that Cabinet recommend to the Council that it formally adopts the revised schedule of Local Geological Sites as a material consideration for use by the Planning Committee in the determination of individual planning applications.

RESOLVED:

That the Cabinet recommend to Council that the revised schedule of Local Geological Sites, attached to the report, be adopted as a material consideration for use by the Planning Committee in the determination of individual planning applications and be used to form part of the evidence base for the emerging Local Development Framework for Wirral.

CABINET – 22 SEPTEMBER 2011

MINUTE 123 REVISION OF THE COUNCIL’S CONTRACT PROCEDURE RULES

Further to minute 74 (21/7/11) the Director of Law, HR and Asset Management sought Cabinet approval for the revision of the Council’s Contract Procedure Rules (“CPR”). The CPR formed part of the Council’s Constitution and therefore the proposed changes could only take effect once approved by Council. If Cabinet was agreeable to the revision made to the CPR, Council would be recommended to endorse the revision at its meeting on 17 October 2011.

The revision of the CPR had principally been undertaken so as to address issues raised by the Audit Commission following their review of the Council's Highway and Engineering Services Procurement Exercise ('HESPE').

The Council had agreed, as part of the action plan endorsed by the Audit Commission, to revise the CPR to improve (amongst other things) clarity in relation to the governance arrangements, in-house bids, roles of officers and the tender process.

Resolved –

- (1) That Cabinet approves the revised Council's Contract Procedure Rules as set out at Appendix 1 to the report.**
- (2) That Cabinet recommend the Council approve the revised Council's Contract Procedure Rules as set out at Appendix 1 to the report.**

MINUTE 125 LOCAL DEVELOPMENT FRAMEWORK – JOINT MERSEYSIDE WASTE DEVELOPMENT PLAN DOCUMENT

The Interim Director of Corporate Services reported that Wirral Council had formally agreed with the councils for Knowsley, Liverpool, Sefton and St Helens (Council, 11 July 2005, minute 20 refers) and Halton (Council, 30 October 2006, minute 50 refers) to prepare a single joint Waste Development Plan Document to cover the whole of Merseyside and Halton.

Four stages of public consultation had already taken place over previous years. Approval was now being sought from each of the six partner authorities to enable the draft Waste DPD, submitted as an appendix to the report, to be published for six weeks and submitted to the Secretary of State for public examination. The report also recommended that provision was made to delegate decisions to the Interim Director of Corporate Services and the Portfolio Holder for Regeneration and Planning Strategy to make typographical changes and to enable the Council to respond quickly to any comments raised following the publication of the draft Waste DPD and during the following public examination.

It was noted that approval of the publication and submission of the Waste DPD would require a decision of the Council.

Resolved -

- (1) That Cabinet notes the findings of the Preferred Options 2 Consultation on New Sites Results of Consultation Report, as attached to the report.**
- (2) That Cabinet recommend to Council that the spatial distribution of one sub-regional site per district be approved.**
- (3) That Cabinet recommend to Council that the draft Joint Waste Development Plan Document for Merseyside and Halton, as attached to the report, is**

published for final representations on the soundness of the plan and is submitted to the Secretary of State for public examination.

- (4) That Cabinet recommend to Council that delegated authority be given to the Interim Director of Corporate Services to make any necessary minor changes to the Waste DPD and in addition in consultation with the Portfolio Holder for Regeneration and Planning Strategy to approve any changes necessary to secure the soundness of the plan, before and during the public examination of the Waste DPD.**

MINUTE 132 COCKLING OFF THE LEASOWE TO NEW BRIGHTON COAST

The Director of Law, HR and Asset Management submitted a report which updated the Cabinet in respect of the actions that had been taken to mitigate the potentially adverse impact to Wirral residents arising from the harvesting of cockles from the Leasowe/New Brighton Beds.

The report also sought an amendment to the Council's Constitution in relation to responsibility for Sea Fisheries matters. This responsibility was currently listed within the responsibilities of the Cabinet Member holding the Environment Portfolio, which suggested that it was an Executive function. However, this was an erroneous allocation, as Sea Fisheries was a Council function by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). As such, the Cabinet might wish to consider recommending to Council that responsibility for matters relating to Sea Fisheries should be included within the terms of reference of the Licensing, Health & Safety and General Purposes Committee.

Resolved -

- (1) That Cabinet recommends to Council that the Director of Law, HR and Asset Management be requested to write to the North West Inland Fisheries Conservation Authority (NWIFCA), urging that: consideration be given to the adequacy of the control regime pertinent to the Leasowe/ New Brighton Shellfish Bed; with a view to NWIFCA taking the necessary steps (including the use of Orders under the Sea Fisheries (Shellfish) Act 1967), to provide effective controls to help protect those Wirral residents affected by the harvesting activity and the sustainability of the fishery.**
- (2) That Cabinet recommends to Council that the responsibilities in relation to Sea Fisheries matters be delegated the Licensing, Health & Safety and General Purposes Committee.**
- (3) That once Council allocates responsibility for Sea Fisheries matters, the Leader amends the extent of the Environment Portfolio by deleting reference to Sea Fisheries.**

LICENSING, HEALTH & SAFETY AND GENERAL PURPOSES COMMITTEE –
21 SEPTEMBER 2011

**MINUTE 9 UPTON WOODS VILLAGE GREEN APPLICATION – APPOINTMENT
OF INSPECTOR TO HOLD A PUBLIC INQUIRY**

Councillor C Blakeley declared a personal interest in this matter by virtue of being a neighbouring ward Councillor.

The Director of Law, HR and Asset Management reported that the Council was the Registration Authority under s15 of the Commons Act 2006 and therefore responsible for determining applications made under that legislation for the registration of land as a Town or Village Green. Counsel advised that the Registration Authority should only proceed to consider an application to which there were objections after receiving the report of an independent expert who had, at the registration authority's request, held a non-statutory inquiry.

The Registration Authority had received an application for registration of land at Upton Woods, Moreton as a Town and Village Green. Following publication of the statutory notice, objections had been received. The Committee was therefore requested to approve the appointment of an independent expert to hold a public inquiry into the application and to make a report to the Committee prior to the Committee determining the application.

The Committee was also requested to recommend to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority to approve the appointment of an independent expert to hold a public inquiry relating to s15 Commons Act 2006 applications where there were objections to the application.

It was moved by Councillor C Blakeley and seconded by Councillor I Lewis that -

“This Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent expert be requested to then report to this Committee prior to the Committee determining the application.
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee to approve the appointment of an independent expert to hold a public inquiry

relating to S15 Commons Act 2006 application where there are objections to such an application and that this be done prior to 31 October 2011.”

Reference was subsequently made to an email having been sent from a Cabinet Member to the Director of Law, HR and Asset Management and some Members of the Committee regarding this matter. As a consequence, Councillors B Davies, C Jones and J Salter abstained from voting on this matter.

The motion was put and carried (7:0).

Resolved (7:0) (3 abstentions) -

That this Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent expert be requested to then report to the Committee prior to this Committee determining the application.**
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.**
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and that this be done prior to 31 October 2011.**

MINUTE 10 THE WARRENS DEMONSTRATION AREA VILLAGE GREEN APPLICATION – APPOINTMENT OF INSPECTOR TO HOLD A PUBLIC INQUIRY

Councillor I Lewis declared a personal interest in this matter by virtue of a family members' employment.

Councillor M Johnston declared a prejudicial interest in this matter by virtue of the fact that a close relative occupies the premises adjacent to the site and left the room during its consideration.

The Director of Law, HR and Asset Management reported that the Council was the Registration Authority under s15 of the Commons Act 2006. It was therefore responsible for determining applications made under that legislation for the registration of land as a Town or Village Green. The Council was also the landowner of The Warrens Demonstration Area site. Counsel had advised that the Registration Authority should only proceed to consider an application to which there were

objections and where the Council was also the landowner, after receiving the report of an independent expert who had, at the registration authority's request, held a non-statutory inquiry.

The Registration Authority had received an application for registration of land at The Warrens Demonstration Area, Thingwall, as a Town and Village Green. Following publication of the statutory notice, objections had been received. The Committee was therefore requested to approve the appointment of an independent expert to hold a public inquiry into the application and to make a report to the Committee prior to the Committee determining the application.

The Committee was also requested to recommend to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority to approve the appointment of an independent expert to hold a public inquiry relating to s15 Commons Act 2006 applications where there were objections to the application and where the Registration Authority was also the landowner.

It was moved by Councillor C Blakeley and seconded by Councillor I Lewis that -

“This Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent expert be requested to then report to the Committee prior to this Committee determining the application.
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee and where the Council is landowner and interested party the portfolio holder for Corporate Services formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee and where the Council is land owner and interested party the portfolio holder for Corporate Services to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and where the registration authority is also land owner and that this be done prior to 31 October 2011.”

Reference was subsequently made to an email having been sent from a Cabinet Member to the Director of Law, HR and Asset Management and some Members of the Committee regarding this matter. As a consequence, Councillors B Davies, C Jones and J Salter abstained from voting on this matter.

The motion was put and carried (6:0).

Resolved (6:0) (3 abstentions) -

That this Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent expert be requested to then report to this Committee prior to the Committee determining the application.**
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee and where the Council is landowner and interested party the portfolio holder for Corporate Services formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.**
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee and where the Council is land owner and interested party the portfolio holder for Corporate Services to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and/or where the registration authority is also land owner and that this be done prior to 31 October 2011.**