

Council – 12 December, 2011

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(4) and the times for speeches by Standing Order 12(8) (all other speakers have 3 minutes).

1. MOTION: POLICIES AFFECTING WOMEN

Proposed by Councillor Bernie Mooney (7 minutes)

Seconded by Councillor Chris Jones (3 minutes)

(1) This Council calls on the coalition government to reconsider a number of policies which are disproportionately affecting women. These policies appear to have been developed without any form of equality assessment of risk to women, these include:

- (i) Job cuts in the public sector
- (ii) Female unemployment at a 23-year-high
- (iii) Changes to the benefit system affecting childcare
- (iv) Changes to the NHS
- (v) The appalling state of care for the elderly
- (vi) Education and student fees
- (vii) Food price inflation
- (viii) Price of petrol
- (ix) Changes to pensions
- (x) The whole direction of the deficit reduction programme and its effect on day to day life

(2) Council calls on David Cameron to stop trying to simply appeal to women voters with populist policies such as offering caesarean section to all who want it.

(3) Council believes that if the coalition puts women's rights and issues at the heart of policy formation and development they may not look so arrogant and out of touch with the needs of female voters.

Right of reply: Councillor Bernie Mooney (7 minutes)

2. MOTION: COUNCIL PROCESSES AND PURPOSE

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

- (1) Council notes the ongoing activity to improve the Council's Corporate Governance processes.
- (2) Council believes that as the activity to improve its processes continues it becomes even more important to restate our purpose.
- (3) Council therefore commits itself to the following principles:

- A commitment to making Wirral a bigger and stronger society.
- Creating the environment and developing the skills needed to make Wirral a place where local employers succeed and businesses choose to invest – an economy with high levels of private sector employment, which retains and attracts our young people and provides the job opportunities for all to realise their full potential.
- Placing the views of Wirral, residents, employers, Community and Voluntary groups at the heart of all we do, providing opportunities for people to improve their neighbourhoods, lives and those of their families, ensuring that no part of Wirral is ignored.
- Actively supporting the Coalition Government's commitment to ending child poverty by 2020, providing support services to children, young people and their families that help to alleviate the effects of poverty and, in the long term, break inter-generational cycles of deprivation.
- Providing services that meet the needs and aspirations of all Wirral people, fostering a real pride in the borough, ensuring high standards of cleanliness, environmental protection and public safety, creating a clean, safe and sustainable environment.
- Working everyday to keep children and vulnerable people safe and tackle the gross inequalities in health and education outcomes experienced by our residents. Services provided for our most vulnerable, disadvantaged or excluded citizens, wherever they may live, should be founded on fairness, raise aspirations, promote choice and improve quality of life.

AMENDMENT

Proposed by Councillor Steve Foulkes (7 minutes)

Seconded: Councillor Phil Davies (3 minutes)

Add the following:

Council notes the principles set out in this motion and recognises that they have already been incorporated in the re-fresh of the Corporate Plan agreed by Cabinet on the 8th December.

Council is concerned that a number of the principles included in the list in this motion, eg. ending child poverty and creating a sustainable environment, have been made more difficult to achieve as a direct result of the announcements in the Chancellor of the Exchequer's Autumn Statement and the coalition government's draconian cuts to local government budgets.

Right of reply: Councillor Jeff Green (7 minutes)

3. MOTION: ADOPTION - BEING THE BEST CORPORATE PARENTS

Proposed by Councillor Mark Johnston (7 minutes)

Seconded by Councillor Pat Williams (3 minutes)

Council:

- (1) Congratulates the Acting Director of Children's Services and his staff on the achievement of the "performing excellently" rating from Ofsted in relation to the quality of children's services in Wirral and believes that this is fair recognition for the work undertaken over the past few years to ensure that the council provides the highest level of service possible for children and young people in our community.
- (2) Notes that Wirral Council currently looks after 679 children (102 children per 100,000 population - the 5th highest in the North West). The recent release of the Children in Care Performance tables from DfE show that, as an average for the 3 year period 2008-2010, Wirral Council is ranked 105th out of 143 authorities in terms of percentage of children (69%) who are adopted within 12 months of the decision being taken that adoption is the best route.
- (3) Recognises that there can be many complex and different reasons why adoption placements can sometimes take longer than 12 months, such as large sibling groups or complex health needs. In these circumstances the stability of placement is critical and Wirral has a good record in this area with just 1 unplanned ending out of 24 placements in the year to May 2011. Ofsted's Adoption inspection report of June 2011 noted, "The very low disruption rate indicates that children are appropriately matched with their adoptive parents".
- (4) Welcomes the recommendations of the Government's recent Family Justice Review, particularly those that focus on tackling delays in the family justice system.
- (5) Believes that, in those circumstances where the risk to a child is too great for that child to remain in the care of his or her natural family, adoption is normally the best opportunity of securing positive life chances for that child, particularly if the adoption can happen in the child's first few years.

- (6) Further, believes that the current system can be too slow to recognise where adoption is the preferred option and then take swift action to ensure that adoption is speedy and suitable in those cases.
- (7) Therefore, instructs the Acting Director of Children's Services to bring forward a report to the Children and Young People OSC setting out:
- (i) How decisions around the adoption system are made (including the approval processes for prospective adoptive parents) and how they might be speeded up and improved for those children in care where adoption is likely to be the best outcome for providing a stable, permanent home.
 - (ii) An explanation of the relational link between the Fostering and Adoption team, the support provided by foster carers when children move from foster care to adoption and any weaknesses in process highlighted, with recommendations to improve any issues.
 - (iii) An explanation of the impact of the Family Courts on the adoption process, with suggestions given as to how to better work with and strengthen the existing approach by the Merseyside Family Court Justice Council to improve the likelihood of appropriate and timely adoptions, taking account of the recommendations and proposals set out in the Family Justice Review.
 - (iv) The potential for further development of a peer mentoring scheme for new adoptive parents to provide more support in the early days of adoption and further reduce the risk of placement failure.

Right of reply: Councillor Mark Johnston (7 minutes)

4. MOTION: CORPORATE GOVERNANCE

Proposed by Councillor Steve Foulkes (7 minutes)

Seconded by Councillor Phil Davies (3 minutes)

This Council:

- (1) Welcomes the recommendations in the AKA report regarding corporate governance.
- (2) Supports the steps which have been taken by the administration to begin to implement these recommendations, i.e.
 - (i) Setting up a Cabinet Committee including the Leaders of the opposition groups;
 - (ii) developing a work programme including ten key lines of enquiries based on the AKA report;
 - (iii) inviting all members of the Council to get involved in contributing to the work programme;

(iv) Setting up a dedicated Change Team to drive this forward;

(v) holding an initial meeting with the Local Government Association to explore external support which is available.

(3) Records its appreciation to Ms Anna Klonowski for agreeing to provide additional support to enable the Council to put the necessary measures in place to improve our corporate governance and for providing a helpful presentation at the recent members' seminar.

(4) Re-iterates the importance of elected members putting aside political differences and working together with staff, the public and other key stakeholders to deliver good corporate governance.

AMENDMENT

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

Insert an additional paragraph:

(5) Acknowledges that at the Local Elections in May 2011, the people of Wirral voted that no one political party should run this Council. In order to reflect the wishes of our electorate and work to achieve excellent Corporate Governance the Leader of the Council, if he truly believes that all political differences should be put aside, could mend this 'Broken Council' by immediately forming a Cabinet made up of members from ALL political groups.

AMENDMENT

Proposed by Councillor Tom Harney (7 minutes)

Seconded by Councillor Phil Gilchrist (3 minutes)

Add new paragraph to end:

(5) However, Council is concerned:

(i) The current Administration has so far failed to consult the public and carry out meaningful consultation on next year's Budget, leaving the authority at risk of legal challenge.

(ii) The current Administration has failed to engage and involve the Council's OSCs in the development of the Council's Budget and Policy Framework, despite previous assurances by the Leader that he would do so.

(iii) At the removal of the results of the Budget Simulator from public view from the Council's website after the closure of the Simulator.

(iv) The current Administration has repeatedly failed to produce and publish important Cabinet reports in good time, prior to those meetings taking place, reducing the opportunities for elected members to constructively challenge recommendations and performance.

- (v) Important decisions on governance improvements are being made without full publication of all the relevant information.
- (vi) That, until the current Administration changes the way it works, poor governance is likely to continue.

Right of reply: Councillor Steve Foulkes (7 minutes)

5. MOTION: DUTY TO INVOLVE, INFORM AND CONSULT

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

Council notes that at its meeting on 18th July 2011 Council agreed the following resolution:

(1) This Council:

- (i) Reaffirms its commitment to enhanced community engagement to ensure that major policy decisions include more robust processes of public consultation, as appropriate, before decisions are taken, as agreed unanimously by Notice of Motion at Council on 15 February 2010.
- (ii) Believes that last year's Wirral's Future consultation, using the task force model and public questionnaire, followed the principles set out in that Notice of Motion to:
 - Share the problem or issue and develop broad support on the need for change before progressing on to possible solutions;
 - Develop a 'green paper' approach to setting out options and possible solutions within the operational, policy and financial constraints with genuine opportunity for people to influence decision making, and;
 - Improve the use of the Council's website as a consultation portal, with a list of active consultations in progress and with the relevant supporting documents available as downloads.
- (iii) Acknowledges the need for consultation to include a strong independent element and recognises the crucial work of the independent task forces - comprised of experts in their thematic fields - and thanks them again for their work.
- (iv) Also believes that this approach played a substantial and legitimate role in achieving a balanced Budget for 2011/12 whilst protecting services, cutting the cost of running the Council and ensuring no compulsory redundancies.
- (v) Calls on the Leader to:
 - Confirm the venues and dates at which the public will have the opportunity to take part and notes that, at this stage of the successful 'Wirral's Future' consultation in 2010, the main programme had already circulated.

- Confirm which organisations, employers, service users and partners are involved in the consultation, noting that, at this stage of the successful 'Wirral's Future' consultation in 2010, this information was already available.
 - Publish the names of the individuals who have written the questionnaire and the names of those who will consider the responses from the public and notes that, at this stage of the successful 'Wirral's Future' consultation in 2010, this information had already been circulated.
 - State how many contacts and how many qualitative responses will be considered a 'success', noting his Party's criticism of the contact with more than 40,000 people and 5,500 completed questionnaires in the successful 'Wirral's Future' consultation in 2010.
- (2) Council notes that five months on from passing this resolution the Leader of the Council has still not complied with the content of this resolution.
- (3) Therefore Council calls on the Leader of the Council:
- to apologise to Council for ignoring its democratically expressed wishes
 - to write to all members of the Council explaining the Council's legal responsibilities to involve, inform and consult on its services with residents and stakeholders and how robust processes of public consultation, before budget decisions are taken, is to be achieved prior to introducing its 2012 – 2013 budget.

AMENDMENT

Proposed by Councillor Phil Davies (7 minutes)

Seconded by Councillor Steve Foulkes (3 minutes)

Delete all. Replace with:

- (1) Council notes that two extensive Consultations have already taken place this year, one leading to the creation of Neighbourhood Plans, setting out particular priorities for individual neighbourhoods, and the other a Budget Simulation exercise which has given all those who are interested the opportunity to participate in a budget setting exercise, and in so doing to allow an analysis of favoured priorities. Both these exercises will inform the budget setting process.
- (2) Council notes that this is in addition to the widely publicised, if flawed, consultation, which took place last year which again drew conclusions on the priorities of Wirral residents.
- (3) Council is mindful of the guidance in the central government Code of Practice on consultation which refers to the "burden of consultation" and states that "formal consultation should not be entered into lightly".
- (4) Council is also mindful of the fact that Consultation may well be required where a reduction or change in funding alters the level of service provided and affects third parties, and that there are particular responsibilities where services to

people with disabilities are concerned, and that that Consultation would need to be very specific to the service altered and the relevant service users.

- (5) Council notes that, should such a situation arise, the Chief Executive has been granted delegated powers, in consultation with the Leadership of the Council to carry out the relevant consultation.
- (6) Council also notes that, given the upheaval and instability created by last year's budget, including the loss of a fifth of the Council's workforce, which did not form part of any consultation, it is the stated aim of this administration to do all in its power to avoid any further destabilisation or dramatic cuts in services and that its budget will be designed to avoid further trauma if possible.
- (7) Council expresses its concern that the Chancellor's Autumn Statement which seeks a further £15 billion cuts in the Public Sector may well have a serious impact on Local Authority Funding, which is already in a state of crisis, but the timescale of that impact is not yet known.

Right of reply: Councillor Jeff Green (7 minutes)

**6. OBJECTION: MINUTE 210 (CABINET – 8 DECEMBER, 2011)
CORPORATE PLAN 2012/13 – UPDATE
Item 6 (iii) – Matters Requiring Approval by the Council**

Proposed by Councillor Tom Harney (7 minutes)

Seconded by Councillor Dave Mitchell (3 minutes)

- (1) That a decision on the Corporate Plan be postponed and deferred to the next Full Council meeting and that, in the meantime, the Corporate Plan is referred to all the Council's OSCs for scrutiny. In line with Article 6 of the Constitution, OSCs to consider those parts of the Corporate Plan within the remit of each committee, with Council Excellence OSC carrying out its coordinating role in line with Clause 23 of the Constitution relating to Council Excellence, specifically "the overall production of the Corporate Plan." That a report to the next Council be made on the views of the OSCs.
- (2) Council notes that the Corporate Plan was not issued with the Council Summons and therefore elected members have not had sufficient time to consider this important document, nor have they been sufficiently engaged in its development, despite the previous assurances of the Leader of the Council to include OSCs in the development of the Budget and Policy Framework."

Right of reply: Councillor Steve Foulkes (7 minutes)

7. MOTION: EMPLOYMENT RIGHTS

Proposed by Councillor Brian Kenny (7 minutes)

Seconded by Councillor Adrian Jones (3 minutes)

- (1) This Council is extremely concerned that the Government has announced its intention to give companies greater freedom to sack employees as part of an overhaul of employment laws, to boost economic recovery.
- (2) Council is also concerned at plans to double the qualifying period for unfair dismissal claims and to introduce a fee for lodging an employment tribunal claim for unfair dismissal.
- (3) Council believes that it is typical of this Government to claim that the only way to bring unemployment down is to make it easier to sack people and reduce their employment rights.
- (4) Instead of attacking these rights, Council believes that the Government should reverse its disastrous economic policies, which have produced near-record levels of unemployment, and to produce a plan to restore much-needed growth.

AMENDMENT

Proposed by Councillor Andrew Hodson (7 minutes)

Seconded by Councillor Simon Mountney (3 minutes)

Delete all after (1) This Council and insert:

endorses the changes proposed by the Government with regards to Employment rights and it recognises whilst providing protection to employees the system does need to be made simpler for both employers and employees.

AMENDMENT

Proposed by Councillor Stuart Kelly (7 minutes)

Seconded by Councillor Tom Harney (3 minutes)

Paragraph (1) – delete “to boost economic recovery”

Delete paragraphs (3) and (4) and insert new paragraph (3):

- (3) Council believes that boosting economic growth is not reliant upon changes to employment rights.

Right of reply: Councillor Brian Kenny (7 minutes)

8. MOTION: PARKS AND COUNTRYSIDE SERVICE PROCUREMENT EXERCISE (PACSPE)

Proposed by Councillor David Elderton (7 minutes)

Seconded by Councillor Tom Anderson (3 minutes)

- (1) Council notes with disappointment Cabinet's decision to ignore the views of the Council's Sustainable Communities Overview and Scrutiny Committee and abandon the Parks & Countryside Procurement Exercise
- (2) Council notes that this abandonment will result in the following Corporate Plan target not being met: 'Successfully deliver the Parks and Countryside Services Procurement Exercise to enable proposed contract benefits to be achieved by January / February 2012.'
- (3) Council expresses its serious concern that when reviewing the Cabinet's decision, the Council's Sustainable Communities Overview and Scrutiny Committee found:
 - 'No mention or discussion took place regarding stakeholder management or the views of key stakeholders about the benefits of clear quality improvements that were built into the procurement exercise. In fact, other than the views of the Council Trades Unions, the results of consultation and the views of park users and user groups were not even mentioned by a single Cabinet Member at the meeting'.
 - 'No mention was made of the training and development programme for staff and volunteers or the three to six new apprentices to be created as part of PACSPE'.
 - 'Insufficient account appeared to be taken of the reduction from costs of £8.1 million per year to £7.4 million per year already achieved by the PACSPE process with the potential to reduce costs by a further very large sum'.
 - And that it was 'hard to understand how the Leader of the Council characterised the potential savings as marginal'.
- (4) Council is therefore drawn to sharing the conclusions of the Sustainable Communities Overview and Scrutiny Committee that 'the decision to refuse to award the PACSPE contract will see the ever decreasing quality of a service starved of investment by this administration which is already characterised by going for the quick fix instead of making the difficult but necessary strategic decisions in the interests of Wirral residents.

AMENDMENT

Proposed by Councillor Chris Meaden (7 minutes)

Seconded by Councillor Chris Jones (3 minutes)

Delete all. Replace with:

Council re-iterates the position outlined in the resolution carried by the Cabinet on November 3rd (Minute 173) and reminds members again of:

- The seriousness of the qualification by the District Auditor of the Council's Value for Money Statement.
- The warning that members should be aware of the increased risk of letting a ten year contract if there is only very limited information on the costs and activity levels of the existing service against which to monitor whether or not the new contract provides Value for Money.
- The fact that the cost of contractual inflation over a period of three years at current CPI levels would erode any savings delivered by outsourcing the contract and in subsequent years could increase costs to the Council.

Council believes that it is now time to look forward.

It welcomes the fact that the Managers and workforce within the Parks and Countryside Service are working together to deliver a new improved service for the people of Wirral and that so far timescales contained within the business plan have been met. Plans are in place for the transfer of staff from Continental Landscapes back to the Council and there is universal determination to demonstrate that the Council can provide true Value for Money and an excellent service in the future.

Right of reply: Councillor David Elderton (7 minutes)

9. MOTION: AFFORDABLE HOMES

Proposed by Councillor Alan Brighthouse (7 minutes)

Seconded by Councillor Stuart Kelly (3 minutes)

- (1) Council welcomes the recent Coalition Government announcement to support first time buyers through the introduction of government supported 95% mortgages as part of a strategy to tackle housing shortage, boost the economy, create jobs and get more people on to the housing ladder.
- (2) Council notes that, under this new mortgage indemnity scheme, the Government will underwrite a percentage of each loan on newly built property, meaning buyers will not have to raise as much towards a deposit.
- (3) Council also notes that this scheme sounds very similar to the 'Lend a Hand' local authority mortgage scheme referenced in the Notice of Motion "Mortgage

Support for First Time Buyers”, aimed at first time buyers finding it difficult to raise the 20-25% deposit needed to obtain an affordable mortgage interest rate and agreed unanimously at Full Council on 18th April 2011 (Minute 118).

- (4) Council agreed that this scheme had the potential to support housing markets in areas at risk of housing market failure, stimulating the local housing market and benefiting the wider local economy
- (5) Council is reminded that the Director of Finance was instructed to bring forward a report reviewing the impact of the ‘Lend a Hand’ local authority mortgage scheme and any lessons that would need to be learnt prior to the implementation of such a scheme in Wirral.
- (6) Given that the Government continues to endorse the principle of public sector backed top up mortgages, the Economy and Regeneration OSC is urged to request a report from the Acting Director of Regeneration, Housing and Planning on how Wirral can be at the vanguard of any implementation plan of the Government’s scheme.

AMENDMENT

Proposed by Councillor George Davies (7 minutes)

Seconded by Councillor Pat Hackett (3 minutes)

Add the following:

- (7) Council welcomes and supports this scheme which will add to the tools available to allow people more options to access home ownership in the current challenging climate.
- (8) Council recognises that this is an opportunity to boost the local housing market by supporting access to home ownership and employment opportunities.
- (9) Council believes it will enable greater choice when offered alongside our original intended scheme, which is to support access to mortgages for first time buyers to purchase from the existing stock in the borough.

Right of reply: Councillor Alan Brighthouse (7 minutes)

10. MOTION: BYE-LAW BANNING DOGS FROM CHILDREN’S PLAY AREAS

Proposed by Councillor Jean Stapleton (7 minutes)

Seconded by Councillor Brian Kenny (3 minutes)

- (1) Council is concerned about irresponsible dog walkers who allow their dogs to enter enclosed children’s play areas.
- (2) Council asks for the Director of Law, HR and Asset Management to report back to Cabinet on the process for producing a new bye-law or other appropriate

measures to give the Council powers to impose sanctions on dog walkers who deliberately allow their animals to enter enclosed children's play areas.

- (3) Council also asks the Director of Law, HR and Asset Management to report back to Cabinet on a new bye-law obliging all dog walkers to carry an appropriate bag at all times when walking their dog.

AMENDMENT

Proposed by Councillor Pat Williams (7 minutes)

Seconded by Councillor Mark Johnston (3 minutes)

Paragraph (2) – delete “on the process for” and replace with “on the feasibility of”

Paragraph (3) – insert “the feasibility of” after “report back to Cabinet on”

Right of reply: Councillor Jean Stapleton (7 minutes)

11. MOTION: AKA REPORT

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Simon Mountney (3 minutes)

- (1) Council notes it has been seven months since the former leader of the Council requested Officers to contact Mr Martin Morton to offer him a position back with the Authority following the report of Mr Martin Smith, Independent Associate Consultant, North West Employers and that to date, due to a lack of urgency by the new administration, this matter has still not been resolved.
- (2) Council further notes it has been over two months since the Leader of the Council received the two AKA reports, commissioned by the then leader of the Council, into the circumstances surrounding the Martin Morton 'scandal.'
- (3) Council believes that justice delayed is justice denied and calls for the immediate publication of the additional two AKA reports (Executive Summary & Full Report) into this matter.

AMENDMENT

Proposed by Councillor Adrian Jones (7 minutes)

Seconded by Councillor George Davies (3 minutes)

Replace paragraphs (1) (2) and (3) with the following new paragraphs:

- (1) Council does not believe it appropriate for negotiations between an individual and the Council to be made the subject of a public debate at Council. Council recognises however that these negotiations have been protracted and urges those concerned to reach a speedy conclusion in the interests of all concerned.

- (2) Council welcomes the fact that the AKA inquiry, commissioned by the former Leader of the Council, identified key issues of Corporate Governance which needed to be addressed, dating back through several different forms of political administration, from Majority, to Minority, to Coalitions of different persuasions. Council further welcomes the fact that this report was published as rapidly as possible to allow all three parties to work together to tackle the challenges to good Corporate Governance on Wirral.
- (3) Council believes that the Leader of the Conservative Group is well aware of the legal constraints on publication of the remaining elements of the report until a Right of Reply process has been completed and it is disingenuous for him to imply that there is any other reason for its delay, or that the Leader of the Council is in some way “sitting” on a draft report that has been shared with opposition leaders.
- (4) Council further believes that natural justice is best served by allowing the Right of Reply process to be completed before publication and preserving proper confidentiality until that point, as good Corporate Governance would demand.

Right of reply: Councillor Jeff Green (7 minutes)

12. MOTION: CASHLESS SCRAP METAL TRADE

Proposed by Councillor Dave Mitchell (7 minutes)

Seconded by Councillor Ann Bridson (3 minutes)

- (1) This Council notes with great concern the level of metal theft across our Borough, and the effect of this crime on our community, including on homeowners, businesses, places of worship, community buildings, heritage assets, war memorials and infrastructure providers. According to Merseyside Police, almost 6 crimes per day (5.8) are related to theft of metal. This equates to 2.1% (more than one in 50) of all recorded crimes.
- (2) Council welcomes the e-petition launched (by Walsall Council <http://epetitions.direct.gov.uk/petitions/406>) on the official Government website calling for a change to the Scrap Metal Merchants Act 1964, to prohibit cash transactions, and make payment by cheque or bank transfer mandatory, providing an audit trail when thefts are detected or stolen or suspect materials are recovered.
- (3) Council welcomes the proposal of the Metal Theft (Prevention) Bill to Parliament by Hyndburn MP Graham Jones, aimed at establishing a robust licensing scheme for scrap metal dealers coupled with greater police and judicial powers to close scrap yards found flouting the law.
- (4) Council also welcomes the Government review into what else needs to be done to tackle the issue of metal theft.
- (5) Therefore, Council calls on the Leader to request:

- (i) That the Chief Executive contact Wirral's four Members of Parliament, and the Home Secretary, to inform them of Wirral Council's support for this legal change, and to request their support;
 - (ii) That the e-petition be publicised on the Council's website, along with advice on preventing such thefts, or on measures which may help to identify thieves such as the use of smart water, in partnership with the local Police and other partners, as appropriate.
- (6) Further, Council instructs the Director of Law, HR and Asset Management to prepare a report for the next Sustainable Communities OSC on current levels of metal thefts, the steps that are being taken to prevent them and to bring those responsible to justice, with the opportunity for members to contribute suggestions and comments, to ensure that Wirral's response to metal theft is as robust as possible.

AMENDMENT

Proposed by Councillor Bill Davies (7 minutes)

Seconded by Councillor John Salter (3 minutes)

In paragraph (4) add after 'theft':

'including consideration of the introduction of a full licensing regime to regulate the activity.'

In paragraph (5) (i) delete all after 'Council's support' and add the following:

'for the Bill before Parliament and further measures that would strengthen regulatory controls for this trade such as a licensing regime, and to request their support.'

Right of reply: Councillor Dave Mitchell (7 minutes)

13. MOTION: ANNUAL CHILDREN'S SERVICES ASSESSMENT

Proposed by Councillor Ann McLachlan (7 minutes)

Seconded by Councillor Tony Smith (3 minutes)

- (1) This Council notes that Wirral Council's Children's Services has been awarded an excellent rating in the Annual Children's Services Assessment by Ofsted. Wirral was one of only 28 authorities across the country providing excellent services for children in their area. The rating is an improvement on last year's score, and recognises sustained and further improvement in a number of areas.
- (2) During the inspection Ofsted looked at 22 types of services and settings including schools, nurseries and colleges, fostering and adoption services, children's homes, and childminders and childcare. Inspectors also took into account a recent inspection of safeguarding and looked after children which judged services

to be 'good with good capacity to improve with some outstanding features,' and recent good inspections of adoption and fostering services.

- (3) The inspection team said that the very large majority of services, settings and institutions are 'good or better' and most provision helps children and young people to learn and stay safe.
- (4) Positive strengths they highlighted included educational standards and progress, the development of five-year-olds, (and in particular a reduction in the gap between the achievements of those from low income families and other children of the same age), and the proportion of primary and secondary schools that are now 'good' or 'outstanding.'
- (5) There was also special praise for the fact that more children with special educational needs achieve good GCSE's than elsewhere, with provision for special educational needs being 'good' or 'outstanding.'
- (6) Elsewhere, there was special mention of the quality of post-16 education and training, children's homes, fostering and adoption, and services for safeguarding and looked after children where leadership and management are outstanding, as are partnership agreements.'
- (7) Two areas of improvement were identified, and moves are now underway to improve the performance of some childcare provision and reduce the gap in achievement between young people from low income families and other young people of the same age.
- (8) Council records its congratulations to the Acting Director and all the staff, both in the department and in schools, for their dedication and commitment to the young people of Wirral.

Right of reply: Councillor Ann McLachlan (7 minutes)

14. MOTION: FAIRNESS, NOT FAVOURS

Proposed by Councillor Cherry Povall (7 minutes)

Seconded by Councillor Tony Cox (3 minutes)

- (1) Council recognises the valuable role played by trade unions in ensuring effective industrial relations, their role in consultation and involvement in matters concerning health and safety and the unpaid hours of service given by many trade union members to wider issues affecting their colleagues.
- (2) However, Council believes that trade unions must, wherever possible, remain impartial and not be dependent on an employer for favours. Council also notes that taxpayers in Wirral are subsidising trade union activity at Wirral Council and this activity is costing £360,000 per annum.

- (3) Council notes this includes eight full time union officials, employed by Wirral Borough Council, for the sole purpose of promoting trade unions and carrying out union activity. Council notes that a further 112 trade union stewards in the Council are given 8,458 hours of Council time to conduct union business.
- (4) Council believes that, given the state of the public finances, it is no longer fair for the taxpayer to subsidise trade unions in this way and that responsibility for funding trade union activity should rest with trade union members and trade union leaders.

AMENDMENT

Proposed by Councillor Bernie Mooney (7 minutes)

Seconded by Councillor Adrian Jones (3 minutes)

Delete all, replace with:

- (1) Council believes it is important to recognise the important and valuable role of the trade unions in ensuring effective industrial relations, in maintaining the highest possible level of health and safety standards and ensuring training and learning opportunities through consultation and involvement.
- (2) Council notes that unions operate under legal recognition agreements which give statutory rights to elected union representatives for paid time to undertake trade union duties and to train for those duties. These duties include negotiating terms and conditions of employment, representation at disciplinary and grievance hearings, attending health and safety meetings, and promoting learning and training needs. Wirral Council has a trade union recognition policy with a facilities agreement which is based on Employment legislation, a National Agreement through the National Joint Council and the ACAS Code of Practice.
- (3) Council believes it is misleading to suggest that all the responsibilities of union representatives should be classed as trade union activities which should be paid for by union members, as the vast majority of work undertaken by legally elected representatives concerns duties and training directed at ensuring good standards of industrial relations, which is as beneficial to the Council and to Wirral's Council Tax payers as it is to union members.
- (4) Council believes that to remove these rights would not only be a breach of the law, and a breach of a National Agreement, but a totally false economy which could end up costing more than it saved.

AMENDMENT

Proposed by Councillor Stuart Kelly (7 minutes)

Seconded by Councillor Dave Mitchell (3 minutes)

Paragraph (2) - *delete* "and this activity is costing £360,000 per annum."

Paragraph (3) - *delete final sentence and replace with* "This activity is costing £191,000 (plus on costs) per annum."

Delete paragraph (4) and replace with:

- (4) Council believes that the scale of investment in these services should be a reflection of workforce numbers and the duties required for adequate representation and that work to establish this should be undertaken.

Add new paragraph:

- (5) Council acknowledges the work of the 112 shop stewards and the valuable role they play in representing the workforce to management on such issues as health and safety and other statutory obligations, promoting in-work learning and development and contributing to the effectiveness of the Council.

Right of reply: Councillor Cherry Povall (7 minutes)

15. MOTION: INCREASING RECYCLING

Proposed by Councillor Alan Brighthouse (7 minutes)

Seconded by Councillor Bob Wilkins (3 minutes)

Council:

- (1) Is reminded of its support of The Joint Recycling and Waste Management Strategy for Merseyside which includes a commitment to recycle 50% of household waste by 2020.
- (2) Believes that it can reach and should exceed this target much sooner, helping to reduce the borough's carbon footprint and reduce the amount paid out for waste disposal.
- (3) Is reminded that it agreed unanimously (Council, 12th July 2010, Minute 22) "to request that the Director of Technical Services continues to examine new ways to reduce waste to landfill, such as through the introduction of food waste collections (taking account of existing work undertaken to date), the collection of recyclable material from businesses, increasing the range of recyclable material that can be taken to the council's recycling collection points and working with MWDA to increase the range of materials that can be placed in grey bins".
- (4) Instructs the Director of Technical Services to present a report to the next available Sustainable Communities OSC, and calls on the Leader to request a Cabinet report, setting out the contribution and progress Wirral has made since 12th July 2010. This report shall also include, but not be limited to, options for;
- (i) increasing the range and proportion of materials that are recycled;
 - (ii) supporting the development of improved facilities and services for the recycling of trade and commercial wastes, recognising that a local green infrastructure will support the development of local businesses;

- (5) Instructs the Director of Technical Services to present a report to the Sustainable Communities OSC, and invites the Leader to request a Cabinet report, before the end of the municipal year proposing a Wirral Council Action Plan that clearly sets out the mechanism by which Wirral will achieve the objectives included in The Joint Recycling and Waste Management Strategy for Merseyside.
- (6) Also calls on the Leader to instruct the Director of Technical Services to work with the MWDA to modernise the levy mechanism and design a new system which more accurately reflects the benefits of recycling and the disposal costs of non recyclable waste.

AMENDMENT

Proposed by Councillor Irene Williams (7 minutes)

Seconded by Councillor Brian Kenny (3 minutes)

Amend paragraph (2) as follows:

- (2) Believes that (subject to the implementation of a new Levy Payment Mechanism that incentivises district investment in recycling) it can reach and should exceed this target much sooner, helping to reduce the borough's carbon footprint and reduce the amount paid out for waste disposal.

Amend paragraph 4 (i) as follows:

“increasing the range and proportion of materials that are recycled with particular focus on materials realising the most carbon savings, such as textiles and WEEE (Waste Electrical and Electronic Equipment);”

Amend paragraph (6) as follows:

- (6) Also calls on the Leader to instruct the Director of Technical Services to work with the Merseyside Waste and Recycling Authority and other Merseyside authorities to modernise the levy mechanism and design a new system which more accurately reflects the benefits of recycling and the disposal costs of non recyclable waste.

Right of reply: Councillor Alan Brighthouse (7 minutes)

16. MOTION: CUTS TO LOCAL TRANSPORT PLAN

Proposed by Councillor Harry Smith (7 minutes)

Seconded by Councillor Ron Abbey (3 minutes)

- (1) This Council condemns the coalition government's decision to cut Wirral's Local Transport Plan transport capital programme by £2.3 million.
- (2) This cut has hit a number of key areas which contribute to residents' health and quality of life, i.e. highway maintenance, reducing congestion, road safety, the

promotion of walking and cycling, breaking down the barriers to people using public transport and schemes to improve access to jobs, healthcare, education and job opportunities.

- (3) Council asks the government to re-consider these damaging cuts and to restore these budgets.

AMENDMENT

Proposed by Councillor Lesley Rennie (7 minutes)

Seconded by Councillor Adam Sykes (3 minutes)

Delete all and insert:

- (1) Council notes that this year's Local Transport Plan has seen a reduction in funding.
- (2) Council notes that the borough wide consultation exercise, 'Wirral's Future - be part of it' undertaken by the previous Administration clearly shows that the residents of Wirral value road safety and highway maintenance as a priority.
- (3) Council is therefore pleased to note that the previous Conservative-led Administration listened to local people and made available the sum of £1.6million as a significant investment to maintain and improve Wirral's roads through a programme of highway maintenance and road safety improvements.
- (4) Council calls upon the present Council Leader to reflect similar commitment when formulating a budget for the coming year.
- (5) Council also notes that the Coalition Government made available to Wirral a sum of £625,931 to repair pot holes caused by severe weather conditions over the winter period.
- (6) Council requests the Director of Technical services continues to work in collaboration with Partner Agencies to deliver a full Road Safety Programme. Further ways of working together with Merseyside Fire and Rescue Service to deliver Road Safety Educational Training be explored, as Council acknowledges their vast experience in delivering excellent training to young people in successful schemes such as 'Drive to Arrive'.

AMENDMENT

Proposed by Councillor Tom Harney (7 minute)

Seconded by Councillor Stuart Kelly (3 minutes)

Paragraph (1) – delete all and replace with:

- (1) Council notes the international economic circumstances are likely to lead to a reduction in available capital finance for the Local Transport Plan.

Paragraph (2) – delete: "This cut has hit a number of key areas which" and insert:

“Council affirms that the Capital Transport Programme should be prioritised to...”
continue rest of paragraph as before.

Paragraph (3) – delete all and replace with:

(3) Council affirms its commitment, in line with the principles outlined in paragraph (2), to the introduction of 20mph zones in residential areas and outside schools and calls upon the Cabinet to stop stalling and get on with the work for which money has already been made available.

Right of reply: Councillor Harry Smith (7 minutes)

**17. OBJECTION: MINUTE 210 (CABINET – 8 DECEMBER, 2011)
CORPORATE PLAN 2012/13 - UPDATE
Item 6 (iii) – Matters Requiring Approval by the Council**

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

Council recognises the difference between a wish list (however many good intentions the list espouses) and a plan is the presence of objectives that are Specific, Measurable, Achievable, Realistic and Time bound. Council notes that the new corporate plan sent to it by the administration for endorsement has 13 pages of commentary, 75 wishes and a complete lack of specific activities to be undertaken, dates by when they will be completed or how success will be measured.

Council believes that the lack of clarity and rigour in the plan, as now presented, will lead to confusion regarding how departmental plans can best be configured to contribute to clear Council objectives and lead to a return of the silo approach to service delivery and problem solving.

Council notes the definition of good corporate governance includes reference to inclusive, consultative and transparent decision making and therefore regrets that the development of the new corporate plan, sent to it by the administration for agreement, has not been inclusive, consultative or transparent.

Council therefore refuses to adopt the new Corporate Plan in its current state and recommends, in the absence of a meaningful public consultation exercise this year, that:

- (1) The administration seeks the views of all relevant Overview and Scrutiny Committees and Council partners.
- (2) Any comments received are transparently evaluated by the Cabinet.
- (3) Following (1) & (2) above, a more robust plan containing SMART objectives is resubmitted to a future Council.

Right of reply: Councillor Steve Foulkes (7 minutes)

18. MOTION: PUBLIC CONSULTATION AND SHARED SERVICES

Proposed by Councillor Phil Gilchrist (7 minutes)

Seconded by Councillor Tom Harney (3 minutes)

- (1) Council notes with interest Liverpool City Council's Budget consultation with residents, stakeholders and service users on quantified options for cost savings, which includes savings arising from the sharing of services between the five Merseyside authorities (including Wirral).
- (2) Council further notes with dismay that whilst Liverpool residents were being consulted at an early stage on sharing services with Wirral, Wirral residents were not given the opportunity of being consulted on sharing services with Liverpool or any other of the Merseyside authorities.
- (3) Therefore, Council instructs the Chief Executive to make publicly available all material relating to discussions and negotiations that have taken place with the other Merseyside districts in relation to sharing services, including any assessment of the implications for services and service users as well as quantifying the level of savings that can be achieved.
- (4) This Council believes that the current Labour Administration;
 - (i) has, to date, failed to comply with the Council's own unanimously agreed policy (Council, 15th Feb 2010, Minute 103) "to ensure that major policy decisions include more robust processes of public consultation, as appropriate, before decisions are taken";
 - (ii) has, despite stating they would set out to use You Choose and build on last year's detailed 'Wirral's Future' consultation, done too little and may have left it too late to carry out any meaningful consultation on next year's budget, leaving the authority at risk of legal challenge, and;
 - (iii) has, despite the willingness of overview and scrutiny committees to engage with the process, failed to provide any information or set out a single option or proposal in relation to next year's Budget for members to scrutinise.
- (5) Council, therefore, calls on the Leader to publish, as a matter of urgency, his draft Budget proposals, so that what little time which remains can usefully be applied to public consultation to mitigate the risk of legal challenge.

AMENDMENT

Proposed by Councillor Steve Foulkes (7 minutes)

Seconded by Councillor Jean Stapleton (3 minutes)

Delete everything and replace with the following:

Council notes that both the Chief Executive and the Acting Director of Adult Social Services has confirmed that no officer has been involved in any discussions with Liverpool City Council regarding the sharing of adult social care services between the five Merseyside authorities.

The principle of shared services has been discussed at a City Region level for a number of years, however, to date no agreement has been reached on any specific proposals.

During this municipal year the Labour Administration has put in place a wide-ranging and inclusive consultation process around key priorities for the Council. This has three elements:

- (i) Neighbourhood Plans for each Area Forum have been developed via a questionnaire, focus groups and meetings with local organisations such as residents associations – the results were reported to Cabinet on the 24th November.
- (ii) The ‘You Choose’ Budget Simulator, which was recommended by the Local Government Association and is used by a wide range of local authorities – the results were reported to Cabinet on the 8th December.
- (iii) All Overview & Scrutiny Committees were given the opportunity of putting forward suggestions of areas of the budget which could yield savings.

The above have been used to inform a refresh of the Corporate Plan which was submitted to Cabinet on the 8th December.

Council thanks all individuals and organisations who have engaged in the consultation exercise described above.

Right of reply: Councillor Phil Gilchrist (7 minutes)

**19. OBJECTION: MINUTE 215 (CABINET – 8 DECEMBER, 2011)
CAPITAL PROGRAMME AND FINANCING 2012-15
Item 6 (v) – Matters Requiring Approval by the Council**

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

That the Capital Programme as proposed by Cabinet be amended to include:

- Preventative maintenance to classified roads - £500,000.
- Preventative maintenance to unclassified and residential streets - £500,000.
- Road safety improvements and local transport schemes - £650,000.

Right of reply: Councillor Steve Foulkes (7 minutes)

20. MOTION: LIGHTS, CAMERA, ACTION

Proposed by Councillor Chris Blakeley (7 minutes)

Seconded by Councillor Ian Lewis (3 minutes)

Council:

- (1) Welcomes public engagement in the democratic process. Council notes the growing use of blogs and microblogs by members of the public and notes that many sites now also include video and audio recorded at Council meetings.
- (2) Reaffirms its commitment, made last year by the previous Conservative Liberal Democrat administration, to ensure that any member of the public who wishes to film or broadcast from a public Council meeting is encouraged to do so.

AMENDMENT

Proposed by Councillor Jim Crabtree (7 minutes)

Seconded by Councillor Denise Roberts (3 minutes)

Add additional paragraphs:

- (3) Council would not wish to see proper debate constrained in any way by the presence of cameras or audio equipment and therefore asks the Director of Law, HR and Asset Management to clarify in writing for members the position on qualified privilege which may go some way to allay fears about unfounded legal actions arising from detailed recordings of proceedings.
- (4) Council further asks the Director of Law, HR and Asset Management to draw up a protocol on the use of material designed to prevent any abuse of material which could be harmful to councillors who are legitimately engaged in the processes of democracy.
- (5) In the meantime, the Director of Law, HR and Asset Management is asked to re-circulate the original guidance he produced when the issue first arose.

AMENDMENT

Proposed by Councillor Dave Mitchell (7 minutes)

Seconded by Councillor Pat Williams (3 minutes)

Add additional paragraph:

- (3) However, Council is concerned to protect the rights of members of the public, petitioners and others who are not elected members and may interact with the Council and its committees. Council asks the Director of Law HR and Asset Management to ensure that the Chairs of committees are appropriately briefed.

Right of reply: Councillor Chris Blakeley (7 minutes)

21. MOTION: EDUCATION, EDUCATION, EDUCATION

Proposed by Councillor Sheila Clarke (7 minutes)

Seconded by Councillor James Keeley (3 minutes)

Council:

- (1) Welcomes the decision of the Coalition Government to increase the Pupil Premium by a further £58 per pupil this year, thereby eliminating the deficits at many schools in recent years. Council believes further increases in the Pupil Premium will enable schools in Wirral to make further, welcome progress in raising the achievement and attainment of all pupils in the Borough, regardless of background.
- (2) Also notes that many existing schools have benefited from the Council's budget this year, including improvements to school buildings, such as:
 - £75,000 toilet refurbishment at St Andrew's Primary School, Bebington
 - £60,000 replacement windows at Greasby Junior School
 - £27,000 kitchen improvements at Thingwall Primary School
 - £93,000 safer playground at Christchurch School, Moreton
 - £450,000 mobile classroom replacement at St George's Primary School, Wallasey
- (3) Is pleased to note that the Deputy Prime Minister has announced the introduction of free nursery school provision for approximately 140,000 children from the most deprived families and looks forward to working with schools to ensure that children in Wirral benefit from this extra investment.

AMENDMENT

Proposed by Councillor Ann McLachlan (7 minutes)

Seconded by Councillor Tony Smith (3 minutes)

Delete all. Replace with:

- (1) Council notes that the Pupil Premium was introduced to address the current inequalities between children eligible for Free School Meals and their wealthier peers.
- (2) Council further notes that, whilst Schools are free to spend the Pupil Premium as they see fit, they will be held accountable for how it is spent and this money is not intended to be used to plug any deficit in School budgets.
- (3) Council welcomes the consultation on extending the former Labour Government's commitment to provide free nursery education for all children under school age to two year olds.

(4) Council also notes the much reduced capital programme for 2011/12, compared to the over £40m invested in 2010/11, which enabled many Schools in Wirral to benefit from improvements to their buildings and facilities.

Right of reply: Councillor Sheila Clarke (7 minutes)

22. MOTION: LOSS OF GAS SUPPLY IN LEASOWE AND MORETON

Proposed by Councillor Ian Lewis (7 minutes)

Seconded by Councillor Chris Blakeley (3 minutes)

Council is concerned that 3,000 homes and employers in Leasowe and Moreton were without mains gas supply for up to eight days during November, caused by a leaking water main.

- (1) Council thanks members of the local community, including Leasowe Estate Tenants Association and the Autumn Club who immediately gave support to their more vulnerable neighbours, including the delivery of portable electric heaters and hotplates and those residents who worked to provide hot meals at the Leasowe Community Centre and Leasowe Millennium Centre for those who were unable to cook.
- (2) Council also expresses its gratitude to the engineers from National Grid who worked throughout this period to restore supply; the engineers from Scottish Power who responded quickly to loss of electricity supply in some roads; staff from the Council's Emergency Planning Team and Social Services Department and staff from Leasowe Community Homes, who all responded quickly to support residents.
- (3) Council while welcoming compensation payments of £30 per day, confirmed by National Grid on the first day of the loss of supply, is concerned that payment arrangements do not recognise the difficulties caused to people on prepayment meters or that many people do not hold a current account.

Council requests that the Chief Executive of the Council write to National Grid to thank his engineers for their work and outline the concerns expressed in this motion.

AMENDMENT

Proposed by Councillor Anne McArdle (7 minutes)

Seconded by Councillor Ron Abbey (3 minutes)

Add the following:

Council also notes that at the request of the Leader and the Cabinet Member for Social Care and Inclusion that United Utilities and National Grid have been invited to attend a meeting of the next Sustainable Communities Overview and Scrutiny Committee to present their reports on their response to the loss of supply.

It is also noted that letters of thanks to the local community for their support in the crisis have been sent from the Chief Executive.

AMENDMENT

Proposed by Councillor Bob Wilkins (7 minutes)

Seconded by Councillor Dave Mitchell (3 minutes)

Add to the end of the motion:

Council also requests that the Director of Technical Services prepares a report for the Sustainable Communities OSC, setting out lessons learnt, including appropriate recommendations on improving community resilience in the event of any future interruptions to energy supplies.

Right of reply: Councillor Ian Lewis (7 minutes)

23. OBJECTION: MINUTE 216 (CABINET – 8 DECEMBER, 2011) BUDGET PROJECTIONS 2012-15 Item 6 (vi) – Matters Requiring Approval by the Council

Proposed by Councillor Jeff Green (7 minutes)

Seconded by Councillor Lesley Rennie (3 minutes)

- (1) That the decision to cut £1m from the Early Intervention Grant be referred to the Children and Young People Overview and Scrutiny Committee.
- (2) That the sum of £1.4m pay provision be referred to the Council Excellence Overview and Scrutiny Committee.

Right of reply: Councillor Steve Foulkes (7 minutes)