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POLICY AND PERFORMANCE CO-ORDINATING COMMITTEE

Tuesday, 23 September 2014

<u>Present:</u>	Councillor	M McLaughlin (Chair)
	Councillors	P Doughty C Blakeley P Gilchrist W Clements M Hornby A Leech W Smith
		KJ Williams S Williams RL Abbey (In place of P Brightmore) J Crabtree (In place of J Williamson) G Ellis (In place of T Anderson) H Smith (In place of M Sullivan) I Williams (In place of C Muspratt)
<u>Deputies</u>	Councillors	R Abbey (in place of P Brightmore) J Crabtree (in place of J Williamson) G Ellis (in place of T Anderson) H Smith (in place of M Sullivan) I Williams (in place of C Muspratt)
<u>In Attendance</u>	Councillors	Paul Hayes (Lead Call-In Signatory) Chris Meaden (Cabinet Member)

25 **APOLOGIES FOR ABSENCE**

The Chair welcomed everybody to the meeting and asked if there were any apologies for absence. The Committee Services Officer advised the Committee that apologies had been received from Councillors Anderson, Brightmore, Muspratt, Sullivan and Williamson. Each had nominated a deputy, who would be shown in the attendance record.

26 **CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS**

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

At the request of the Chair, and in response to a question from a Member, the Head of Legal and Member Services gave advice on the matter of signatories to the call-in notice sitting on the Committee. He commented that although being a signatory to a call-in notice did not preclude a Member from sitting on the Committee hearing the call-in they would need to be mindful of pre-determination and bias. Supporting a call-in did not amount to a member accepting the reasons had been made out and proven or that one Member had reached a settled view.

Councillors Blakeley and Ellis declared their interest in the call-in of Cabinet minute 37 by virtue of them being signatories to the call-in notice.

Councillors Hornby and W Smith declared a personal interest by virtue of them being former members of the armed forces.

Councillor Meaden, in attendance as Cabinet Member for Leisure, Sport and Culture declared a personal interest by virtue of her daughter being a former member of the armed forces but resided abroad.

Councillor Doughty declared a personal interest by virtue of his father being a former member of the armed forces who had subsequently died of his injuries.

27 **CALL-IN OF A DELEGATED DECISION - CABINET MINUTE NO. 37 - TRANSFORMATION OF LEISURE SERVICES SPORTS AND LEISURE FACILITIES PRICING STRUCTURE**

In accordance with the procedure previously agreed by the Committee, the Chair referred to the decision of the Cabinet (minute 37 (7 July 2014) refers), related to the Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure.

The decision had been called-in by Councillors Paul Hayes, Les Rowlands, Leah Fraser, Geoffrey Watt, Jeff Green, Tom Anderson, Stuart Kelly, Chris Blakeley, Bruce Berry, Gerry Ellis and Pat Williams, on the following grounds –

1. The decision made by Cabinet to cut the free services we offer to veterans of HM Armed Forces is contrary to the Council's previously stated commitment to support those who have been willing to make the ultimate sacrifice in defence of our freedoms.
2. The decision was not subject to any meaningful consultation, if at all.
3. The Cabinet (in the five minutes it took to 'debate' this item or in the Agenda documents) had no regard as to how the Council would identify a 'disabling' injury: what the criterion would be or who or what would adjudicate thereupon.
4. The Cabinet failed to have sufficient regard to the fact that many veterans of HM Armed Forces would suffer from mental rather than physical injuries, a characteristic of which will often be an unwillingness

to discuss or disclose this injury, thereby discriminating against those afflicted by such injuries.

The Chair explained the call-in procedure and indicated that the Committee was invited to consider the decision that had been made and determine, in the light of evidence to be presented, the most appropriate course of action. The Committee had no power to overturn a Cabinet decision, or to substitute its own decision in place of the original. The options open to the Committee were –

- to refer the decision back to the Cabinet Member, setting out in writing the nature of the Committee's concerns;
- to refer the matter to the Council – only where the Committee believed that the decision was outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures in those rules had to be followed prior to any such referral;
- to take no further action, in which case the decision would be upheld and take immediate effect and may then be implemented.

Explanation of Call-in by the Lead Signatory – Councillor Paul Hayes

Councillor Hayes provided a brief explanation of the call-in and he commented upon the importance for the Council to honour the principles of the armed forces military covenant. He expressed a view that the free use of leisure facilities was a token of the Council's support for the armed forces community and suggested that there had been insufficient evidence presented to the Cabinet upon which to base its decision. He commented also that it had not been made clear how the process would be administered and there was no criterion in relation to how injuries, both physical and psychological would be disclosed and adjudicated upon, particularly where there may be an unwillingness to discuss or disclose injury.

Explanation of the Decision taken by the Cabinet Councillor Chris Meaden (Cabinet Member for Leisure, Sport & Culture)

Councillor Meaden recognised that the call-in centred on an emotive area and that there was a clear need to ensure that the use of leisure facilities was equitable and fair. So as not to disadvantage those who could not afford to pay, a number of concessions were available. However, the Cabinet had recognised that those who could afford to pay should do so and the decision had been taken primarily in order to more effectively target resources and prevent abuse or misuse. She referred to instances of people who had joined the TA for a week, and been dishonourably discharged, then being entitled to a free leisure pass. It was also important to recognise that the package of support offered in Wirral remained one of the most extensive concessions to current and former armed forces personnel in the region and she asked that the Committee support the decision taken by the Cabinet.

The Chair welcomed the witnesses who had been nominated to give evidence to the Committee and thanked them for their attendance. She advised that, having heard their submission, the procedure then allowed for Members of the Committee to ask relevant questions.

Evidence from Call-In Witnesses

Mr K Hannigan and Mr E Denmark

The Chair requested Mr Hannigan and Mr Denmark to state the nature of their interest in the call-in and whether they themselves were currently afforded free use of the Council's leisure facilities.

Both gave a brief overview of their military service and provided an insight as to the nature of their physical and mental health following discharge. Both had enjoyed the benefits of free access to the Council's leisure facilities and commented upon the benefits of sport and physical exercise to combat tension and depression, which were common amongst armed forces veterans. They believed that the Council had reneged on its promise to honour the spirit of the military covenant and expressed the view that the free use of leisure facilities was more vital for ex-servicemen and women, as those currently serving had access to state of the art facilities provided by the military.

In response to questions from Members, Mr Denmark indicated that he would be eligible for free leisure access on account of his injuries. However, Mr Hannigan had found the proposed change to be confusing and was uncertain as to his entitlement.

Evidence from Cabinet Member's Witnesses

Clare Fish – Strategic Director – Families and Wellbeing

Damian Walsh – Head of Sport and Recreation

Mark Camborne – Senior Manager – Health, Safety and Resilience

In response to a request from the Chair to provide a context to the Cabinet decision, the Strategic Director provided an overview for the Committee as to how the current policy had been developed.

A number of questions were asked of the witnesses and their responses included the following –

- The proposal was not predicated solely on the requirement to deliver savings or maximise income, but also to ensure that the Council had a fair and equitable scheme for Wirral residents and that its free use was targeted more effectively. The report of the Strategic Director to Cabinet had stated that it was not proposed to make leisure facilities unaffordable to those for whom price was a genuine barrier to access.
- Officers had recognised the latent effects of psychological trauma, suffered by many armed forces veterans who, in many instances had chosen previously not to disclose matters related to their mental health. Assessments of eligibility could have regard to the War Pension Scheme, Army Pension Scheme, Discharge Papers or a medical certificate provided by a GP. The requirement to provide medical evidence of such a mental health condition could also have the benefit of issues being highlighted with medical practitioners.

- Reference was made to the work with armed forces veterans that was being undertaken by the All Military Members Organisation (AMMO), who had indicated a willingness to be involved in the administration of the proposed new policy, insofar as it affected current and former armed forces personnel. Details of meetings held with AMMO would be circulated to all Members of the Committee.
- Evidence of abuse of the concessionary scheme could be provided upon request and it was hoped that the involvement of AMMO in leisure facilities bookings would help prevent such abuse and ensure that access to the scheme was restricted to persons living in Wirral.
- A breakdown was provided of those serving and former armed service personnel who had registered for the concession for free use of leisure facilities and the Strategic Director gave an indication of the numbers who may not qualify under the new policy. It was not possible to give a definitive answer as to the cost of leisure passes to those who may be not qualify, as it would be dependent upon their individual circumstances and the type of leisure pass they required.
- There was not expected to be any additional cost associated with the introduction of the improved and more effectively targeted scheme and it was confirmed that those who did not qualify under the new policy would be given access to a discount of up to 25% on the corporate Invigor8 membership.
- The proposed policy complied with the Council's Equality Policy and was also in accordance with the spirit of the Armed Forces Covenant, it being about treating those in the armed forces equitably, rather than more favourably than others in society.

Tina Buckley – All Military Members Organisation (AMMO)

At the request of the Chair, information was provided to the Committee upon the work of AMMO, which provided a 'one-stop shop' for armed forces veterans and provided a variety of advice and assistance. The organisation currently worked with 72 people suffering with post traumatic stress disorder and a further 31 people who had suffered a range of physical injuries. In response to a question from a Member, Ms Buckley confirmed that AMMO was a Wirral-based organisation that was able to provide effective engagement with its members to identify their eligibility and the type of leisure access they required. She expressed a view that to avoid confusion as to eligibility, a clearly understood criterion was essential for the success of the revised policy.

Summary of the Lead Signatory – Councillor Paul Hayes

Councillor Hayes thanked the Committee for its consideration of his call-in. He commented that the meeting had been productive but indicated that service users remained unaware of the full impact of the Cabinet's decision. He expressed a view that if the revised policy had not been driven by the need to

achieve savings, then the existing scheme should be retained, with action taken to prevent the abuse indicated by officers. He objected to veterans of the armed forces being required to disclose details of their mental health and believed that retention of the existing policy would ensure that we complied with the military covenant. Accordingly, he requested that the decision be referred back to the Cabinet for further consideration.

Summary of the Cabinet Member Councillor Chris Meaden (Cabinet Member for Leisure, Sport & Culture)

Councillor Meaden re-affirmed that the key driver for the revised pricing policy was the need to deliver a more targeted approach to the offer of concessions to specific groups of people, resident in Wirral, for whom price was a genuine barrier to access. It aimed to stop abuse and misuse of the concession scheme and preserved the Council's commitment to the provision of affordable and accessible facilities. Due regard was paid to the military covenant and, she made it clear, following discussions with Mr Hannigan and with Council officers, that he would continue to be eligible for free access to leisure facilities, in view of the nature of the psychological trauma that he had shared with the Committee.

Having due regard to the evidence considered by the Committee, she asked that the Cabinet decision be upheld and the Strategic Director – Families and Wellbeing be authorised to implement the revised pricing policy.

Committee Debate

In opening the matter for general debate, the Chair asked, in view of the considerable scrutiny of the Cabinet decision and the need to avoid unnecessary repetition, that final comments be kept brief. Views expressed were that –

- there was a need to address the abuse of concessionary passes that was evidenced by officers;
- the fraudulent use of free leisure passes should have been addressed, rather than denying access to some former members of the armed forces;
- those who currently had the benefit of free use but would not qualify under the new policy would be given access to a discount of 25% on the corporate Invigor8 membership

On behalf of the Committee, the Chair thanked those members of the public and Council officers who had given evidence and she outlined the options that were now available to the Committee, having considered the evidence provided.

She expressed a view that the reasons for the call-in had not been substantiated and that the Cabinet decision did comply with the spirit of the Council's commitment to the Armed Forces Military Covenant. Despite formal consultation not being required, she referred to the extensive discussions with

officers, Members and wider stakeholders, as highlighted in the Cabinet report. The scrutiny process had addressed concerns regarding the adjudication of disabling injuries and she believed that the Cabinet had had sufficient regard to issues of the psychological as well as physical conditions which affected some armed forces veterans.

Upon advice the Chair confirmed that the option to refer the matter to the Council was not available.

It was moved by Councillor M McLaughlin and seconded by Councillor P Doughty –

“That Cabinet minute 37 – 7 July 2014 (Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure) be upheld”.

It was moved as an amendment by Councillor Blakeley and seconded by Councillor Mike Hornby –

“That this Committee, having heard evidence this evening, stands unconvinced that any potential saving (the achievement of which remains dubious) made by implementing the decision at paragraph 3 of the Cabinet report, outweighs the harm this decision will do to Wirral’s reputation as an Authority which takes seriously its duties under the Military Covenant and as an Authority that does all it can to actively uphold and advance the Covenant.

Therefore, this Committee urges the Cabinet to reconsider its decision and restore the free Leisure Passes to all the veterans of Her Majesty’s Armed Forces.”

The amendment was put and lost (6:9)

The Substantive Motion was put and carried (9:6)

Resolved (9:6) (Councillor Blakeley voting against) – That Cabinet minute 37 (7 July 2014) – Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure, be upheld.

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