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COUNCIL

Monday, 27 June 2016

Present: The Civic Mayor (Pat Hackett) in the Chair
Deputy Civic Mayor (Ann McLachlan)

Councillors	RL Abbey	JE Green	L Reecejones
	T Anderson	A Hodson	L Rennie
	B Berry	K Hodson	D Roberts
	C Blakeley	T Johnson	L Rowlands
	E Boulton	AER Jones	T Smith
	A Brighthouse	C Jones	W Smith
	P Brightmore	T Jones	C Spriggs
	D Burgess-Joyce	S Kelly	J Stapleton
	C Carubia	B Kenny	P Stuart
	P Cleary	A Leech	M Sullivan
	W Clements	I Lewis	A Sykes
	A Davies	M McLaughlin	T Usher
	G Davies	J McManus	J Walsh
	P Davies	C Meaden	W Ward
	WJ Davies	D Mitchell	G Watt
	P Doughty	B Mooney	J Williamson
	D Elderton	C Muspratt	I Williams
	G Ellis	T Norbury	KJ Williams
	S Foulkes	M Patrick	S Williams
	P Gilchrist	D Realey	

Apologies Councillors J Hale C Povall
P Hayes S Whittingham
T Pilgrim

17 MINUTES SILENCE

Before commencement of the business of Council, the Civic Mayor asked all present to stand for a minute's silence for:

- Former Councillor and colleague Sue Brown;
- Honorary Alderman of the Borough David Fletcher; and
- Jo Cox Member of Parliament for Batley and Spen

who had all died recently.

18 DECLARATIONS OF INTEREST

The Members of the Council were invited to consider whether they had any disclosable pecuniary and/or any other relevant interest in connection with

any matters to be determined at this meeting and, if so, to declare it and state the nature of such interest.

No such declarations were made.

19 **CIVIC MAYOR'S ANNOUNCEMENTS**

The Civic Mayor noted that apologies had been received from Councillors John Hale, Paul Hayes, Tracey Pilgrim, Cherry Povall and Stuart Whittingham.

The Civic Mayor reminded Members of a procedural matter that, in line with recent modifications to the Council's Standing Orders regarding speeches during debates, he would be adhering strictly to the agreed time limits for these during this and future meetings of Council. He informed that he had written to all Members about how he would try to ensure the smooth and effective operation of Council meetings during his Mayoral Year, and a copy of his letter had been placed on Member's seats.

He informed that:

Wirral was to mark the centenary of the Battle of the Somme with a poignant early morning 20 minute vigil at the War Memorial, Grange Hill, West Kirby at 7:30 a.m. on Friday 1st July. He explained that he would be leading the vigil at 7:30 a.m., the exact same time that the soldiers began going "over the top" at the Battle of the Somme.

The Civic Mayor further informed that the Deputy Mayor was to attend a similar vigil at the War Memorial in Bidston Village, and that other Councillors were to attend services at other War Memorials across the Borough. A notice had been published informing the public where these services are to be held.

The Civic Mayor then invited the Leaders of the political groups take a few moments of the Council's time to comment on the implications of the outcome of the European Union Referendum.

Councillor Phil Davies stated that the outcome of last week's Referendum on the UK's membership of the European Union was likely to have significant implications for Wirral and the wider Liverpool City Region.

Wirral and Liverpool City Region benefited from UK membership of the EU. In particular, the City Region was due to benefit from a commitment of over £200m of EU Structural Funds over the next few years, whilst in addition; many organisations would have been bidding for other EU programmes such as those for connectivity and innovation.

These monies funded valuable job creating projects in the City Region.

It was unclear as to what now happened with regard to these funds and projects.

Together with the Mayor of Liverpool and the Leaders of the other Councils in the City Region and our MPs, Councillor Davies was seeking urgent clarification from the government with regard to the future of this funding.

Councillor Davies informed that, as Council Leader, his priority would be to protect the interests of the people of Wirral. He further informed that he would ensure Wirral Council's efforts in support of the people and businesses of the Borough continued.

Councillor Davies also expressed condemnation of xenophobic or racist abuse or actions that had been reported as being linked to the outcome of the Referendum, stating that any such behaviour would never be tolerated in the Borough, for whatever reason.

Councillors Jeff Green and Phil Gilchrist also spoke about the implications of the EU Referendum and their concerns over the spate of racist incidents which were abhorrent.

20 **MATTER REFERRED FROM CABINET AND POLICY & PERFORMANCE COORDINATING COMMITTEE**

The matter requiring approval was in relation to the Review of Scrutiny Arrangements and the recommendations from Cabinet of 6 June, 2016 (minute 8 refers). This matter had also been considered by the Policy and Performance – Coordinating Committee at its meeting held on 15 June, 2016 (minute 4 refers).

Changes to the Scrutiny function required a change to the Council's Constitution and Calendar of Meetings. Appointments to the new Committees were required and consequently, required the approval of Council.

Appended to the report were:

- Appendix 1 - Transfer of Scrutiny Work Programme Items
- Appendix 2 - Appointments and Revised Calendar of Meetings
- Appendix 3 - Revised Article 6 and Table 2 - Responsibility for Functions of the Constitution
- Appendix 4 - Revised Part 4a - Standing Order 35
- Appendix 5 - Revised Part 4d Overview and Scrutiny Procedure Rules

Councillor Ann McLachlan formally presented the recommendation to Council, seconded by Councillor Phil Davies.

That the proposed changes to the Council's scrutiny arrangements set out in the Cabinet report and its appendices be approved (as appended to these minutes).

Two amendments which had been circulated in advance of the meeting were submitted in accordance with Standing Order 12(1) and (9), as follows:

Amendment (1)

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

- (1) Council is concerned that, since the meeting of the Coordinating Committee held on 15th June 2016, information subsequently provided on how the Review of Scrutiny Arrangements was undertaken is scant, however what has been relayed to Members clearly shows the process and methodology used is seriously flawed.
- (2) Council is troubled about the lack of thought that has been given to protect the democratic process in the apparent haste to drive these proposals through and the lack of consultation or expert help that has been sought to draw up these proposals. This is a retrograde step and a feature of an inward looking Council.
- (3) Council notes that the Leader of the Council and his Cabinet have not implemented the recommendations from the LGA Peer review undertaken in November 2015 namely that: “the role of scrutiny may be enhanced in the longer term by offering opposition members a leadership role on the Policy & Performance Committees.”
- (4) Council therefore recommends a pause to this process to enable Cabinet to commission an independent, expert view from the Centre for Public Scrutiny via the Local Government Association on the ‘Review of Scrutiny Arrangements’ tabled at Cabinet at its meeting held on 6th June 2016.

Prior to the vote on the amendment Jeff Green and five Conservative Members rose to request a ‘card vote’.

A ‘card vote’ was then taken and the Council divided as follows:

For the motion (23) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighthouse, D Burgess-Joyce, C Carubia, P Cleary, Mrs W Clements, D Elderton, G Ellis, P Gilchrist, J Green, A Hodson, K Hodson, S Kelly, I Lewis, D Mitchell, L Rennie, L Rowlands, A Sykes, G Watt and S Williams.

Against the motion (37) Councillors R Abbey, P Brightmore, A Davies, G Davies, P Davies, W Davies, P Doughty, S Foulkes, T Johnson, AER Jones, C Jones, Tony Jones, B Kenny, A Leech, A McLachlan, M McLaughlin, J McManus, C Meaden, B Mooney, C Muspratt, T Norbury, M Patrick, D Realey, L Reecejones, D Roberts, PA Smith, W Smith, C Spriggs, J Stapleton, P Stuart, M Sullivan, T Usher, J Walsh, W Ward, I Williams, KJ Williams and J Williamson.

One abstention – Councillor P Hackett.

The first amendment was put and lost (23:37) (One abstention).

Amendment (2)

Council recognises the work that has been put in to develop the Wirral Plan since Council approved its themes and adopted its outcomes on 13th July 2015.

Council recalls the narrative to Minute 22 of the Cabinet of 9 July 2015 within which it was reported that ...

'It was essential that the Council took its residents with it on this journey and ensured that it was constantly aware of local priorities.'

Council believes that

1. scrutiny should be organised to ensure adequate study of the full range of issues that concern Wirral residents, not just on the twenty pledges and activity referred to in the Wirral Plan;
2. the devolution of additional funding and powers to the four Constituency Committees has not yet been outlined or developed;
3. it is still unclear as to how the Liverpool City Region will be scrutinised or how the widest possible range of Councillors will be engaged in its decision making.

Council also recognises that the management and organisational structure for the 'New Operating Model' considered by Cabinet at its 21 March 2016 meeting has yet to be considered.

Council, therefore, defers this matter to a future meeting of Council so as to allow Cabinet to bring forward revised proposals on the structure, scope and operation of the Council's Overview and Scrutiny function, with particular regard to:

- (a) the workload of Members along with a vision of how Member involvement with our partners will be developed;
- (b) how effective scrutiny of major service areas covered by the Directors of Children's Services and Adult Social Services will be managed and undertaken;
- (c) how the effective scrutiny of financial/budgetary matters, including the implementation and achievement of savings, will be carried out and
- (d) a presumption in favour of openness and transparency.

On a show of hands.

The second amendment was then put and lost (23:37) (One abstention).

Cabinet Recommendation

Prior to the vote on the original recommendation before Council, Councillor Jeff Green and five Conservative Members rose to request a 'card vote'.

A 'card vote' was then taken and the Council divided as follows:

For the motion (37) Councillors R Abbey, P Brightmore, A Davies, G Davies, P Davies, W Davies, P Doughty, S Foulkes, T Johnson, AER Jones, C Jones, Tony Jones, B Kenny, A Leech, A McLachlan, M McLaughlin, J McManus, C Meaden, B Mooney, C Muspratt, T Norbury, M Patrick, D Realey, L Reecejones, D Roberts, PA Smith, W Smith, C Spriggs, J Stapleton, P Stuart, M Sullivan, T Usher, J Walsh, W Ward, I Williams, KJ Williams and J Williamson.

Against the motion (23) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighthouse, D Burgess-Joyce, C Carubia, P Cleary, Mrs W Clements, D Elderton, G Ellis, P Gilchrist, J Green, A Hodson, K Hodson, S Kelly, I Lewis, D Mitchell, L Rennie, L Rowlands, A Sykes, G Watt and S Williams.

One abstention – Councillor P Hackett.

RESOLVED (37:23) (One abstention)

That the proposed changes to the Council's scrutiny arrangements set out in the Cabinet report and its appendices be approved (as appended to these minutes).

As at 28 June 2016

Council agreed:

- (1) At Annual Council on 17 May 2016 (minute 12 refers) allocation of committee places to political groups in the light of the relative strength of the groups for the municipal year 2016/17 following the 5 May 2016 election and if the proposed revision to the number of scrutiny committees was agreed:

Labour	39 seats	59.1 %
Conservative	21 seats	31.82 %
Liberal Democrat	5 seats	7.57 %
Green	1 seat	1.51 %
	66 seats	Totals
		100.00%

Allocation of Committee Places

- (2) Applying the percentages in (1) above to the overall number of committee places (Members of the Cabinet are not included in those calculations) and based upon a proposed total of 118 committee places, the three political groups and the Green Party member would be entitled to a **total** of committees places as shown below:

Labour	69.74 rounded up to	70
Conservative	37.55 rounded down to	37
Liberal Democrat	8.93 rounded up to	9
Green	1.78 rounded up to	2

- (3) Applying the arithmetical entitlement to **individual** committees would result in the following allocations:

Committee	Places	Lab	Con	L/Dem	Green
Standards & Constitutional etc.	9	5	3	1	
Audit and Risk Management	9	5	3	1	
Employment and Appointments	8	5	2	1	
Licensing Act 2003 Committee	15	10	4	1	
Licensing, Health & Safety etc.	9	5	3	1	

Pensions	10	6	3	0	1
Planning	13	7	4	1	1
Overview & Scrutiny: Business	15	9	5	1	
Overview & Scrutiny: Environment	15	9	5	1	
Overview & Scrutiny: People	15	9	5	1	
Total	118	70	37	9	2

- (4) For two committees an arithmetical adjustment has been made to enable the Green Member to have his entitlement of 2 committee places.
- (5) These adjustments are made with regard to the requirement for the Labour Group, as the majority group on the Council, to maintain an overall majority on each committee and for each group's entitlement to committee places to be in accordance with those figures set out in (2) above.

A. MEMBERSHIP

Council agreed that the appointments made by Council at its Annual Meeting on 17 May be transferred/realigned as follows:

<u>MEMBER APPOINTMENTS MADE TO:</u>	<u>TRANSFERRED MEMBER APPOINTMENTS:</u>
Coordinating Policy and Performance	N/a
Families & Wellbeing P&P	People Overview and Scrutiny Committee
Regeneration & Environment P&P	Business Overview and Scrutiny Committee
Transformation & Resources P&P	Environment Overview and Scrutiny Committee

B. OTHER CONSTITUTIONAL CHANGES

That to give effect to the proposed changes Council agreed that the following changes be made to the Constitution:

1. All references to the Co-ordinating Committee within the Constitution be removed and replaced with the names of the three proposed Overview and Scrutiny Committees.

2. All references to:

Families & Wellbeing Policy and Performance Committee be changed to People Overview and Scrutiny Committee

Regeneration & Environment Policy and Performance Committee be changed to Business Overview and Scrutiny Committee

Transformation & Resources Policy and Performance Committee be changed to Environment Overview and Scrutiny Committee

C. REVISED CALENDAR OF MEETINGS FOR OVERVIEW AND SCRUTINY COMMITTEES

That Council agreed:

<u>COMMITTEE</u>	<u>CANCELLED</u>	<u>RE-ARRANGED</u>
Coordinating Policy and Performance	Tuesday, 21 June	Wednesday, 15 June
Families & Wellbeing P&P	Wednesday, 29 June	
Regeneration & Environment P&P	Tuesday, 5 July	
Transformation & Resources P&P	Tuesday, 12 July	

Proposed new Overview and Scrutiny Committees Meetings

<u>COMMITTEE</u>	JULY	SEPTEMBER	NOVEMBER	JANUARY	MARCH
Business	Tuesday 12	Tuesday 13	Tuesday 29	Tuesday 24	Wednesday 29
Environment	Monday 18	Wednesday 21	Wednesday 30	Tuesday 31	Tuesday 28
People	Thursday 14	Thursday 8	Monday 28	Monday 16	Thursday 23

OVERVIEW AND SCRUTINY COMMITTEES**BUSINESS****(15 Council Members)**

MEMBERS	DEPUTIES
5 Conservative Steve Williams (S) Chris Blakeley Gerry Ellis John Hale Tracey Pilgrim	Eddie Boulton David Elderton Tom Anderson Kathy Hodson Geoffrey Watt Bruce Berry David Burgess-Joyce Lesley Rennie
9 Labour: Mike Sullivan (Chair) Christine Spriggs (Vice-Chair) Ron Abbey Anita Leech Julie McManus Denise Realey Jean Stapleton Warren Ward Jerry Williams	Phill Brightmore Tony Jones Christina Muspratt Tony Norbury Paul Stuart Tom Usher Joe Walsh Irene Williams
1 Liberal Democrat: Dave Mitchell (S)	Alan Brighthouse Chris Carubia Phil Gilchrist Stuart Kelly

**ENVIRONMENT
(15 Council Members)**

MEMBERS	DEPUTIES
<p>5 Conservative:</p> <p>Adam Sykes (S) Tom Anderson Bruce Berry Tracey Pilgrim Les Rowlands</p>	<p>Gerry Ellis David Burgess-Joyce Geoffrey Watt Kathy Hodson Wendy Clements Cherry Povall Andrew Hodson Steve Williams</p>
<p>9 Labour:</p> <p>Phill Brightmore (Chair) Steve Foulkes (Vice-Chair) Tony Jones Julie McManus Christina Muspratt Louise Reecejones Tom Usher Joe Walsh Irene Williams</p>	<p>Paul Doughty Anita Leech Treena Johnson Brian Kenny Denise Realey Denise Roberts Christine Spriggs Mike Sullivan</p>
<p>1 Liberal Democrat:</p> <p>Chris Carubia (S)</p>	<p>Alan Brighthouse Phil Gilchrist Stuart Kelly Dave Mitchell</p>

PEOPLE
(15 Council Members; 4 co-opted members)

MEMBERS	DEPUTIES
<p>5 Conservative:</p> <p>Wendy Clements (S) Bruce Berry David Burgess-Joyce Paul Hayes Cherry Povall</p>	<p>Tom Anderson Adam Sykes Tracey Pilgrim Steve Williams Geoffrey Watt Les Rowlands John Hale Lesley Rennie</p>
<p>9 Labour:</p> <p>Moira McLaughlin (Chair) Angela Davies (Vice-Chair) Treena Johnson Chris Meaden Tony Norbury Denise Roberts Walter Smith Tom Usher Warren Ward</p>	<p>Phill Brightmore Paul Doughty Anita Leech Denise Realey Christine Spriggs Jean Stapleton Joe Walsh Irene Williams</p>
<p>1 Liberal Democrat:</p> <p>Alan Brighthouse (S)</p>	<p>Chris Carubia Phil Gilchrist Stuart Kelly Dave Mitchell</p>
<p>Co-opted members:</p> <p>2 Diocesan representatives (with voting rights): Roman Catholic – Mr Damian Cunningham Church of England – Mrs Gill Peters</p> <p>2 Parent Governor representatives (with voting rights): Mr Mark Harrison (until 28 October 2019) Vacancy (until 8 February 2017)</p>	

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