

# COUNCIL

Monday, 6 December 2021

Present: The Civic Mayor (Councillor George Davies) in  
the Chair  
Deputy Civic Mayor (Councillor Jeff Green)

Councillors	T Anderson	P Gilchrist	Y Nolan
	B Berry	H Gorman	C O'Hagan
	J Bird	EA Grey	C Povall
	M Booth	S Hayes	L Rennie
	A Brame	A Hodson	J Robinson
	D Brennan	K Hodson	L Rowlands
	D Burgess-Joyce	J Johnson	T Smith
	H Cameron	AER Jones	P Stuart
	I Camphor	C Jones	Jason Walsh
	K Cannon	T Jones	Joe Walsh
	C Carubia	M Jordan	S Whittingham
	P Cleary	S Kelly	I Williams
	W Clements	B Kenny	KJ Williams
	M Collins	I Lewis	S Williams
	H Collinson	M McLaughlin	J Williamson
	C Cooke	J McManus	G Wood
	T Cox	P Martin	A Wright
	S Foulkes	D Mitchell	
	S Frost	S Mounthey	

<u>Apologies</u>	Councillors	T Cottier	P Hayes
		A Gardner	S Jones
		E Gleaves	C Spriggs
		K Greaney	

## 57 DECLARATIONS OF INTEREST

The Civic Mayor welcomed everyone to the meeting and those watching the webcast. He then asked Members 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.

58 **CIVIC MAYOR'S ANNOUNCEMENTS**

The Civic Mayor announced that apologies had been received from Councillors Tony Cottier, Emily Gleaves, Karl Greaney, Paul Hayes and Chris Spriggs. Further apologies were received from Andrew Gardner and Sharon Jones.

The Civic Mayor then congratulated and welcomed Councillor Orod Osanlou, attending his first Council meeting, having been elected to the Oxton Ward at the by-election on 25 November, 2021.

He then announced that he had received a request for an urgent item of business from Councillors Janette Williamson and Tom Anderson which was to accept the Policy and Resources Committee minutes of its meeting on 30 November, 2021 and an accompanying motion, in respect of the Council's response to the recent letter from the Minister of State to the Council. Given the importance of the Council making clear its position in respect of the recommendations of the External Assurance Review that accompanied the Minister's letter, he had agreed to this request and the urgent item would be considered after agenda item 4b.

59 **MINUTES**

The minutes of the meeting of Council held on 18 October, 2021 had been circulated to Members.

On a motion by the Mayor, seconded by Councillor Janette Williamson, it was –

**Resolved – That the minutes of the meeting be approved and adopted as a correct record.**

60 **PUBLIC AND MEMBER QUESTIONS**

The Civic Mayor reported that no public questions nor requests to make statements had been received.

61 **STATEMENTS AND PETITIONS**

The Civic Mayor asked if Councillors had any petitions to present.

Councillor Pat Cleary presented a petition of some 72 signatories regarding pedestrian access to Mersey Park, Tranmere.

Councillor Andrew Hodson presented a petition of some 15 signatories requesting the removal of three trees on a grass verge in Strathallan Close, Heswall, due to a history of falling trees in the area.

Councillor Gill Wood presented a petition of some 1605 signatories objecting to a proposed outline planning application to build some 33 houses on the Birkenhead School Noctorum Road / Lane playing fields in Claughton.

Councillor Lesley Rennie presented a petition of some 577 signatories requesting improvement to road safety on the upper site for St George's Primary School, Wallasey.

**Resolved – That the petitions be noted and referred to the appropriate Chief Officers in accordance with Standing Order 11.2.**

62 **URGENT ITEM OF BUSINESS - MOTION - RESPONSE TO EXTERNAL ASSURANCE REVIEW**

Further to minute 58, and with the agreement of the Civic Mayor, the Council then considered an urgent motion, Response to External Assurance Review.

It was moved by Councillor Janette Williamson and seconded by Councillor Tom Anderson,

'That Council:

- (1) receives and notes the draft minutes of Policy & Resources Committee of 30th November 2021; and
- (2) endorses the decision of the Policy and Resources Committee to provide a written response to the Minister's letter to the Council of 2nd November 2021, enclosing and publishing the two independent reports that make up the External Assurance Review, in the terms of this Council:
  - (a) acknowledging and accepting the content of the reports;
  - (b) developing the recommendations for implementation; and, in particular,
  - (c) emphasising the adoption of the recommendations concerning:
    - (i) development of a financial recovery plan;
    - (ii) appointing an independent Panel to support the Council;
    - (iii) moving to a whole council scheme of elections, subject to consultation, to take effect as of 2023 and then every fourth year thereafter; and
    - (iv) review the committee system to reduce the number of committees.'

Councillor Phil Gilchrist moved an amendment, which was seconded by Councillor Chris Carubia, as follows:

*'Delete 'endorse' and replace with 'notes' and delete 'in the terms of this Council:' in paragraph (1)*

*Delete 'and accepting' in paragraph (2)(a)*

*Add new paragraph (3) before sub-paragraphs (a) (b) and (c) –*

- (3) Council notes that the CIPFA report calls for 'Members to be engaged at an early stage' and therefore resolves to ask that programme and policy committees receive all necessary budget information in a timely fashion, presented in a clear and meaningful way, in order for them to work constructively with the chief executive and officers in –“

Following a debate and Councillor Williamson having replied, the amendment was put and lost (11:48).

Prior to the substantive motion being put, six Members rose to request a recorded vote.

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

For the motion (54) - Councillors T Anderson, B Berry, M Booth, A J Brame, D Brennan, D Burgess-Joyce, H Cameron, I Camphor, K Cannon, C Carubia, W Clements, M Collins, H Collinson, T Cox, G Davies, S Foulkes, S Frost, P Gilchrist, J Green, E Grey, S Hayes, A Hodson, K Hodson, J Johnson, AER Jones, C Jones, T Jones, M Jordan, S Kelly, B Kenny, D Kenny, I Lewis, P Martin, M McLaughlin, J McManus, D Mitchell, S Mountney, Y Nolan, C O'Hagan, O Osanlou, C Povall, L Rennie, J Robinson, L Rowlands, T Smith, P Stuart, Joe Walsh, S Whittingham, I Williams, J Williams, S Williams, J Williamson, G Wood and A Wright.

Against the motion (1) – Councillor J Bird

Abstentions (4) – Councillors P Cleary, C Cooke, H Gorman and Jason Walsh.

The substantive motion, as amended, was therefore –

**Resolved (54:1) (4 abstentions) – That Council:**

- (1) receives and notes the draft minutes of Policy & Resources Committee of 30th November 2021; and**
- (2) endorses the decision of the Policy and Resources Committee to provide a written response to the Minister's letter to the Council of 2nd November 2021, enclosing and publishing the two independent**

**reports that make up the External Assurance Review, in the terms of this Council:**

- (a) acknowledging and accepting the content of the reports;**
- (b) developing the recommendations for implementation; and, in particular,**
- (c) emphasising the adoption of the recommendations concerning:
  - (i) development of a financial recovery plan;**
  - (ii) appointing an independent Panel to support the Council;**
  - (iii) moving to a whole council scheme of elections, subject to consultation, to take effect as of 2023 and then every fourth year thereafter; and**
  - (iv) review the committee system to reduce the number of committees.****

The Civic Mayor adjourned the meeting at 7.20pm for a short break.

The meeting resumed at 7.35pm.

#### **63 MEMBERS' QUESTIONS**

Councillor Pat Cleary asked a question on behalf of Councillor Emily Gleaves (who had given her apologies) of Councillor Tony Jones regarding the internal layout of Birkenhead Market and Market Traders' proposals for a reorganisation. A further question was asked regarding the recent expenditure on amongst other things advertising expenditure,

Councillor Jones responded accordingly and stated that a more comprehensive response would be provided in writing. With regard to the second part of the question he stated that the expenditure referred to had no direct impact on the running costs of the market and a response had already been provided at the recent Economy, Regeneration and Development Committee.

In response to a supplementary question, Councillor Jones, saw no reason why the establishment of a working party could not be considered, involving market management and representatives of the Traders' groups, as had been suggested at recent meeting between the manager of Birkenhead Market and the Director of Regeneration and Place.

#### **64 MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL**

In accordance with Standing Order 2(x) four matters had been submitted for approval by the Council (see minutes 65 to 68 post).

65 **CAPITAL MONITORING QUARTER 2 2020-21**

The first item requiring approval was in relation to a revised capital programme.

On a motion by Councillor Janette Williamson, seconded by Councillor Yvonne Nolan, it was -

**Resolved – That the recommendations contained within minute 78 of the Policy and Resources Committee of 10 November, 2021, be agreed and that the following be approved:**

- (1) a revised Capital Programme of £77.6 million for 2021/22, including the addition of the new grant funding referred to in section 3.4 in the report, as follows:

**Coastal Defence – Meols Feasibility Study - £100,000;  
Future High Street Fund – New Ferry - £3.214 million;**

- (2) virements referred to in Appendix 3 in the report.

66 **DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005**

The second item requiring approval was in relation to the Draft Statement of Policy under the Gambling Act 2005.

Councillor Andrew Hodson moved, and in so doing, thanked the Licensing Manager and all her team for all the hard work they had undertaken on this, which was then seconded by Councillor Chris Jones.

Following a short debate, and Councillor Hodson having replied, it was then -

**Resolved (58:0) (One abstention) - That the recommendations contained within minute 8 of the Licensing Act Committee of 24 November, 2021, be agreed in that the draft Statement of Policy, under the Gambling Act 2005, as amended, be approved.**

67 **APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT AND RISK MANAGEMENT COMMITTEE**

The third item requiring approval was in relation to the appointment of two independent members to the Audit and Risk Management Committee.

On a motion by Councillor Kathy Hodson, seconded by Councillor Stuart Whittingham, it was -

**Resolved (59:0) - That the recommendations contained within minute 31 of the Audit and Risk Management Committee of 30 November, 2021, be agreed in that Joanne Byrne and Peter McAlister be appointed as independent Members to the Audit and Risk Management Committee in an advisory and consultative non-voting role.**

68 **REVISION TO THE APPOINTMENT OF COMMITTEES 2021/22**

The fourth item requiring approval was in relation to a revision to the appointment of committees following receipt of a notice to the proper officer that Councillor Jo Bird was no longer a member of the Labour Group and to request the Council to allocate such places proportionately for the remainder of this municipal year.

It was moved by Councillor Janette Williamson and seconded by Councillor Yvonne Nolan, that Council –

“(a) agree the revised proportionality in the political composition of membership of ordinary committees of the Council as set out at Appendix A of the Director of Law and Governance’s report; and

(b) appoint Councillor Jo Bird to sit on the Council’s Regulatory and General Purposes Committee and Licensing Act Committee and the Pensions Committee.”

It was moved as an amendment by Councillor Jo Bird, and seconded by Councillor Pat Cleary, that –

*“Replace:* ‘(b) appoint Councillor Jo Bird to sit on the Council’s Regulatory and General Purposes Committee and Licensing Act Committee and the Pensions Committee’

*with:* ‘(b) appoint Councillor Jo Bird to sit on the Housing Committee and Pensions Committee.’”

Following a short debate and Councillor Williamson having replied, the Civic Mayor then allowed Councillor Bird to make a short personal statement to the Council.

The vote was then taken on the amendment, which was lost (11:46) (2 abstentions).

The substantive motion was then put and carried (59:0).

**Resolved (59:0) – That,**

- (1) the revised proportionality in the political composition of membership of ordinary committees of the Council as set out at Appendix A of the Director of Law and Governance’s report, be agreed; and**
- (2) Councillor Jo Bird be appointed to sit on the Council’s Regulatory and General Purposes Committee and Licensing Act Committee and the Pensions Committee.**

## 69 DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING

The Civic Mayor introduced the minutes of the various Committees which had met from 27 September up until 11 November, 2021. He drew Members’ attention to minute 75 of the Policy and Resources Committee of 10 November, 2021 – Household Support Fund, in accordance with Part 4, Section 4, paragraph 9 of the Constitution, in that a decision was taken, which was regarded as urgent by the Committee, as projects needed to be funded immediately to ensure full spend of the grant.

The Director of Law and Governance drew Members’ attention to minute 45 of the Economy, Regeneration and Development Committee of 26 October, 2021 and that at the fifth paragraph, the sentence beginning, ‘Councillor Tony Jones suggested....’ should read, ‘Councillor Tony Jones requested...’, this had been corrected at the subsequent meeting of the Committee.

The Mayor then asked for questions to Committee Chairs on any of the minutes being received.

Councillor Paul Stuart asked a question of Councillor Phil Gilchrist, in respect of minute 17 of the Constitution and Standards Committee, regarding the review of the Committee system and his continuing to chair the Committee given his stance taken at the recent Policy and Resources Committee when the External Assurance Reviews were considered and responded to. In response Councillor Gilchrist commented that a survey of all Members had been undertaken on the Committee system, the findings of which were yet to be shared but which he’d encouraged all Members to take part in. He regarded that in his role as Chair of the Committee he was defending the rights of backbenchers and ensuring everyone had all the information before them to make reasoned decisions and he was content to work in the best interests of all Members of the Council.

Councillor Andrew Hodson asked a question of Councillor Phil Gilchrist, in respect of minute 17 of the Constitution and Standards Committee, regarding the review of the Committee system and whether Members could have confidence in him as Chair of that Committee when he had voted against the recommendations before the Policy and Resources Committee at its meeting on 30 November, which included the proposal to reduce the number of

committees. In response, Councillor Gilchrist commented that the LGA had been invited to look at how the Council operated and senior councillors had met with LGA members and had all committed to work for the best interests of Members. Whilst not happy with the decision Policy and Resources Committee had taken, Council had now taken a view on how to proceed and he would always work with all in the best interests of restoring and building up trust in democracy in the Borough ensuring there was transparency in decision making and that the Council had now committed to work together.

Councillor Tom Anderson asked a question of Councillor Phil Gilchrist, in respect of minute 17 of the Constitution and Standards Committee, regarding the review of the Committee system and what his plan was as Chair of that Committee to conduct the review of the committee system expeditiously and to come to conclusions which he had voted against. In response, Councillor Gilchrist commented that senior Members had met with the LGA, including Members of other peer authorities who gave advice in this private meeting. He did highlight his concerns about procedures and structures which were being requested. The Constitution and Standards Committee's role was to look at the current number of committees, establish whether they should be reduced in the interests of Member workload and officer time; also to find a way so that information coming before committees was concise but informative enough to satisfy Members and to undertake this in time for it to be introduced, whilst also taking account of comments in the recent Members' survey. A meeting of the Governance working party would be considering this survey on 14 December, 2021.

Councillor Jason Walsh asked a question of Councillor Kathy Hodson, in respect of minute 18 of the Audit and Risk Management Committee, regarding the target completion date of November for the financial audit, which had still not been received. Councillor Kathy Hodson responded that she did share Councillor Walsh's frustration that the report had not yet been received and that she had been advised that the report was now in draft format pending outstanding final items with the hope it would be concluded by the end of this week and brought to the January, 2022 Audit and Risk Management Committee meeting.

Councillor Pat Cleary asked a question of Councillor Elizabeth Grey, in respect of minutes of the Environment, Climate Emergency and Transport Committee regarding a nature based solution to protecting sand overtopping the sea wall at Hoylake promenade by allowing the formation of sand dunes and was crucial to Wirral's commitment in addressing the climate and biodiversity crisis and would help in protecting the financial wellbeing of the Council. In response Councillor Grey agreed that nature based solutions were a crucial part of the Council's climate and biodiversity plans. Full costings of any options put forward for any public consultation would need to be provided for residents to see the full picture and for informed decisions to be taken.

Councillor Jo Bird asked a question of Councillor Jean Robinson, in respect of minute 26 of the Partnerships Committee, at which she had herself asked the Merseyside Police and Crime Commissioner present at the meeting about the amount of money spent by Merseyside Police on protecting the Military Arms and Technology Fair held in Liverpool in October, to which she had received the answer of £25,232. She asked if Partnerships Committee could continue to have some scrutiny over this matter. Councillor Robinson, in response, commented that she would go back to the Police and Crime Commissioner and ask for further information on this.

70 **BY-ELECTION RESULTS - 22 JULY AND 25 NOVEMBER, 2021**

The Civic Mayor asked the Council to note the outcomes of the by-elections on 22 July, in that Councillor Daisy Kenny was elected as Councillor for Liscard ward, and on 25 November, 2021, in that Councillor Orod Osanlou was elected as Councillor for Oxton ward.

**Resolved – That the outcomes of the two by-elections be noted.**