

POLICY AND RESOURCES COMMITTEE

Wednesday, 16 March 2022

Present: Councillor J Williamson (Chair)

Councillors T Anderson Y Nolan
P Gilchrist J Robinson
P Cleary P Stuart
S Hayes H Cameron
EA Grey W Clements
T Jones JE Green
J McManus L Rennie

In attendance: Councillors J Bird I Lewis

136 WELCOME AND INTRODUCTION

The Chair welcomed everyone to the meeting and those watching the webcast.

137 APOLOGIES

No apologies for absence were received.

138 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

Councillor Jean Robinson declared a prejudicial interest in agenda item 14 'Property and Land Disposals Wirral Growth Company – Variation to Options Agreement' due to her being a Wirral Growth Company Board member and confirmed that she would leave the meeting whilst the item was being considered.

Councillor Jeff Green declared a prejudicial interest in agenda item 14 'Property and Land Disposals Wirral Growth Company – Variation to Options Agreement' due to him being a Wirral Growth Company Board member and confirmed that he would leave the meeting whilst the item was being considered.

139 MINUTES

Resolved – That the minutes of the meeting held on 17 January, 2022 be approved and adopted as a correct record.

140 **PUBLIC AND MEMBER QUESTIONS**

Public and Member engagement as set out in minutes 141-143.

141 **PUBLIC QUESTIONS**

The Chair informed the meeting that seven questions had been received from members of the public, all of whom were in attendance.

The first question was from David Bird in relation to the criteria used by the Committee at its last meeting in relation to the recommended closure of libraries which resulted in two libraries no longer being recommended for closure.

In response, the Chair referred the questioner to the webcast of that meeting where the Director of Resources was of the view that the amendments proposed in relation to those two libraries were financially viable and legal.

The second question was from Keith Marsh in relation to the length of time an asset transfer may take for Brackenwood Golf Club and the consequential impact on its maintenance.

Councillor Helen Cameron responded that at a meeting of Wirral's full Council on 28 February it was agreed that the full, permanent annual budget to operate Brackenwood Golf Course would cease and be removed from 1 April 2022. The service would consequently have no monies for maintenance of the course post 1 April 2022. The service would ensure any statutory and Health & Safety requirements were met through existing budgets. The Director of Resources would present a report at this meeting of the Policy & Resources Committee, recommending the adoption of an updated Community Asset Transfer Policy to be applied if the Council decided to discontinue its use of certain buildings and land. If approved, and subject to the outcomes of any public consultation, community groups or other organisations would be invited to express an interest in taking over assets that were regarded as surplus to the delivery of Council services, which may provide value for the community.

A supplementary question was put asking how the Council would protect the assets in the period between the transfer.

In response Councillor Cameron reiterated that there was no money allocated for this and if it were to be undertaken the funding would need to be taken from another service.

The third question was from Jackie Watts asking the Council to provide resources to protect the greens at Brackenwood Golf Course and to agree for the community to take a lead role in looking after the asset.

In response, Councillor Helen Cameron referred the questioner to her previous response and that whilst the Council would consider what could be done in the interim, there would be a cost for which there was no budget.

A supplementary question was asked in relation to preventing anti-social behaviour and vandalism. In response, Councillor Cameron reaffirmed that any statutory health and safety requirement would still need to be met through the Council's duty of care to the green space.

The fourth question was from Robin Clarke seeking a commitment from the Council to conclude a Community Asset Transfer within 3 months.

The Chair responded to say that it could not yet be accurately determined how long it would take to facilitate a community asset transfer as it would depend upon the quality of the expression of interest and business plan, but that officers would work through any expressions of interest as expediently as possible with their available capacity.

A supplementary question was put seeking commitment to a specific target date. In response, the Chair outlined that the Community Asset Transfer policy was still yet to be agreed.

The fifth question was from Ian Seddon which asked the Committee to investigate the circumstances that had delayed the transfer of the lease of the land at the corner of Trafalgar Road and Lea Road to Liscard and Egremont Action Group.

Councillor Tony Jones responded that this had taken longer than anticipated due to some issues specific to the case, being the surrender of the outgoing lease and the creation of a new lease, rather than a simple assignment. There was also an issue in respect of a leaning wall and tree stump which needed to be explored in terms of safety and responsibility. The Council was now recruiting someone to progress with the issues raised.

The sixth question was put by Councillor Jo Bird, which asked why the Council had not accepted the guidance for longer term leases for Community Asset Transfers.

In response, the Chair outlined that the Policy had not yet been agreed and it was her intention that amendments to the Policy be proposed.

A supplementary question was put seeking assurances that there would be flexibility if the timescale for the transfer fell beyond the end of funding for

libraries. In response, the Chair reiterated that this would be discussed as part of the relevant agenda item.

The seventh question was submitted by Liam Hartzenberg in relation to whether Bromborough Civic Centre would be made available for Community Asset Transfer with the Library as a single asset.

Councillor Helen Cameron responded that all sites would be considered for Community Asset Transfer as part of the policy for consideration at the meeting, with the relevant committee taking the final decision as to which assets would qualify for transfer and to which group.

A supplementary question was put asking whether Bromborough Civic Centre would receive the same funding for a Community Asset Transfer as Woodchurch Leisure Centre. In response, it was reiterated that the policy was still to be agreed and the subsequent decisions would be taken by the relevant Committee.

142 **STATEMENTS AND PETITIONS**

The Chair informed the meeting that notice of one petition had been received in advance of the meeting and asked Mr Keith Marsh to present his petition in respect of Brackenwood Golf Course.

Mr Marsh presented the petition with 3666 signatories which sought the Council to review the provision of golf to remove the subsidy for Wirral residents or commit another operator, preferably a Community Interest Company to run the service.

Resolved – That the petition be noted and referred to the appropriate Chief Officer in accordance with Standing Order 11.2.

143 **QUESTIONS BY MEMBERS**

No questions from Members had been received.

144 **WIRRAL LOCAL PLAN 2021 TO 2037: PUBLICATION OF SUBMISSION DRAFT PLAN (REGULATION 19), AND SUBMISSION TO SECRETARY OF STATE FOR EXAMINATION (REGULATION 22)**

The Director of Regeneration and Place introduced a report which sought approval, by way of a recommendation to Council, to publish the Wirral Local Plan 2021 to 2037- Submission Draft Plan (“the Submission Draft Plan”) for a six-week period to enable representations to be invited on the soundness and legal compliance of the Plan and for the Plan to be subsequently submitted to the Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) for Independent Examination, following the conclusion of

the publication period under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the Regulations”).

The Submission Draft Plan was the document that the Council, subject to Members’ approval, would submit to the Secretary of State for Independent Examination and which it would wish to adopt subject to the recommendations of a Planning Inspector.

The publication of the Submission Draft Plan (under Regulation 19 of the Regulations) was the final stage of engagement prior to the Submission Draft Plan being submitted for Independent Examination. The purpose of this stage was to enable any person to make representations (under Regulation 20 of the Regulations) about the Submission Draft Plan. The representations must relate to the ‘soundness’ or legal compliance of the Local Plan and would then go forward to be considered by the Planning Inspector who would be appointed by the Secretary of State to undertake the Independent Examination.

In accordance with National Planning Policy the Council must, through the Local Plan, provide a positive planning policy framework that supported and boosted the economy. The Submission Draft Plan was appended to the report in a separate supplement and its accompanying Policies Map could be viewed online via a link at Appendix 2.

In producing the Submission Draft Plan, extensive work and evidence collation had indicated that the needs of the Borough could and should be met within the existing urban areas through an urban intensification approach. Because of this, the ‘exceptional circumstances’ for alterations to be made to Green Belt boundaries did not exist. This approach accords with national planning policy and guidance. The Council’s approved Local Development Scheme (January 2022) identified that the Council intended to submit the Submission Draft Plan for Independent Examination to the Secretary of State between July and September 2022.

At the Independent Examination an Inspector appointed by the Secretary of State would examine the Submission Draft Plan, the evidence supporting it and the representations received under Regulation 20 and would assess whether the Council’s proposed Plan was sound and had met the legal requirements to allow it to be formally adopted. The Inspector might suggest further modifications to the Local Plan.

The proposed publication of the Submission Draft Plan was in accordance with the Council’s adopted Local Development Scheme and Statement of Community Involvement. The recommended process as set out within the report complied with relevant legislative requirements and was necessary before the Wirral Local Plan could be submitted to the Secretary of State for

Independent Examination. The current Wirral Unitary Development Plan (“UDP”) was adopted in 2000 and was in need of replacement.

The proposed Local Plan policies, spatial strategy and site allocations were supported by an extensive range of supporting documents and evidence, including a Sustainability Appraisal, Habitat Regulations Assessment and Infrastructure Delivery Plan.

The continued progression of the Local Plan towards adoption would provide for the future development and infrastructure needs of the Borough in a sustainable and appropriate manner and would provide up to date planning policies to guide and support future development proposals. The Government required all local planning authorities to have an up-to-date Local Plan in place by 2023. The Council was subject to the threat of intervention by the Secretary of State in the event the Local Plan was not prepared in a timely manner.

The Committee discussed the proposed delegated authority to the Director to make the necessary modifications to the Wirral Local Plan during the examination in public process.

It was moved by Councillor Tom Anderson, seconded by Councillor Jeff Green that the officer recommendations be agreed.

Following the proposing of suggested amendments in relation to the delegated authority to the Director, the Chair agreed to adjourn the meeting at 19.16pm for consultation and legal advice on the proposed amendments.

Upon resumption of the meeting at 19.39pm, it was moved by Councillor Jean Robinson as an amendment that the recommendations in the report be agreed, subject to the addition of new paragraph 5 being inserted beneath 4(b), to read “Authorise the Director of Regeneration and Place, in consultation with Chair and Spokespersons of Policy and Resources Committee to:”, and paragraphs 4(c) and 4(d) becoming paragraph 5(a) and 5(b).

This amendment was accepted by Councillor Tom Anderson as the mover of the original motion.

The substantive motion was put and agreed (14:1). It was therefore –

Recommended (14:1) – That Council

- 1. Agree and publish the Wirral Local Plan-Submission Draft and Policies Map (as set out as Appendices 1 and 2 to this report respectively) (“the Wirral Local Plan”) for a period of six weeks as soon as practicable for representations to be invited**

as to soundness and legal compliance in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the Regulations”);

2. Agree the submission of the Wirral Local Plan, along with representations received, to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the Regulations, following the conclusion of the Regulation 19 publication period;
3. Note the Sustainability Appraisal, Habitats Regulation Assessment, Equality Impact Assessment, the Local Plan Duty to Co-operate Statement of Compliance, the Regulation 18 Consultation Statement and Local Plan evidence base published alongside Wirral Local Plan;
4. Authorise the Director of Regeneration and Place, in such consultation with the Chair and Spokespersons of Policy and Resources Committee as is practical and appropriate, to:
 - (a) make non-material typographical, formatting, mapping and other minor amendments to the Wirral Local Plan prior to publication and prior to submission of the Local Plan to the Secretary of State;
 - (b) produce and submit any supplementary information and documentation to the Local Plan Inspector(s) as may be required to complete the examination and address any issues relating to soundness and legal compliance including statements of common ground with various organisations;
5. Authorise the Director of Regeneration and Place, in consultation with Chair and Spokesperson to:
 - (a) agree such main and other modifications to the Wirral Local Plan during the examination in public process as may be necessary to make the Wirral Local Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act; and
 - (b) write to the Local Plan Inspector(s) appointed to carry out the Independent Examination of the submitted Wirral Local Plan asking them to recommend such main or other modifications to the submitted Wirral Local Plan as may be

necessary to make the Wirral Local Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act.

- 6. Endorse the Wirral Local Plan-Submission Draft as a material consideration to be used in the determination of planning applications, with appropriate weight given in accordance with paragraph 48 of the National Planning Policy Framework; and**
- 7. Agree in principle to consider the use of the Council's Compulsory Purchase Order Powers, where required, to assist with the delivery of regeneration projects set out in the Wirral Local Plan**

145 **COMMUNITY ASSET TRANSFER POLICY**

The Director of Resources introduced a report on the proposed adoption of an updated Community Asset Transfer Policy to be applied if the Council decided to discontinue its use of certain buildings and land.

This policy directly supported Wirral's Community Wealth Building Strategy by encouraging the setup of community-based organisations and cooperatives in local communities, and underpinned the Council's ambition to enable communities to become more independent, financially self-sufficient and take ownership of public assets to run them in ways that were beneficial to them.

The proposed updated policy set out criteria for determining:

- (a) which assets were suitable for transfer to community groups;
- (b) how expressions of interest to manage those assets should be dealt with;
- (c) how applications should be evaluated;
- (d) how and on what terms community transfers should be effected.

It was moved by Councillor Jean Robinson, seconded by Councillor Janette Williamson, that the officer recommendations be agreed, subject to the following amendments:

- The use of the terms "tenants, community groups and community organisations" to be replaced with "not-for-profit organisations".
- Removal of lease terms between 3 and 25 years and its replacement with lease terms to be determined based on the quality of each individual business plan.
- Before an asset is transferred, organisation be made fully aware as to the condition of any asset prior to submitting a business case.
- Where a community asset is located within an asset still owned and insured by the Council, the option for that insurance to be retained and

the not-for-profit organisation recharged as opposed to seeking its own insurance be made available.

- The terms of any rent increases be included in lease agreements with not-for-profit organisations.

A discussion ensued on whether it would be possible to expedite a community asset transfer for Brackenwood Golf Club.

It was moved by Councillor Tom Anderson, seconded by Councillor Jeff Green, that the Director of Neighbourhood Services be authorised to undertake a virement of the £262,000 revenue cost granted to Libraries, to Brackenwood Golf Club up to a maximum of £30,000, if necessary, to maintain Brackenwood Golf Course to aid a possible asset transfer.

After assurances were given by the Director of Resources that the virement would be lawful, the motion was put and lost (5:10).

On a motion moved by Councillor Jean Robinson, seconded by Councillor Janette Williamson, it was –

Resolved (14:1) – That the updated Community Asset Transfer Policy be approved, subject to the following amendments:

- **The use of the terms “tenants, community groups and community organisations” to be replaced with “not-for-profit organisations”.**
- **Removal of lease terms between 3 and 25 years and its replacement with lease terms to be determined based on the quality of each individual business plan.**
- **Before an asset is transferred, organisation be made fully aware as to the condition of any asset prior to submitting a business case.**
- **Where a community asset is located within an asset still owned and insured by the Council, the option for that insurance to be retained and the not-for-profit organisation recharged as opposed to seeking its own insurance be made available.**
- **The terms of any rent increases be included in lease agreements with not-for-profit organisations.**

146 PAY POLICY REPORT 2022-2023

A report of the Director of Resources on the Council’s Pay Policy Statement was considered, the purpose of which was to provide transparency with regard to the Council’s approach to setting pay by identifying:

- The methods by which salaries of all employees were determined;
- The detail and level of the salary package of its most senior staff;

- The Head of Paid Service's responsibility for ensuring the provisions set out in this statement were applied consistently throughout the Council and recommending any amendments to Full Council.

The Council was required by Section 38 of The Localism Act 2011 to prepare a Pay Policy Statement for each financial year.

The report highlighted key changes in the 2021/22 Statement, including the new Living Wage rate of £9.90 per hour; variations to pay grade and progression through pay grade.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was –

RECOMMENDED – To Council the approval of the Pay Policy Statement for the financial year 2022/23.

147 **USE OF COUNCIL BUILDINGS FOR CIVIC COUNCIL AND COMMITTEE MEETINGS**

The Assistant Director – Strategic Change, introduced a report which provided the Committee with an update and recommendation in respect of proposed arrangements for the safe operation of Council and Committee meetings for the Municipal year 2022/23 giving due consideration to guidance and regulations arising from Covid-19.

The report outlined a proposal, following work to implement solutions to enable the safe operation of Council and Committee meetings, that Wallasey Town Hall Council Chamber re-opened for Council Meetings for the Municipal Year 2022/23 adopting the proposed approach detailed in the report.

Should the Government implement new restrictions during the Municipal Year 2022/23, which meant the Council Chamber could not support the safe operation of meetings, the Council would initially seek to move meetings to the Floral Pavilion as it provided a resilient offer, which was flexible to changes in infection prevention control guidance such as social distancing.

As part of the regeneration programme and activity being progressed to ensure the Council's operational functions met the needs of Wirral's communities and supported the delivery of the outcomes identified in the Wirral Plan, a review of Council assets was underway. Given the nature of the Borough's civic arrangements and the operation of two Town Halls, it was proposed that a report be brought to this Committee to debate the future use of the Town Halls.

Members discussed the practicalities of holding Committee meetings at Birkenhead Town Hall and it was confirmed that further discussions would be had about the most appropriate venue for Committee meetings.

On a motion by the Chair, seconded by Councillor Jeff Green, it was –

Resolved – That

- (1) arrangements for the safe operation of Council and Committee meetings for 2022/23 Municipal Year, as outlined in the report, be agreed;**
- (2) the Assistant Chief Executive provide an options paper as to the future and use of the Borough's Town Halls to a future meeting of the Committee.**

148 **BUDGET MONITORING 2022/23 AND BUDGET SETTING PROCESS 2023/24**

The Interim Director of Finance introduced a report of the Director of Resources which set out how the 2022/23 budget would be monitored through the Committee system, which would facilitate the Policy and Services Committees (the Committees) to take ownership of their specific budgets and present appropriate challenge and scrutiny of Officers on the management and performance of those budgets.

The concurrent activity of budget setting for 2023/24, and how this would be approached, was also set out in the report; incorporated in which were:

- revisions to the approved Medium Term Financial Plan (MTFP) – the formulation of savings proposals and presentation of pressure/growth items;
- the application of the Medium Term Financial Strategy (MTFS) principles that underpinned the budget process and decision-making, with links to the Wirral Plan;
- how savings plans were to be configured;
- considerations of requisite consultation exercises; and
- the role of the Finance Sub-Committee.

In response to a question by members, it was clarified that the Financial Regulations afforded the Chief Executive the ability to invoke virements should it be necessary.

On a motion by the Chair, seconded by Councillor Yvonne Nolan, it was –

Resolved – That

- (1) the process for in-year monitoring of the 2022/23 budget, be approved;**

(2) the 2023/24 budget setting process, be approved.

149 **WORK PROGRAMME 2021-22**

Prior to the consideration of this item, the Chair informed the Committee that three hours had elapsed since the start of the meeting, and that she proposed to suspend Standing Order 9.1 and continue for a further 20 minutes.

The Head of Legal Services introduced a report which set out the Committee's current work programme. The work programme was formed from a combination of key decisions, standing items and requested officer reports. The report provided the Committee with an opportunity to plan and regularly review its work across the municipal year and was attached as an appendix to the report.

On a motion by the Chair, seconded by Councillor Tom Anderson, it was –

Resolved – That the Policy and Resources Committee work programme be noted.

150 **DISPOSAL OF INDUSTRIAL ESTATE AT QUARRYBANK STREET, BIRKENHEAD**

The Head of Legal Services introduced a report on the recommendations of the Economy, Regeneration and Development Committee at its meeting of 26 January 2022, in respect of the Disposal of Quarrybank Industrial Estate at Quarrybank Street, Birkenhead, a Council owned investment asset.

On a motion by the Chair, seconded by Councillor Tony Jones, it was –

Resolved (13:2) – That

- (1) Quarrybank Industrial Estate, Quarrybank Street, Birkenhead be declared surplus to requirements; and**
- (2) Delegated authority be given to the Director of Law and Governance, in consultation with the Director of Regeneration and Place, to arrange for its disposal by auction and subsequent sale on the basis as set out in paragraph 3.3 of the report.**

151 **ACQUISITION OF FORMER CO-OP BUILDING, 100 NEW CHESTER ROAD, NEW FERRY**

The Head of Legal Services introduced a report on the recommendations of the Economy, Regeneration and Development Committee, in relation to the purchase of the former Co-op building in New Ferry as a strategic acquisition to support the delivery of the master plan for the area.

On a motion by the Chair, seconded by Councillor Tony Jones, it was –

Resolved – That the Director of Law and Governance in consultation with the Director of Regeneration and Place, be authorised to acquire the Co-op building in New Ferry at a price of £700,000.

152 **SALE OF FREEHOLD INTEREST IN DOMINICK HOUSE, LISCARD**

The Chair informed the Committee that the report that the item was in relation to was deferred from the agenda of the Economy Regeneration and Development Committee at their meeting on 9 March 2022 and therefore there was no decision referred to Policy and Resources Committee from that Committee to consider. The item was therefore withdrawn.

153 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

On a motion by the Chair, seconded by Councillor Tom Anderson, it was -

Resolved – That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

154 **PROPERTY AND LAND DISPOSALS WIRRAL GROWTH COMPANY – VARIATION TO OPTIONS AGREEMENT**

Councillor Jean Robinson and Councillor Jeff Green left the room and took no part in the consideration of the item.

The Director of Regeneration and Place introduced a report on a proposed variation to legal arrangements in relation to the Wirral Growth Company.

Following a discussion by members, on a motion moved by the Chair and seconded by Councillor Tony Jones, it was –

Resolved – That,

- (1) the Heads of Terms for the amendment of the legal documentation (listed in paragraph 5.4 of the exempt report) entered into between the Council, Muse Developments Limited and Wirral Growth Company LLP, and attached as Appendix 1 to the report, be approved;**

- (2) the Director of Law and Governance, in consultation with the Director of Regeneration and Place, be authorised to finalise the associated legal documentation, on terms that are substantially in accordance with the draft Heads of Terms as set out at Appendix 1 to the report.**