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COUNCIL

Monday, 12 October 2009

Present:

The Mayor (Councillor AC Hodson) in the Chair
Deputy Mayor (A Jennings)

| | | | |
|-------------|-------------|--------------|-------------|
| Councillors | RL Abbey | T Harney | S Quinn |
| | T Anderson | K Hayes | P Reisdorf |
| | C Blakeley | P Hayes | L Rennie |
| | A Bridson | A Jennings | D Roberts |
| | IO Coates | P Johnson | L Rowlands |
| | J Crabtree | AER Jones | J Salter |
| | G Davies | J Keeley | H Smith |
| | P Davies | S Kelly | T Smith |
| | WJ Davies | B Kenny | W Smith |
| | F Doyle | D Kirwan | P Southwood |
| | W Duffey | D Knowles | J Stapleton |
| | D Elderton | I Lewis | A Taylor |
| | G Ellis | AR McLachlan | S Taylor |
| | S Foulkes | M McLaughlin | C Teggins |
| | L Fraser | C Meaden | G Watt |
| | G Gardiner | R Moon | R Wilkins |
| | J George | S Mountney | J Williams |
| | P Gilchrist | C Povall | P Williams |
| | JE Green | A Pritchard | K Wood |
| | J Hale | J Quinn | |

Apologies

| | | |
|-------------|------------|-----------|
| Councillors | S Clarke | S Niblock |
| | S Holbrook | M Redfern |
| | D Mitchell | |

39 **MAYOR'S COMMUNICATIONS**

The Mayor referred to the recent tragic and untimely death of Councillor Suzanne Moseley and the Council stood in silent tribute to her memory.

The Leader of the Conservative Group (Councillor Green) paid tribute to Councillor Moseley, an outstanding colleague and representative for Moreton West and Saughall Massie who would be deeply missed.

The Leader of the Labour Group (Councillor Foulkes) and Deputy Leader of the Liberal Democrat Group (Councillor Gardiner) endorsed the comments of Councillor Green and paid tribute to Councillor Moseley.

40 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

The Members of the Council were invited to consider whether they had a personal or prejudicial interest in connection with any matter to be debated or determined at the

meeting and, if so, to declare it and state the nature of such interest. The following declaration was made:

Councillor I Lewis declared a personal interest in respect of minute 43 (Motion: Wirral's Public Library Provision) by virtue of him being a member of Leasowe Library.

41 **PETITIONS**

In accordance with Standing Order No. 21, the Mayor received petitions submitted by:

(a) Councillor I Lewis on behalf of hackney licence holders and / or proprietors a petition of 227 signatories requesting an urgent review of supply and demand for Hackney Vehicle Licences;

(b) Councillor D Roberts on behalf of 86 signatories requesting an urgent review of road traffic conditions in Grosvenor Road, Forest Road and Manor Hill and surrounding roads in Oxtun;

(c) Councillor D Roberts on behalf of 150 signatories objecting to the proposed closure / amalgamation of Cole Street Primary School and requesting the provision of a brand new school;

(d) Councillor D Knowles on behalf of 521 signatories requesting road safety measures to slow traffic in Park Road, Wallasey and surrounding roads;

(e) Councillor T Anderson on behalf of 25 signatories requesting the urgent resurfacing of Whaley Lane, Irby;

(f) Councillor A Jennings on behalf of 85 signatories requesting traffic calming measures in Mere Lane, Raby Mere.

Resolved - That the petitions be noted and referred to the appropriate chief officer in accordance with Standing Order No. 34.

42 **PROCEDURE**

The Leader of the Council proposed that Standing Order No. 8 (1) be waived in order to allow the Notice of Motion from Councillor Green to be heard, with an amendment, and a further Notice of Motion to be proposed by him.

Resolved (unanimously) -

That Standing Order No. 8 (1) be waived to allow Councillor Green's Notice of Motion and an amendment and Councillor Foulkes' Notice of Motion to be heard.

43 **BUSINESS TO BE DISCUSSED - WIRRAL'S PUBLIC LIBRARY PROVISION**

Motion:

Proposed by Councillor Green
Seconded by Councillor Mrs Rennie

(1) Council condemns the Leader of the Council's unwillingness to allow any comment from members of the public or members of the Council at the meeting of the Cabinet on 1st October when he announced their administration's humiliating 'U turn' on Wirral's Public Library Provision.

(2) Council notes that we have still not received answers to the following:

Why when the Conservative Group spoke up for the people of Wirral and sought to have the administration's Library Closure Plan stopped at each opportunity afforded to all members of the Council (15th December 2008, 15th February 2009, 2nd March 2009, 27th April 2009 and the 15th July 2009) the Labour/Liberal Democrat administration failed to take these opportunities and instead continued to spend Wirral tax payers money (officer time, glossy leaflets, hiring a barrister, phoning around libraries to see what they offer to the public)?

Why did the Labour/Liberal Democrat Administration before even launching this policy, or even when they chose to include Eastham and Woodchurch libraries, not conduct an equality impact assessment into its implications or seek to include library users in a meaningful and open consultation process?

Why, when they have had a copy of Sue Charteris' report for more than a month they have chosen not to share its emerging recommendations with the Council and Wirral public or even informed us of which 'facts' they have chosen to contest?

Why in their statements to the Cabinet and the press have they not accepted they were wrong or apologised to library staff or Wirral residents, some of whom are the most vulnerable and isolated in our communities, for the upset and heartache they have caused by pursuing their flagship policy of library closures?

(3) Council therefore believes that the current Labour/Liberal Democrat Administration cannot offer Wirral residents any believable assurance that they have the capacity to listen and learn or change their approach to one of listening and including Wirral people in the Council's decision making process.

(4) Council, while expressing its delight that our libraries will remain open have concluded that:

No change of Wirral's administration is not an option and that the current Labour/Liberal Democrat Cabinet, humiliated as it is by its own reversal of its defining policy, is clearly out of ideas, out of touch and should be out of office.

It has lost the trust and confidence of Wirral residents and must, at last, take the honourable course and resign.

Amendment:

Proposed by Councillor Gilchrist
Seconded by Councillor Mrs P M Williams

- (1) Council believes that the Motion proposed by Councillor Green and seconded by Councillor Mrs Rennie should be properly and fully considered as soon as the Secretary of State has considered the report of the Inquiry by Sue Charteris and published his decision.
- (2) Council recognises that it is in the interests of local democracy for the fullest consideration to take place of the findings, through Cabinet reports, through Overview and Scrutiny and such further means as are considered necessary and desirable.
- (3) Council believes that arrangements for the publication and dissemination of the Secretary of State's decision and the report by Sue Charteris should be made at the earliest opportunity in consultation with the DCMS.
- (4) Council notes that the inquiry was run under the Public Libraries (Inquiries Procedure) Rules 1992 and that these rules entitle people who appeared at the library inquiry to be notified of the Secretary of State's decision and to receive a copy of the report by Sue Charteris.
- (5) However, Council believes that, given the considerable level of public interest in this matter and the need to ensure public confidence in the process the Secretary of State should publish the full report by Sue Charteris with the notification of his decision. Accordingly officers be requested to make representations to the DCMS to achieve this end.
- (6) Council therefore resolves to refer the Motion proposed by Councillor Green and seconded by Councillor Mrs Rennie to a future meeting of Council where it shall be further debated once Members have received the Secretary of State's decision and the full report by Sue Charteris.
- (7) Council welcomes the decision of Cabinet contained in Minute 139 of 1st October 2009 which revoked paragraphs 7 to 19 (inclusive) of Minute 325 of 15 January 2009.
- (8) Council fully recognises the distress and anxiety caused to Wirral's residents and library users throughout this period and apologises for this and the further inconvenience caused whilst the result of the Inquiry is awaited.

Further motion:

Proposed by Councillor Foulkes
Seconded by Councillor Gardiner

- (1) Council agrees the Cabinet recommendation (minute 139) to revoke the Cabinet's original decision to close 11 libraries and invest £20m in 13 new Neighbourhood Centres.
- (2) It therefore agrees to move £830,000 from balances to fund the consequent shortfall in the current year's budget and to address the shortfall in subsequent years as part of the 2010/11 budget deliberations.

- (3) Council notes that it will also need to find upwards of £200,000 for urgent repairs to buildings which will not now be closed, and further monies in future years to fund their continued repair and maintenance.
- (4) Council also notes that the use of balances will mean that additional sums of money will need to be found in 2010/11 to replenish these balances as well as funding the ongoing revenue shortfall, leaving over £2m required for 2010/11, which equates to a 2% increase in Council Tax.
- (5) Council recognises that, although this resolution now clearly means that all of Wirral's libraries will remain open, the Secretary of State has not yet issued any decision and it will be open to Council to discuss this once the Secretary of State has made his announcement.

Following a substantial debate, during which the Director of Law, HR and Asset Management responded to questions from Members and outlined the legal reasons why the report from Sue Charteris had to remain confidential, he stated that it was his decision alone as to who he thought it appropriate the report needed to be shared with for the purposes of fact checking. He informed the Council that he would reflect on the request to provide the names of those with whom the report had been shared and that if he did provide such information, whether those names would then be in the public domain.

The amendment was then put and lost (26:33) (One abstention).

A recorded vote was agreed on the Motion of Councillor Green. The Motion was put and lost with the Council dividing as follows:

For the Motion (24) - Councillors T Anderson, C Blakeley, WA Duffey, DM Elderton, GJ Ellis, Mrs L Fraser, JE Green, J Hale, Karen Hayes, Paul Hayes, AC Hodson, PSC Johnson, J Keeley, D Kirwan, D Knowles, I Lewis, SR Mountney, C Povall, A Pritchard, Mrs LA Rennie, SL Rowlands, Sue Taylor, GCJ Watt, and Mrs K Wood.

Against the Motion (34) - Councillors RL Abbey, A Bridson, I Coates, JA Crabtree, G Davies, PL Davies, WJ Davies, F Doyle, S Foulkes, G Gardiner, John George, T Harney, AT Jennings, A Jones, SE Kelly, Brian Kenny, Ann McLachlan, M McLaughlin, CM Meaden, RK Moon, Jean Quinn, Sarah Quinn, PTC Reisdorf, DE Roberts, J Salter, H Smith, PA Smith, WW Smith, PM Southwood, JV Stapleton, A Taylor, CM Tegg, R Wilkins, KJ Williams.

Abstentions (2): Councillors Gilchrist and Mrs PM Williams.

The Motion of Councillor Foulkes was then put and carried (35:23).

Resolved (35:23) –

- (1) Council agrees the Cabinet recommendation (minute 139) to revoke the Cabinet's original decision to close 11 libraries and invest £20m in 13 new Neighbourhood Centres.**

- (2) It therefore agrees to move £830,000 from balances to fund the consequent shortfall in the current year's budget and to address the shortfall in subsequent years as part of the 2010/11 budget deliberations.**
- (3) Council notes that it will also need to find upwards of £200,000 for urgent repairs to buildings which will not now be closed, and further monies in future years to fund their continued repair and maintenance.**
- (4) Council also notes that the use of balances will mean that additional sums of money will need to be found in 2010/11 to replenish these balances as well as funding the ongoing revenue shortfall, leaving over £2m required for 2010/11, which equates to a 2% increase in Council Tax.**
- (5) Council recognises that, although this resolution now clearly means that all of Wirral's libraries will remain open, the Secretary of State has not yet issued any decision and it will be open to Council to discuss this once the Secretary of State has made his announcement.**

44 ANY OTHER BUSINESS

The Mayor introduced Shirley Hudspeth, the new Democratic Services Manager, to Members of the Council.