

CABINET

Thursday, 24 June 2010

<u>Present:</u>	Councillor	JE Green (Chair)	Finance and Best Value
	Councillors	S Holbrook C Blakeley S Clarke D Elderton G Gardiner A Hodson I Lewis R Moon L Rennie	Corporate Resources Housing and Community Safety Children's Services & Lifelong Learning Culture, Tourism and Leisure Environment Regeneration and Planning Strategy Community and Customer Engagement Social Care and Inclusion Streetscene and Transport Services

21 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

The members of the Cabinet were invited to consider whether they had a personal or prejudicial interest in connection with any of the items on this agenda and, if so, to declare it and state the nature of such interest.

Councillors C Blakeley, S Clarke, G Gardiner, J Green, I Lewis and R Moon declared personal interests in agenda item 25 'Community Asset Transfer' by virtue of their membership of Joint Management Committees and Steering Groups.

Councillor D Elderton declared a personal interest in agenda item 3, 'Review of Secondary School Places Phase 2: Pensby High School Federation Update' by virtue of him being a governor on the Federation Board.

Councillor S Clarke declared a personal interest in agenda item 8 'Lead Accountable Body for Informal Adult Learning' by virtue of her being a governor of Wirral Metropolitan College.

Councillor I Lewis declared a personal interest in agenda item 5 'Primary Places Review Phase 6' by virtue of him being a governor at Christchurch (CE) Primary School.

Councillor L Rennie declared a personal interest in agenda item 7 'Improving Special School Provision on Wirral for Children and Young People Who Experience Complex Learning Difficulties' by virtue of her being a governor at Elleray Park School.

Councillor J Green declared a personal interest in agenda item 4 'Review of Primary School Places: Option Appraisal on Sites for a Community Primary School in Birkenhead' by virtue of his wife's employment with the authority.

22 LEADER'S ANNOUNCEMENT

The Leader of the Council referred to the news that day that four more soldiers had died whilst serving in Afghanistan, three of whom were members of the Mercian Regiment, recently awarded the Freedom of the Borough.

The Cabinet stood in silent tribute to the fallen soldiers and expressed their deepest appreciation and sincere condolences to all their families.

23 MINUTES

The Director of Law, HR and Asset Management reported that none of the decisions from the previous meeting, held on 27 May, 2010, had been called in.

Resolved - That the minutes of the meeting held on 27 May, 2010, be approved and adopted.

The Leader of the Council indicated that it was his intention to vary the order of business for the Cabinet in order to consider items 4, 5, 6, 7 and 25 first in view of the presence of members of the public for those items.

24 REVIEW OF PRIMARY SCHOOL PLACES: OPTION APPRAISAL ON SITES FOR A COMMUNITY PRIMARY SCHOOL IN BIRKENHEAD

Further to minute 141 (1/10/09) the Director of Children's Services reported upon the outcomes of the appraisal process carried out in relation to potential sites for a primary school in the North Birkenhead small planning area. The report also explained the potential routes for school re-organisation in this area and made recommendations with regard to statutory proposals.

There was general agreement amongst all stakeholders that action had to be taken to address the issue of surplus capacity. Officers were required to offer clear advice as to appropriate action in order to spend public money wisely and ensure all Wirral's children benefited equitably from the funding available.

With the permission of the Chair the following speakers addressed the Cabinet on the proposals within the report:

- Val Chaderton, Headteacher of Cole Street Primary School
- Rosemary Bishop, Headteacher of Cathcart Street Primary School

The Director responded to some of the points made by the speakers and stated that his department had attempted to keep Cole Street Primary School informed of progress. The further work that Cabinet at its meeting on 1 October had asked the Director to take forward focussed on either, the closure of Cole Street Primary School and retention of Cathcart Street Primary School; or the amalgamation of Cole Street Primary School and Cathcart Street Primary School in a new build school on a new site. These proposals followed a full period of consultation last year.

The Director explained the reasons why the delivery of a new build school was unfortunately not an option at this time.

The Deputy Leader commented upon the difficulties of consulting on options when one of two options had become non-viable.

The Leader emphasised the need to consult or at the very least to have communicated what was happening to those concerned and thanked the two Headteachers for their contribution.

Councillor Clarke referred to all the good work at Cole Street Primary School and stated that all the staff, governors, support staff and pupils should be congratulated. She remarked that it was never easy to take a decision to close a school but acknowledged the action that had to be taken to address surplus capacity. Having then moved a motion, seconded by Councillor Holbrook, it was –

Resolved – That,

(1) statutory proposals be published in respect of the following option:

Option A2, closure of Cole Street Primary School from August 2011;

(2) the Director of Children’s Services be authorised to take all necessary steps to publish this proposal, ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State and proposals for the re-zoning of schools, in furtherance of the proposal;

(3) Cabinet reaffirms the commitment previously given in May 2008 to the high prioritisation of Primary Capital Programme funding for projects arising from the Primary Places Review;

(4) should the proposal be approved, a further report be brought to Cabinet at the appropriate time regarding options for the Cathcart Street site.

25 PRIMARY PLACES REVIEW PHASE 6

The Director of Children’s Services reported upon progress on the Phase 6 Area Reviews of primary school places in the small planning areas of South Wallasey, Greasby, Upton and Moreton. Following meetings with key stakeholders in each of these areas, the report contained a summary of provision in each area and put forward recommendations for options for consultation, and commented briefly on some of the issues involved.

The report also provided an update on two primary schools in special measures, with recommendations for options in relation to these schools.

The Director confirmed that all the latest information would be used in the consultation process and he would be happy to clarify points raised by Councillor Lewis in respect of enrolment to all reception classes and the impact of private sector nursery provision.

On a motion by Councillor Sheila Clarke, seconded by Councillor Simon Holbrook, it was –

Resolved – That,

(1) consultations be undertaken regarding the following options for change in the South Wallasey small planning area:

A - Closure of Kingsway Primary School.

B - Closure of Kingsway Primary School and Riverside Primary Schools in order to open a new establishment on the Riverside site (B1) or on the Kingsway site (B2).

C – Closure of Brentwood Early Years Centre, to be converted to Early Years provision governed by Somerville Primary School either in situ on the Brentwood site (C1), or in new accommodation on the Somerville site (C2);

(2) consultations be undertaken regarding the closure of Well Lane Primary School in the South Birkenhead planning area, following that school's placement by Ofsted in Special Measures;

(3) the governing body of Manor Primary School be supported in entering a federation, with close monitoring and a further review if standards do not improve;

(4) all of the public consultations should provide opportunities for other options to be brought forward, considered and reported back to Cabinet;

(5) the remaining Phase 6 small planning areas be reviewed again as necessary or through the usual review process.

26 IMPROVING SPECIAL SCHOOL PROVISION ON WIRRAL - PROPOSALS FOR THE CO-LOCATION OF A MERGED MEADOWSIDE AND FOXFIELD SCHOOL AND A NEW CLARE MOUNT SPECIALIST SPORTS COLLEGE

The Director of Children's Services reported that on 23 April, 2009 (minute 467 refers) Cabinet had approved the merging of Meadowside and Foxfield special schools and their replacement with a new build single special school built on split sites. A new 11-16 provision would be co-located with a local mainstream secondary school and a new 16-19 provision would be co-located with a local further education college – Wirral Metropolitan College.

The re-building of Clare Mount Specialist Sports College was included in the first phase of the authority's Building Schools for the Future Programme.

The report identified the progress made so far in implementing these proposals and made recommendations for future action specifically in relation to consulting on potential sites for co-locating the two new schools. Approval of the recommendations would facilitate the scheme remaining within the time scales for the next stage of Wirral's Building Schools for the Future Programme (BSF) – the Readiness to Deliver documentation due later this year.

The Leader referred to an email which had been circulated to all Cabinet Members from Gwen Seller and Wendy Neil in respect of the proposal, and which the Cabinet noted.

On a motion by Councillor Sheila Clarke, seconded by Councillor Simon Holbrook, it was -

Resolved – That Cabinet approves the conducting of a public consultation regarding the potential co-location of an 11-16 new build CLD school on the site of Woodchurch High School, as part of the merger of Meadowside and Foxfield schools, and the potential co-location of a new build Clare Mount school on the site of Wallasey School and, subject to and without prejudice to the outcome of the above consultation, approves any subsequent development of the projects through outline scoping and design and addressing of any planning issues.

27 **IMPROVING SPECIAL SCHOOL PROVISION ON WIRRAL FOR CHILDREN AND YOUNG PEOPLE WHO EXPERIENCE COMPLEX LEARNING DIFFICULTIES - THE FEASIBILITY OF CREATING A 2-19 SPECIAL SCHOOL FOR CHILDREN AND YOUNG PEOPLE WHO EXPERIENCE PROFOUND AND MULTIPLE LEARNING DIFFICULTIES**

The Director of Children's Services reported that in April 2009 (minute 467 refers) Cabinet, amongst other decisions, had given approval for a feasibility study to be undertaken into the possible creation of a 2-19 special school for children and young people with profound and multiple learning difficulties (PMLD). This had now been completed and the main findings were as follows:

The study had identified that there were currently 54 children and young people, in the age range 2-19, on Wirral, who might benefit from such a provision. This was in line with national incidence rates.

Whilst the proposal received strong support from parents of children, who attended The Lyndale School, there was little if any support from parents whose children attended the authority's other special schools for complex learning difficulties (CLD).

Given this lack of broad support and the fact that the authority was planning to significantly improve the provision it made for PMLD children in all its CLD schools it would make the creation of a 2-19 school for PMLD a high risk option, which would be highly unlikely to represent value for money.

With the permission of the Chair, Mrs Deveraux-Roberts addressed the Cabinet and outlined her experiences as a mother of two children with PMLD.

The Head of Participation and Inclusion, Peter Edmondson, informed the Cabinet that both Foxfield and Meadowside Schools had received very good reports and that he was not aware of any concerns regarding school safeguarding arrangements. He would be happy to provide a note to Cabinet members on these issues.

Peter Edmondson acknowledged that the report had been subject to some unfortunate delays having taken longer than was expected to reach the Cabinet. The department had engaged with parents of special schools over a long period of time

and the Director confirmed that funding would continue to support Lyndale school for as long as it existed.

The Director also went on to say that it was a cause of great joy that young people with PMLD were now able to thrive and live longer than in the past. Advances in medical science had enabled children to live into adulthood who would not previously have done so and the department had to try and respond to their needs.

The Deputy Leader suggested that there was now a need for a piece of work on provision for 12-19 year olds with PMLD.

A report and handout from the governors, staff and parents of children attending Lyndale School was also circulated to the Cabinet for their consideration.

Resolved – That,

(1) Cabinet accepts the outcomes of the feasibility study, and the advice of the Director of Children's Services that there is no case to be made for the creation of a 2-19 school for pupils with profound and multiple learning difficulties;

(2) the Lyndale School continues to operate as primary school for children with complex learning difficulties.

28 COMMUNITY ASSET TRANSFER

The Director of Law, HR and Asset Management submitted a report on the Community Asset Transfer ('CAT') programme agreed through the Strategic Asset Review which had set a deadline for transfers. Enquiries had been received as to whether that deadline was to remain. The report identified issues that would be raised by a change to the existing deadline and sought the Cabinet's guidance on the way forward.

Having circulated an amended recommendation to the Cabinet it was then moved by Councillor Holbrook, seconded by Councillor Green and –

Resolved – That,

(1) the date for completion of Community Asset Transfer be extended until 31 March 2012 to align with the deadline for the availability of the Community Fund;

(2) it be emphasised to local community groups that financial support to transfer Assets from the Council to the Community beyond 31 March 2012 cannot be guaranteed and that access to the £4.5 million Community Fund will not be available after that date;

(3) the Council supports local community groups with asset transfer by assigning a named Council officer to assist them through the process who will report back to Cabinet members each month with an update on progress. This officer will also assist in the identification of suitable voluntary sector / faith based organisations with which community groups might wish to enter into partnership arrangements;

(4) Community Assets where communities are unwilling or unable to proceed with Asset Transfer are identified as a matter of urgency and removed from the programme, in order to enable a greater level of support to those groups willing and able to move forward with transfer and to enable the Council to budget more accurately for future levels of support;

(5) decisions on the future of the community centres or halls that cannot transfer by the revised 2012 date via the process outlined above be deferred until the Governance Commission has reported its findings and the extent of future delegation has been determined.

29 REVIEW OF SECONDARY SCHOOL PLACES PHASE 2: PENSBY HIGH SCHOOL FEDERATION UPDATE

The Director of Children's Services reported that following Cabinet's meeting of 1 October 2009, (minute 142 refers) the governing bodies of Pensby High School for Girls and Pensby High School for Boys had undertaken a consultation on establishing a hard federation between the two schools. The report updated Cabinet on the governing bodies' decision to proceed with a hard federation from 4 May 2010, the first such between Wirral schools.

It should be noted that federation between two or more schools was a decision for the governing bodies of those schools, not for the Council.

Federation of the two schools did not remove surplus places, which represented a waste of resources. In 2010, Pensby High School for Boys had 31% surplus places, while Pensby High School for Girls had 11% surplus places. By 2014, both schools were projected to have more than 25% surplus places. The issue of surplus places remained to be addressed through various structural solutions which would be considered as the Phase 2A review continued.

Resolved - That the outcome of the Pensby High School Federation consultation and governing body decision be noted, and that Cabinet's congratulations be given to both governing bodies on their decision to become Wirral's first hard federated schools.

30 LEAD ACCOUNTABLE BODY FOR INFORMAL ADULT LEARNING

The Director of Children's Services reported upon the role of the Local Authority as Lead Accountable Body for Informal Adult Learning. In Spring 2010 local authorities were invited to become Lead Accountable Bodies and Wirral had provisionally accepted the role. From 2011-12 funding for Informal Adult Learning would go through the LABs. Throughout 2010-11 the LAB would work with other partners in an area, including those currently receiving this funding, to develop a plan. Wirral Lifelong and Family Learning Service Steering Group would be best placed to take on the strategic role of the Lead Accountable Body.

To support the development of a coherent plan for IAL there needed to be partnership working and the Wirral Lifelong and Family Learning Service already worked closely with a diverse range of local partners, including the Personal and

Community Development Learning (PCDL) Partnership, which had a wide range of members.

The Lifelong Learning Service was funded by grant from the Skills Funding Agency of approximately £876,000 a year.

Resolved – That,

(1) Wirral Council acts as the lead Accountable Body and commissioning body for Informal Adult Learning (IAL) in Wirral;

(2) the PCDL Partnership supports the planning of Informal Adult Learning in Wirral;

(3) a plan for Informal Adult Learning is drawn up linked into wider planning and local priorities;

(4) the final plan is presented back to Cabinet.

31 AIMING HIGH FOR DISABLED CHILDREN - CAPITAL BUDGET PLANS

The Director of Children's Services sought the Cabinet's approval for proposed plans for the Capital Budget as part of the delivery of the Aiming High for Disabled Children Project. As part of the Short Breaks element of the project the local authority were awarded a capital grant, which for 2010/11 was £588,500. The purpose of this grant was to directly support the local areas short break service plan for transforming their short breaks service.

The report detailed the proposed spend for this allocation, which with a carry over from the 2009/10 grant of £152,363, totalled £740,863 and he also detailed the consultation process undertaken.

Resolved – That,

(1) Cabinet notes the thorough consultation and planning process that has been undertaken to devise the indicative spend of the budget;

(2) Cabinet approves the main areas of spend detailed within the report.

32 SCRUTINY REVIEW OF LITERACY LEVELS AT KEY STAGE 2

At the request of Councillor Sheila Clarke, the Cabinet considered the report on the review of literacy levels at the time of children leaving primary schools (end of key stage 2) which had been undertaken by the Children and Young People's Overview and Scrutiny Committee and which had been considered by that Committee at its meeting on 21 January (minute 54 refers).

On a motion by Councillor Holbrook, duly seconded, it was -

Resolved – That,

(1) Cabinet thanks the Overview and Scrutiny Committee for an excellent piece of work;

(2) Cabinet supports the contents and recommendations of the Literacy Levels Scrutiny Review and requests that a further report be brought to Cabinet on the implementation of the Review's recommendations.

33 DELL UNDERPASS BRIDGE REFURBISHMENT CONTRACT VARIATION

In accordance with Contract Procedure Rule 16.2, the Director of Technical Services advised the Cabinet that the contract for the refurbishment of the Dell Underpass Bridge in Rock Ferry had had to be varied for technical reasons to ensure the successful delivery of the contract. The contract price had been varied by more than 10% or £50,000 and the report detailed the reasons for this variation.

Resolved - That Cabinet notes that the contract has been varied for technical reasons to ensure the successful delivery of the contract pursuant to Contract Procedure Rule 16.2.

34 EARLY RETIREMENT COSTS 2009/2010

The Director of Finance informed the Cabinet of the cost of funding the Early Voluntary Retirement Scheme in 2009/10 and gave an indication of the future costs relating to those retirements approved up to 31 March 2010.

Resolved - That the cost of funding early retirements be noted.

35 MODERNISING ARCHIVES

The Director of Finance updated the Cabinet on the development of Wirral Archives Service since its reopening in September 2008. The report detailed the improvements that had been made, the challenges currently faced and recommended strategies to ensure that the Archives continued to meet expectations.

The recommendations outlined in sections 4-8 of the report were put forward by the Museums, Libraries and Archives Council (MLA) and The National Archives (TNA) in the Government policy: 'Archives for the 21st Century', presented to Parliament by the Lord Chancellor and Secretary of State for Justice in November 2009.

The policy 'sets out the strategic vision for the sustainable development of a vigorous, publicly funded archives sector across England and Wales'. It outlined how the world in which archive services operated had changed over recent years, with the rapid increase in the amount of electronic information being created and held. It set out a vision for archives to aspire to in the way they delivered services; outlined the challenges currently faced; set out five key recommendations in order to create 'a more vibrant and sustainable archive sector'; and, highlighted the need for concerted action by all parties in order to secure a sustainable future.

Resolved – That,

(1) having considered this report in the context of the Archives for the 21st Century policy, Cabinet agrees the recommendations as outlined in paragraphs 4 to 8 of the report;

(2) Cabinet endorses the Wirral Archives Service Strategy 2010/2011;

(3) Cabinet agrees to the submitting of a bid for the cataloguing of The Cammell Laird Collection,

36 INSURANCE FUND ANNUAL REPORT 2009-10

The Director of Finance submitted a report which provided a review of the Risk and Insurance activity during 2009/10 and the plans for 2010/11. It also detailed the current status of the liability, fire and motor claims fund and the impact of measures taken to improve the management of risk. He reported a surplus of £2.47 million in respect of the Liability section of the Insurance Fund which could be returned to the General Balance in 2009/10.

Resolved – That,

(1) the transfer of £2,471,000 from the Insurance Fund to the General Fund balance be agreed and the thanks of the Cabinet be conveyed to all those involved;

(2) regular updates on the progress in Insurance and Risk Management continue to be presented to the Audit & Risk Management Committee;

(3) the Insurance Fund budget for 2011/12 be presented to Cabinet in November 2010.

37 TREASURY MANAGEMENT ANNUAL REPORT

The Director of Finance submitted a report which provided a review of Treasury Management activities in 2009/10 and confirmed compliance with treasury limits and prudential indicators. The report had been prepared in accordance with the revised CIPFA Treasury Management Code and the revised Prudential Code.

The Leader referred to the return of £2m invested in the collapsed Icelandic banks and the Director of Finance reported that nearly half of the money had been returned with the remainder expected over the next two years, including interest and he would be happy to provide a written update on the situation to Cabinet Members.

Resolved – That,

(1) the Treasury Management Annual Report be agreed;

(2) it be noted that the additional investment income of £1.2 million in 2009/10 has been transferred to the General Fund balance.

38 NORTH WEST IMPROVEMENT AND EFFICIENCY PARTNERSHIP EFFICIENCY COMMISSION

The Director of Finance recommended to the Cabinet that Wirral Council become the accountable body for the North West Improvement and Efficiency Partnership (NWIEP) Efficiency Commission programme.

Resolved - That Cabinet endorses Wirral Council as accountable body for the NWIEP regional wide Efficiency Commission programme.

39 FINANCIAL OUT-TURN 2009-10

The Director of Finance reported that a full review of the financial accounts for 2009/10 had now been completed. His report provided an overall comparison of the out-turn against the estimate for 2009/10 and an analysis of the major variations together with details of the amounts held in reserves and provisions at 31 March 2010.

Resolved – That,

(1) the revenue out-turn for 2009/10 be agreed;

(2) the provisions and reserves be agreed.

40 CAPITAL OUT-TURN 2009-10

The Director of Finance submitted a report which gave details of the capital out-turn for 2009/10 and the resources used to fund the programme. Under Part IV of the Local Government and Housing Act 1989, the Authority was required to make a number of formal Determinations in respect of its capital expenditure and financing and the report included those for the 2009/10 financial year.

Resolved – That,

(1) the actions regarding the progress in delivering the programme, including the variations referred to in sections 3.3.6 and 3.5.1 of the Director's report and the slippage from 2009/10 to 2010/11 be agreed;

(2) the capital out-turn and financing for 2009/10 be noted;

(3) the formal Capital Determinations be agreed.

41 REDUCTION OF SPECIFIC GRANTS 2010-11

The Director of Finance submitted a report which provided details of the Government announcement on 10 June 2010 to reduce grants to local government and the implications for Wirral Council.

Having circulated an amended recommendation to the Cabinet it was then moved by Councillor Holbrook, seconded by Councillor Green and –

Resolved – That,

(1) the reduction in Local Authority Business Growth Incentive Grant be met from the general balance. That the amount that the Council would have paid to the Voluntary and Community Sectors from the Local Area Agreement Reward Grant still be paid, and that the Director of Corporate Services report back on how this can be achieved;

(2) as a matter of priority, the Director of Finance reports on the impact on the Capital Programme of the loss of capital grant reviewing all spending which is financed through capital grant funding. The review shall assess the spending of capital grant funding against criteria including its alignment with corporate plan priorities, the scale of impact and the record of effectiveness in achieving the desired outcomes from such spending. This review will form the basis on which spending decisions of capital grant will be based both in the future and in the current financial year;

(3) as a matter of priority, the Director of Corporate Services brings forward a report to Cabinet reviewing all spending which is financed through Area Based Grant funding and setting out where this funding impacts on staffing. The review shall assess the spending of ABG funding against criteria including its alignment with corporate plan priorities, the scale of impact and the record of effectiveness in achieving the desired outcomes from such spending. This review will form the basis on which spending decisions of ABG will be based both in the future and in the current financial year;

(4) arising from Tuesday's Emergency Budget announcements and the specific reference to public sector pay, we await the conclusion of the national pay bargaining arrangements. Following this, any remaining budget from the amount allocated to cover the cost of the provision for pay awards be moved to balances.

42 FAIR ACCESS TO CARE SERVICES

The Director of Adult Social Services submitted a report which provided the Cabinet with background information on the national eligibility criteria for Adult Social Care, recent updates to guidance in February 2010 and made recommendations to Cabinet for the future application of the FACS (Fair Access to Care Services) eligibility bands.

The Director informed the Cabinet that the report had been endorsed by the Health and Well Being Overview and Scrutiny Committee at its meeting on 21 June (minute 79 refers).

Resolved – That,

(1) Cabinet endorses the decision to continue to provide social care services to individuals in Wirral who have critical and substantial needs;

(2) Cabinet notes the revised guidance on FACS and the need for Councils to support universal services which promote reablement and prevention;

(3) Cabinet endorses the decision to undertake a wider consultation on the Council's FACS criteria to enable Council to determine FACS levels for 2011/12.

43 INTEGRATED REGENERATION STUDY FOR BIRKENHEAD AND WIRRAL WATERS

The Deputy Chief Executive / Director of Corporate Services submitted a report which presented the findings of the Integrated Regeneration Study for Birkenhead and Wirral Waters (IRS) produced on behalf of the Council by GVA Grimley.

The report set out the background to the study, the preparation process, including stakeholder engagement and the key findings and recommendations. The report also explained how the IRS was an important element of the evidence base for Wirral's Core Strategy Development Plan Document and outlined how the key findings of the study would inform a series of guiding principles for Wirral Waters which in turn would shape the consideration of Peel's proposals for Wirral Waters.

An additional recommendation had been circulated to the Cabinet and on a motion by Councillor Hodson, duly seconded, it was –

Resolved - That,

(1) the Integrated Regeneration Study for Birkenhead and Wirral Waters be adopted by the Council as a material planning consideration in relation to development proposals in the vicinity of the study area;

(2) the findings of the Integrated Regeneration Study for Birkenhead and Wirral Waters be used to inform the content of the emerging Core Strategy Development Plan Document;

(3) the thematic relationships table linking the Integrated Regeneration Strategy for Birkenhead and Wirral Waters and the East Float component of Wirral Waters (appended to the report) be used to inform the consideration of the current planning application by Peel holdings and be taken forward alongside the Core Strategy;

(4) a further report be brought back to Cabinet on delivery options In due course;

(5) Cabinet welcomes the Integrated Regeneration Study as providing a context for Wirral Waters, and its integration with Birkenhead, Wallasey and the surrounding areas. Cabinet further notes that if the RSS is abolished there would be a policy vacuum and considers that this study will help inform the Spatial Priorities to be taken forward in the study area and the rest of Wirral.

44 COMMUNITY ENERGY EFFICIENCY FUND

The Director of Law, HR and Asset Management sought the Cabinet's approval to the proposed mechanism and qualification criteria for the setting up and administering of a Community Energy Efficiency Fund for the allocation of energy

efficiency grants to community groups. Cabinet at its meeting of 22 February 2010 (minute 332 refers) had allocated £66,000 from the budget for the energy efficiency fund for communities.

Resolved - That Members approve the mechanism and qualification criteria detailed in the report for the setting up and administering of the Community Energy Efficiency Fund.

45 **OFFICE ACCOMMODATION**

The Director of Law, HR and Asset Management submitted a report which presented the business case produced by EC Harris for the rationalisation of the Council's office accommodation. It identified related issues that required further consideration and sought guidance from Members on the preferred way forward.

Any of the 5 options beyond the 'do minimum' option would deliver savings and operational efficiencies. Option 3 was recommended as being the most economically advantageous solution. This option would deliver discounted average revenue savings to the Council (compared with 'do minimum') in excess of £800,000 per annum over the model period of 25 years, plus further as yet unquantified savings. These savings were dependent upon stated assumptions in the report, including a 10% reduction in staff numbers.

EC Harris recommended that, because three of the modelled options were so closely ranked, further work should be done to confirm Option 3 as the agreed way forward. Once a preferred option was confirmed further detailed work would be undertaken to develop a final business case as the project moved forward. Separate detailed work was also required to address the related and building-specific issues outlined in the report so that the maximum advantage was taken of opportunities arising from the rationalisation project.

Having circulated an amended recommendation to the Cabinet, it was then moved by Councillor Holbrook, seconded by Councillor Green and –

Resolved – That,

(1) Cabinet welcomes the report and supports the need to deliver greater efficiency and value from its use of office space and so deliver better services to the public, and provide a positive working environment for staff;

(2) Cabinet agrees to provide in principle support to option 3 as set out in the report, but recognises that there is still further work to be done to refine the alternatives within this option. Cabinet therefore instructs officers to:

- (i) As a matter of priority, bring forward a fully costed action plan to implement those aspects of option 3 that are not dependent on new build. The action plan to be presented to Cabinet for approval at the earliest opportunity.**
- (ii) Further investigate those aspects of option 3 that require new build along with Acre Lane, and to produce an options report for Cabinet to consider.**

- (iii) Refer the EC Harris report to the Council Excellence Overview and Scrutiny Committee for their consideration.**

46 GUINEA GAP BATHS, WALLASEY

The Director of Law, HR and Asset Management submitted a report which sought Cabinet approval to restore the funding of Guinea Gap Baths to the Council base budget when the current funding ran out at 31 March 2011. The Council Budget for 2010/11 included £150,000 to meet the cost of keeping Guinea Gap Baths open until 31 March 2011. In order to retain the Baths beyond that date the sum of £640,000 would be required to the Budget from 2011/12. This was included within the Budget projections 2011-14 report to Cabinet on 18 March 2010 (minute 356 refers).

The Leader expressed the view that this should now draw a line under the leisure aspects of the Strategic Asset Review.

An addition to the recommendation was circulated to the Cabinet, and at this point, having regard to the additional recommendations, Councillor Ian Lewis declared a personal interest by virtue of him being a board member of Leasowe Community Homes.

On a motion by Councillor Elderton, seconded by Councillor Green, it was –

Resolved – That,

(1) Cabinet requests Council, as part of its Annual Budget setting process, to add the sum of £640,000 to the Revenue Budget for 2011/12 onwards in order to meet the running costs of Guinea Gap Baths;

(2) a report be brought to the next Cabinet on the current status of the proposed transfer of Leasowe Recreation Centre to Arena Housing;

(3) despite central government cuts to grant funding, Cabinet is committed, within our current financial constraints, to putting people first when providing front line services. Therefore, free swimming at Council facilities for residents under 18 and over 60 will be extended beyond the end of the central government grant funding period and continue throughout the school summer holidays until 3 September 2010, at which time this decision will be reviewed. The Director of Technical Services is instructed to provide a report setting out the costs and benefits of this scheme.

47 BROMBOROUGH SOCIAL CENTRE, FORWOOD ROAD, BROMBOROUGH

The Director of Law, HR and Asset Management sought approval for a transfer by lease of the Bromborough Social Centre to Age Concern Wirral following an application under the Council's Community Asset Transfer Policy.

Resolved –

(1) That a transfer by lease of the Bromborough Social Centre to Age Concern Wirral be agreed and the Director of Law, HR and Asset Management be authorised to complete the necessary lease on the terms set out in the report;

(2) That the agreed works to the property be funded from the Community Fund.

48 GRADUATE RECRUITMENT AND DEVELOPMENT PROGRAMME

The Director of Law, HR and Asset Management sought the Cabinet's approval for a Graduate Recruitment and Development Programme. The report gave details of how the programme would work. The recruitment and training costs would be funded in the first instance by the Merseyside Improvement and Efficiency Programme via the "Merseyside BEST" Project, and was therefore at no cost to Wirral.

Resolved – That,

(1) Cabinet notes and approves the proposed approach and Graduate Programme;

(2) Cabinet notes and approves the roles identified to support the Programme (including the Mentor role).

49 PERFORMANCE APPRAISAL FOR CHIEF EXECUTIVE

The Director of Law, HR and Asset Management submitted a report which recommended options for a Performance Appraisal process for the Chief Executive in line with a Council decision from 2 November, when Council approved a Notice of Motion 'Council Executive Pay' (minute 59 refers).

Resolved – That,

(1) having regard to the National Guidance:

(a) the appraisal is conducted by a working party agreed by the Employment and Appointments Committee;

(b) the working party is supported by an External Adviser to be appointed from a recognised National or Regional body such as SOLACE Enterprises or North West Employers' Association;

(c) the Appraisal process is agreed by the Employment and Appointments Committee.

(2) the Working party considers the key accountabilities as its first task, in discussion with the External Adviser and Chief Executive;

(3) the External Adviser, in discussion with the Chief Executive, draws up proposed targets for discussion with the Working party. The targets should be ambitious and challenging whilst reflecting the political mandate and capacity to deliver;

(4) the 360 degree feedback process is facilitated by the External Adviser with the Working party;

(5) the Performance Appraisal is carried out in September annually. This will enable the Corporate Plan to have been agreed and the outturn position for the previous year to be confirmed;

(6) the summary outcome of the Performance Appraisal is presented to the Employment and Appointments Committee as an exempt item;

(7) the Working party participates in a short briefing session with the External Adviser for the purpose of ensuring a consistency of understanding and approach;

(8) (a) the key issues exchange documentation is used as the basis for the discussion, with some amendments following the agreement to the process;

(b) documentation be signed off by the Employment and Appointments Committee.

50 REVIEWS OF LOCAL GOVERNANCE ARRANGEMENTS AND COMBATING ANTI-SOCIAL BEHAVIOUR

At the request of the Leader, the Director of Law, HR and Asset Management submitted a report which set out proposals for establishing two all-party reviews, one of local governance arrangements and the second on combating anti-social behaviour.

The Leader expressed the view that he hoped all Members of the Council would be involved, although the Labour Group had declined the offer to chair the Combating Anti-Social Behaviour Commission and he had now asked Councillor Sheila Clarke to do this.

The Deputy Leader had asked Councillor Stuart Kelly to chair the Wirral Localism Commission.

Resolved –

(1) That the Director of Corporate Services is instructed to convene a commission, to be known as the Wirral Localism Commission, comprising one Member nominated by each political group; and to provide an officer to support the Commission.

(2) The terms of reference of the Wirral Localism Commission are:

- To recommend options and governance models, including the obligation for transparency, openness and inclusiveness, for devolving significant amounts of Council services, resources and Executive Authority to Council members, communities and local residents.
- The Commission will be expected to consult openly and widely drawing on lessons of best practice operated by Partnerships in other parts of the Country.

- The Commission will, as a priority, undertake a study of which services and the level of resources can or should be delegated from the Executive to members, residents and communities. The Commission will report frequently, as directed by the Leader of the Council and in any event report back its findings to the Leader of the Council and the Cabinet by 1 October 2010, at the latest.

(3) That the Director of Children's Services is instructed to convene a commission, to be known as the Wirral: Combating Anti-Social Behaviour Commission, comprising one Member nominated by each political group; and to provide an officer to support the Commission.

(4) The terms of reference of the Wirral: Combating Anti-Social Behaviour Commission are:

- To review how much money, from different streams of expenditure, the Council puts towards combating anti social behaviour, to examine how this money is spent and to advise the Leader on how this budget might be better spent.
- The Commission will report frequently, as directed by the Leader of the Council. As its first piece of work the Commission will undertake a study on the size and objectives of the under-fives budget to report back to the Leader and Cabinet by 1 September 2010, at the latest.

(5) All officers are requested to support the work of the commissions as required.

51 LAND OFF BRIDGE ROAD, WEST KIRBY

The Director of Law, HR and Asset Management submitted a report which advised Members of the terms of a potential transfer of the land comprising the highway embankment to Bridge Road, West Kirby, from Network Rail to the Council, with a lease thereafter granted to ALDI.

The Leader referred to two letters which had been circulated to all Cabinet Members from Mr G K Medlock regarding the proposal and which the Cabinet noted.

Resolved – That,

(1) Cabinet agrees to accept the freehold of the embankment off Bridge Road, West Kirby, in accordance with the terms and conditions set out in the report;

(2) on receipt of the freehold, Cabinet approves the grant of a lease to ALDI for the embankment, in accordance with the terms and conditions set out in the report.

52 BUDGET PROJECTIONS 2011-14

The Leader had agreed to consideration of this item as a matter of urgent business.

The Director of Finance submitted a report which updated the Cabinet on the projected budgets for the years from 2011 to 2014.

The Leader referred to the seriousness of the situation with a projected shortfall of £24.4m in 2011-12 rising to £81m, over the three years 2011-14.

Having circulated an amended recommendation to the Cabinet, it was then moved by Councillor Green, seconded by Councillor Elderton and –

Resolved –

(1) Cabinet thanks the Director of Finance for his report and notes the major financial challenges facing the Council.

(2) Cabinet believes the longer we wait, the more drastic any action required will need to be to tackle this financial challenge later on and the less the Council will be able to spend on the things that really matter to the residents, staff and communities we serve who depend on our services.

(3) Cabinet thanks all of the staff who have responded to our request to let us know what could be done to save money in a way that protects services and notes that a number of these suggestions have been included in this resolution.

(4) Cabinet therefore instructs Officers to take the following actions:

- (i) The Head of Human Resources and Organisational Development to begin discussions with the Trade Unions and our staff concerning the financial challenge and a range of measures that could be put in place to reduce costs with the options reported back to Cabinet.**
- (ii) To ensure any requests for reduced hours are considered in the light of the Council's current financial challenges and, following feedback to the Leader's letter to staff, ensure any application for flexible working that reduces the Council's costs must be forwarded to the Head of HR and OD and the Director of Finance at the same time as the appropriate line manager.**
- (iii) To minimise ANY discretionary spend within their departments by ensuring that any requests to spend £100 or more be approved in an auditable manner by the relevant Head of Service.**
- (iv) All requests for the engagement, renewal or extension of consultants be minimised and subject to prior approval by a relevant Cabinet member.**
- (v) That provision of 'free' meals and sandwiches for officer or Council meetings including training courses be minimised immediately and a review be undertaken with the intention of bringing this practice to an end.**
- (vi) Cease the purchase of any first class travel with immediate effect.**

- (vii) Minimise marketing spend and conduct an urgent review of all Council internal and external publications, including the 'One Magazine', with a view to identifying cost reductions.
- (viii) The Director of Finance to identify for Cabinet consideration any expenditure proposals which have been agreed but not yet committed. That an immediate review of any current or planned IT projects and developments be conducted to recommend to Cabinet whether they should be delayed or cancelled.
- (ix) Given the successful governance and management of the waste and recycling and highways projects the Director of Technical Services carry out an immediate review of the Council's 'Strategic Change Programme' and recommend to the Leader and Deputy Leader of the Council the future scale, content and governance structure for the programme.
- (x) Introduce a freeze on recruitment to existing vacancies, creation of new vacancies, the renewal or extension to fixed term contracts and the use of Agency staff and consultants. This will be reviewed on a six monthly basis.

 - The Head of HR and OD to propose a set of criteria for agreeing exemptions to the freeze, which will focus upon the protection of front line services such as Child protection and Sure Start. The criteria shall be approved by the Leader in consultation with the Deputy Leader of the Council.
 - Exemptions from the freeze shall be subject to approval from the Director of Finance and Head of HR and OD, who will scrutinise each application against the published set of criteria in consultation with the relevant Director. Any applications for exemption shall be copied to the Leader and Deputy Leader of the Council.
- (xi) That the use of overtime is reduced and that each Chief Officer is held accountable for putting in place an auditable system for the authorisation and the use of overtime. Authorisation can be delegated to an appropriate senior officer.

 - The Head of HR and OD be asked to review the overall spend on overtime with the aim of reducing expenditure.
- (xii) That the Head of HR and OD be instructed to prepare a report for the Employment and Appointments Committee for referral to Council for a decision, setting out a new procedure for creating and deleting posts on the staffing structure and appointing staff up to SCP49 under an appropriate system of delegated authority to officers.

 - That on adoption of this new procedure all vacant posts currently shown on the staffing establishment be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR and OD.

(xiii) The Director of Law, HR and Asset Management reports back to the next Cabinet on the potential implementation and benefits of centralising of the HR and OD service.

(xiv) The Director of Finance and Head of HR and OD be asked to report regularly to the Leader and Deputy Leader of the Council on the savings realised from the above proposals.

(xv) Following the deletion of the post of Director of Regeneration, the Chief Executive consults on making permanent the temporary reassignments of:

- The Housing and Regeneration Division to the Corporate Services Directorate**
- The Regulation Division to the Law, HR and Asset Management Directorate, and reports back to Cabinet.**

(xvi) In addition the Chief Executive consults on:

- The reassignment of all asset management responsibilities relating to the built assets of the Council's Leisure Estate to the Law, HR and Asset Management Directorate.**
- Options for the future assignment of the Cultural Services Division.**

(5) This administration affirms its total commitment to a new way of working – engaging and consulting communities and stakeholders from across Wirral.

(6) Therefore, whilst the need to take immediate action now to save cash is clear; Cabinet believes that Wirral residents, staff and Councillors are all in this together and that as a Council we must engage with and listen to residents, communities, faith groups and our staff regarding their views and priorities given the scale of the financial issues facing the council.

(7) Cabinet, therefore, instructs the Director of Corporate Services to develop, as a matter of urgency, a consultation programme that will enable us to truly engage with Wirral residents, community and voluntary groups and businesses in the future. The programme will be approved by the Leader and Deputy Leader of the Council and should be implemented at the earliest possible opportunity.

(8) This programme must incorporate innovative ways of reaching all who wish to have the opportunity of helping to shape the future of Wirral Council Services. In addition it must enable the Council to develop broad support on the need for change, before progressing on to possible solutions.

(9) This consultation should have at its centre the objectives of the Corporate Plan which are:

- To create more jobs, achieve a prosperous economy and regenerate Wirral.**

- To create a clean, pleasant, safe and prosperous environment.
- To improve health and well being for all, ensuring people who require support are full participants in mainstream society.
- To raise the aspirations of young people.

(10) The delivery of these challenging objectives depends upon meaningful debate with communities regarding the provision and delivery of services to ensure residents' needs are met.

(11) The consultation programme should take full account of this and ensure a flexible system of engagement and consultation is in place to enable meaningful information to be gathered to inform future Cabinet decision making.

53 EXEMPT REPORTS

Prior to consideration of the following item, Councillor Ian Lewis asked for clarification on the reasons as to why two items on the agenda were marked as exempt.

The Director of Law HR and Asset Management explained the reasons and also stated that it was a matter for the Cabinet as to whether they wished to exclude the press and public having taken advice from the officers. The Director emphasised that if Members wished to exclude the press and public they must be satisfied that the public interest was better served by such exclusion.

The Deputy Leader suggested that most future reports should have a public element with an exempt appendix. Councillor Gill Gardiner suggested that reports which had to remain exempt could have a summary paragraph explaining the reasons for the exemption. Councillor Hodson commented upon the need to have all this information prior to the meeting so that Cabinet could make an informed decision as to whether it best served the public interest for the press and public to be excluded for a particular item.

It was then agreed that the Director of Law HR and Asset Management look into the matter of exempt reports and how they are presented.

On a motion by Councillor Green duly seconded it was –

Resolved – That the exempt status of agenda item 33, 'Collection Summary – 2009-10' be lifted.

54 COLLECTION SUMMARY 2009-10

The Director of Finance submitted a report which detailed the collection of Council Tax, Business Rates, Sundry Debtors and Housing Act Advances. It highlighted key collection indicators and trends with regard to irrecoverable sums and sought Cabinet's approval to write off debts in excess of delegation.

Resolved - That approval be given to write off £255,725.11.

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

Resolved - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The public interest test had been applied and favoured exclusion.

56 **SUPPLY OF ADVERTISING SERVICES**

The Director of Finance submitted a report which sought Cabinet's approval to award to the most economically advantageous tenderer the contract for the supply of advertising services for the Council. The report outlined the collaborative procurement process undertaken on behalf of the Merseyside Procurement Group.

Resolved – That,

(1) Cabinet approves the award of the contract for the supply of advertising services for Wirral to McCann Erickson Communications House commencing 1 July 2010;

(2) the contract for Wirral local media services be awarded to Newsquest commencing 1 July 2010.

57 **FLEMING CLAIMS - VAT RECOVERY - LEISURE SERVICES (COACHING)**

Further to minute 289 (14/1/10) the Director of Finance submitted a report which detailed the final reimbursement received by the Council and the payment made to Price Waterhouse Coopers (PwC) in respect of backdated Value Added Tax (VAT) claims.

Resolved – That,

(1) the receipt of £239,942 in respect of Coaching Activity (Sports) be added to balances;

(2) the payment of £47,988 to PwC be funded from the Efficiency Investment Budget.

58 **BIRKENHEAD HIGH SCHOOL FOR GIRLS ACADEMY - CAPITAL WORKS APPOINTMENT OF PREFERRED BIDDER**

The Leader had agreed to consideration of this item as a matter of urgent business.

The Director of Children's Services submitted a report which sought Cabinet's approval to the appointment of Willmott Dixon Ltd as the Preferred Bidder for the Capital works at Birkenhead High School for Girls Academy. The scheme was being procured under the national Partnerships for Schools (PfS) Academy Programme, using the PfS procurement framework. Appointment of Preferred Bidder was the next step in the procurement process, to be followed by a period to finalise the contract,

with a view to contract signature subject to further Cabinet approval in around five months.

Resolved – That,

(1) Cabinet confirms its approval for Willmott Dixon to be appointed as the Preferred Bidder for the capital scheme at Birkenhead High School for Girls Academy;

(2) detailed contractual and design development will continue with a further report to Cabinet for final Contract approval together with submission of the Final Business Case to PfS.

59

ADULT SOCIAL SERVICES CHARGING POLICY

The Leader raised this item as a matter of urgent business.

The Leader referred to Mr Morton's allegations in respect of the Adult Social Services Charging policy previously considered by Cabinet and the Audit and Risk Management Committee. He indicated that he was considering appointing an independent person to carry out a full review of the Council's response to the concerns raised by Mr Morton.

At this point Councillor Blakeley declared a personal interest by virtue of his membership of the Standards Committee.