

# CABINET

Thursday, 29 March 2012

<u>Present:</u>	Councillor	J Green (Chair)	Finance and Best Value and Social Care and Inclusion
	Councillors	S Clarke	Children's Services and Lifelong Learning
		T Harney	Corporate Resources
		I Lewis	Community and Customer Engagement
		L Rennie	Culture, Tourism and Leisure
		D Mitchell	Streetscene and Transport Services
		Vacant Portfolios	Environment Housing and Community Safety Public Health Regeneration and Planning Strategy

## 357 LEADER'S ANNOUNCEMENTS

Councillor J Green reported as follows:

### (a) The Additional Cabinet Meeting

Three weeks ago it had been decided that there was a need for an additional Cabinet meeting to cover a series of matters. This was discussed with the Chief Executive and the Executive Team who agreed.

Those officers, who had written reports for the Chief Executive, in his absence, were thanked for their work.

The agenda for the meeting had been published without the reports being attached. This was because there had been an internal capacity issue.

When the agenda had been published it had included an item titled 'Leader's Investigation'. After taking advice from colleagues it was decided to take this item of business off the agenda. Therefore, the agenda had been unpublished and then republished on the internet without this item but with the reports attached. An apology was made about that.

The Council was working with the Local Government Association to have an Improvement Board that was providing advice and informing of best practice and what worked well in other local authorities. Some of the Cabinet reports on the agenda would be presented to the Improvement Board for its comments.

As well as the items on the agenda there would be two items of urgent business considered at the meeting. They were:

- (i) Pacific Road Arts Centre, Transport Museum and Tramway, Birkenhead – Outcome of Tender Exercise

An urgent decision was needed on what should be done in the short term as there were resource implications and proposals relating to fixtures and fittings that could affect the future use of the venue.

- (ii) Compromise Contracts

An urgent decision was needed on how to handle compromise agreements/contracts. The Improvement Board would also be asked to consider this report.

- (b) Labour Group

Councillor P Davies had replaced Councillor S Foulkes as Leader of the Labour Group.

Tribute was paid to Councillor Foulkes who was driven by the spirit of public service. He had been the Leader of the Council for twelve years. His contribution was recognised and he was thanked for his service. Councillor P Davies was congratulated on his new appointment. A letter had been sent inviting him and Members of his Political Group to take up the four vacant Cabinet seats. A response was awaited.

- (c) Highway and Engineering Procurement Exercise (HESPE)

The Acting Chief Executive/Director of Finance was requested to provide the Cabinet with an update on progress of the District Auditor's report on the HESPE. He reported as follows:

The second draft of the HESPE report had been issued by the District Auditor on 13 March 2012 and a response on its factual accuracy had been requested by 27 March 2012. The response had been sent within the timescale laid down. The final report was now awaited and it was expected that it would be received within the next two weeks.

The Director of Law, HR and Asset Management reported that the Council's responses to the second draft had been comparatively minor. The District Auditor may now be considering whether to consult with any other body on his report.

It was important that the District Auditor's final report on the HESPE was delivered along with an action plan and made public.

(d) Director of Technical Services

The Acting Chief Executive/Director of Finance was asked to update the Cabinet on the situation in respect of the Director of Technical Services, who had been the subject of recent media coverage. He reported that it had become clear, following consideration of the District Auditor's second draft of his HESPE report that further investigations were required on some of the issues that had been raised. The Director of Technical Services was at home and not in the office because investigations could not be carried out with him at work. He had not been suspended.

Councillor D Mitchell, as the Cabinet Member for Streetscene and Transport Services, informed that he was upset to find out that this had happened through the media. He considered that it would have been good manners to have at least informed the relevant Portfolio Holder.

The Acting Chief Executive/Director of Finance informed that he had apologised privately to Councillor Mitchell for this oversight. He apologised publicly for not handling it in a satisfactory manner and accepted that the Cabinet Member should not have found out what had happened through the media.

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

No declarations of interest were received.

**359 DRAFT CORPORATE PLAN 2012/13**

The Council at its meeting on 13 February 2012 (Minute No. 122) instructed officers to prepare a report that set out a process and timetable that would deliver an updated Corporate Plan within six months that:

- Captures any work done to date, particularly focussing on comments provided by Overview and Scrutiny Committees and partner organisations;
- Leads to the preparation of an updated draft plan by the middle of May;
- Builds in a 6 week policy public consultation period;
- Reports back to Council at the end of August;

- Informs the Budget Planning process and enables publication of a draft Budget to December Council.

The 2012/13 draft Corporate Plan was reported to the Council on 2 February 2012 where it was resolved that a report be prepared that captured the comments provided by the Overview and Scrutiny Committees and partner organisations.

The Cabinet received a covering report by the Chief Executive and the Council's draft Corporate Plan 2012/13. The Corporate Plan presented a structured approach to make the most of available resources, taking advantage of opportunities open to the Council and tackling the significant challenges that faced the borough. The Council's ambitions were clear, and the resources had been put in place along with the plans and strategies needed to achieve them. There were four themes within the Corporate Plan (Your Family, Your Neighbourhood, Your Economy and Your Council) that would guide the Council to invest its resources and prioritise its work.

The following focuses had been included in the 2012/13 draft Corporate Plan following consultation with the Overview and Scrutiny Committees and partner organisations:

- Working towards every child in Wirral is ready for school;
- Tackling alcohol harm;
- Tackling health inequalities
- Implementing a mortgage assistance scheme;
- Delivering improvements to town centres;
- Ensuring Wirral plays a key role in the regional opportunities presented by the Liverpool City Region and Local Enterprise Partnership;
- Ensuring that the Wirral Waters development complements the wider economic regeneration strategy for the Borough.

**RESOLVED: That**

- (1) the Corporate Plan be agreed; and**
- (2) the covering report and the draft Corporate Plan be referred to the Improvement Board for endorsement.**

**360 CORPORATE AND BUSINESS PLANNING**

A report by the Chief Executive informed that it was imperative that the Council had a robust approach to business planning to ensure that decisions relating to the vision, priorities and resource allocation were based on a robust evidence base and analysis of community needs.

The report set out an approach for developing a three year Corporate Plan and the timetable for doing so to ensure that consultation was embedded into the business planning arrangements which informed the future priorities and to enable the priorities identified in the Corporate Plan to be delivered by a sustainable budget over the three year period.

Councillor J Green informed that he was of the view that the Council should consider asking the public, particularly through the Area Forums, if the consultation was meaningful. He proposed that Area Forums be invited to let the Council know what they thought about the Council's consultation exercises and if they worked for them.

Councillor I Lewis reminded the Cabinet that there had been concerns raised the previous summer by the Local Strategic Partnership that the Council was failing to consult appropriately with the voluntary community sector and that it had been side lined. The Council had not complied with the compact that it had signed.

The Acting Chief Executive/Director of Finance informed that the issues with the voluntary community sector would not recur if the Council followed the process set out in the report. He told the Cabinet that consultation was an integral part of the business planning process.

Councillor L Rennie referred to the recent consultation on Library Strategy and that there had been very few young people at the Consultation Forum which she had attended. She considered that the Council needed to find ways to make contact with young people and perhaps social media was the answer.

Councillor S Clarke informed that the Council did have Youth Forums that should be included in consultation exercises but it appeared that they had been by passed.

Councillor D Mitchell reported that Eastham Library had more children involved in the reading programme than ever before. He told the Cabinet that young people were our future and they should be engaged.

Councillor J Green informed that the Council did have a Twitter account but it still needed to do some work around social media.

The process that would deliver an updated Corporate Plan was focused and the outcomes would be evidence based. A key element was how the Corporate Plan would be delivered through effective performance management. There was a desire to better link finance with performance framework. The Corporate Plan was an important document and Councillor J Green thanked those who had contributed to its production.

**RESOLVED: That**

- (1) the approach and timetable for developing a three year Corporate Plan for 2013/14 - 2015/16 as set out in this report be agreed and specifically the programme of engagement and consultation and the arrangements to align the Corporate Plan and financial planning;**
- (2) the report be referred to the Improvement Board for approval; and**
- (3) a further report be presented to the Cabinet on how the performance management arrangements will ensure the successful delivery of the 2013/14 – 2015/16 Corporate Plan.**

**361 ESTABLISHMENT OF ALL PARTY BUSINESS DELIVERY BOARD AND STRATEGIC CHANGE PROGRAMME BOARD**

A report by the Acting Chief Executive/Director of Finance informed the Cabinet that as part of the ongoing drive to improve the Council, its corporate governance and the manner in which it discharged its functions, duties and obligations, five key Wirral Improvement Priorities had been agreed by all three Political Group Leaders and the Improvement Board. The five “Wirral Improvement Priorities” were set out at Appendix 1 to the report.

The report proposed the establishment of an all party Business Delivery Board (“BDB”) and a Strategic Change Programme Board (Working Group) (“SCPB(W/G)”) to assist the Council achieve the “Corporate Plan” and “Budget and Financial Stability” Wirral Improvement Priorities together with other Council corporate priorities, targets and objectives (“Agreed Priorities”). Councillor J Green referred to paragraph 2.9 in the report which proposed a Project Manager and informed that the reason and purpose for making this appointment was to add capacity to the current Team to enable the Strategic Change Programme to gain pace and momentum. Further consultation would need to take place with the Change Team before it was put in place.

The Project Manager should be appointed on a consultancy basis for a period of twelve months (unless extended by Cabinet) and upon such terms as considered appropriate and necessary by the Chief Executive, in consultation with the Director of Law, HR and Asset Management.

The costs of the Project Manager should be met from the Efficiency Investment Budget. The Chief Executive’s Office should provide the necessary administrative support to both the BDB and the SCPB(W/G). Subject to the level of support required, a resources review may be required in the future.

It was noted that the Minutes of both these Boards would be made available to the public and published on the Council's website. Both Boards would also be subjected to scrutiny.

Councillor J Green informed that the aim was to look at problems and solutions. The Boards would work in an all party way involving people in decision-making rather than excluding them.

Officers were asked to develop some Member training options in consultation with Councillor T Harney and the Member Training Steering Group.

Councillor J Green, asked Councillor P Davies (who was in attendance at the meeting) for his comments on the establishment of the two Boards.

Councillor P Davies told the Cabinet that he was in favour of the opportunities for the three Political Groups to work together. The Boards should not be bureaucratic, the number of meetings proposed seemed reasonable and the principle of doing more things collectively was fine.

**RESOLVED:**

**That subject to endorsement by the Improvement Board, the Cabinet:**

- (1) agrees to the establishment of a cross party Business Delivery Board and Strategic Change Programme Board;**
- (2) approves the Terms of Reference for the Business Delivery Board and Strategic Change Programme Board (Working Group) set out at Appendix 2 and 3 respectively to the report; and**
- (3) approves the appointment of a consultant Project Manager to support the Strategic Change Programme Board (Working Group) as detailed in the report; and that the costs of the consultant be met from the Efficiency Investment Budget.**

**362 DELIVERING CORPORATE GOVERNANCE**

A report by the Acting Chief Executive/Director of Finance outlined investment proposals to enhance the delivery of corporate governance in the Council. £300,000 had been identified in the Council's 2012/13 Budget "to improve standards and practice across the Council" following the critical report of its corporate governance arrangements.

Work on ten Key Lines of Enquiry would achieve outcomes by the end of March 2012 which would be the essential building block upon which a wider programme could be based. Also, the Council had established an

Improvement Board in partnership with the Local Government Association (LGA). Its role was to:

- Provide support, guidance and challenge;
- Identify and signpost appropriate good practice;
- Ensure there is a single, integrated and holistic improvement plan that can be clearly understood and communicated internally and externally;
- Ensure the contributions from different external agencies/bodies to Wirral's improvement journey are coordinated.

At its meeting on 2 March 2012 the Improvement Board had considered a report on the Council's key priorities for an overarching improvement plan and requested a further report on how it intended to deliver the agreed priorities for improvement. It welcomed the further additional sum agreed as part of the budget and wanted the Council to identify sufficient corporate capacity to drive forward the overall improvement programme with momentum.

The Acting Chief Executive/Director of Finance proposed in his report that the £300,000 be invested as follows:

(a) Director of Law, HR and Asset Management (£50,000)

To support an additional solicitor to deal with governance issues which would include constitutional advice and issues of a complex legal nature?

(b) Finance (£250,000).

Corporate Performance – The responsibility for Corporate Performance was transferred to the Director of Finance; however only one post from four established was transferred. It was proposed that the Team be enhanced to its previous complement of four.

(c) Compliance – Clearly the effectiveness of, and adherence to, the Council's policies and procedures had been questioned. It was proposed to establish a team which would support the review and effective implementation of Council policies and procedures. Clearly this function could be managed from within the Internal Audit Service or from within the Corporate Performance Group. There were advantages and disadvantages to either proposal; however, it was believed that it was more appropriate to determine this in the light of an Independent Review of Internal Audit which would be reporting to the Cabinet in due course.

Councillor J Green informed that he was disappointed with the report and the proposal for the Finance Department to receive £250,000 for a compliant unit. A key issue was that the Council had so many policies and versions of policies and that they were not kept all in one place. The Acting Chief



Executive/Director of Finance told the Cabinet that there would be a compendium of policies and that he should have made this clear in his report.

Councillor T Harney raised issues over the Council's Whistle Blowing Policy. He considered that there should be a method to test outcomes by both Internal and External Audit. They should look at what was happening in the Council, how complaints and comments were used, if there was a system to bring this all together and was there a record kept. This would encourage Members to report matters that were brought to their attention, as it would help build up a picture.

Councillor I Lewis informed that at the round table discussion Members had attended Freedom of Information requests had been discussed, some relating to issues in the Council, and these matters had not been included in the report.

Councillor J Green agreed with Councillor I Lewis and informed that the report did not address the wider issues. He told the Cabinet that if the £250,000 was put into the Compliance Unit everyone would think that it was the Unit's job to ensure people complied. Instead the Council should be making it easier for staff to comply and a knowledge store was required. Corporate governance was important because if that was right it helped people to comply.

Councillor J Green felt that the report needed to more closely reflect the round table discussion. He wanted to see a broader vision of how corporate governance could work. A whole Council approach to corporate governance was needed.

**RESOLVED: That**

- (1) the Cabinet agrees, in principle, to allocate £50,000 to Director of Law, HR & Asset Management for the appointment of a solicitor;**
- (2) the proposal to allocate £250,000 to the Director of Finance to establish a compliance teams and enhance corporate performance be not approved; and**
- (3) (1) above be referred to the Improvement Board for its comments.**

363 **ADJOURNMENT**

**RESOLVED:**

**That there be a short adjournment.**

364 **DIRECTOR OF TECHNICAL SERVICES - CLARIFICATION OF POSITION**

Further to Minute 357(d) the Acting Chief Executive/Director of Finance informed that he had reported incorrectly earlier in the meeting. The Director of Technical Services had in fact been technically suspended whilst the Council carried out an investigation and that this was a neutral action.

365 **CHANGING WIRRAL COUNCIL'S CORPORATE CULTURE**

A report by the Director of Law, HR and Asset Management outlined the key areas for consideration in developing the culture of Wirral Council.

The report outlined the significant amount of work already carried out in key areas relating to the development of culture and activity that would contribute to the Wirral Improvement Board's agreed Improvement Priorities. The report also set out progress made with values and behaviours and informed on Leadership development and embedding culture change.

Councillor J Green thanked the Head of HR and Organisational Development and those who had worked with her on the report for producing a really good document. He also thanked those Members of the previous Administration for their contributions.

Councillor J Green informed that it was necessary to involve and engage all staff in the values and that it was essential to have regular staff attitude surveys and engage with staff were problems had been identified.

Councillor T Harney reported that he had evidence of an inconsistency of management approaches across the authority and this must be addressed. He also proposed that Members should be fully informed about what was being done with all the information being collected, a dialogue be built up with the workforce and feedback be provided.

Councillor S Clarke informed the Cabinet that this was an excellent piece of work and that this was an area that had been under developed in the Council. Councillor S Clarke was aware that a lot of money had been spent on Leadership Programmes and she asked the Head of HR and Organisational Development to undertake a piece of work on them, numbers and the resulting impact.

The Head of HR and Organisational Development reported that she would pick Councillor S Clarke's request up through the Working Group. There had been a number of programmes and they had proved very effective for those who had been on them. There was an expectation that management would attend training events and a modular approach was being adopted. She was looking at what could programmes deliver for Wirral Council and help take the organisation forward.

Councillor J Green considered that the way forward was to focus on challenge and effective challenge. The Council needed to be capable of challenging behaviour. Both Members and officers must be encouraged to challenge when people were not demonstrating values and expectations that had been laid down. He stressed the importance of performance appraisal and that it must take place. He also wanted to make sure that the staff were equipped with the skills needed to do their jobs; they were the Council's biggest resource and were very important.

**RESOLVED:**

**That, subject to the endorsement of the Improvement Board, Cabinet:**

- (1) approves the outlined approach to culture development at Wirral Council;**
- (2) recommends the Performance Appraisal process to The Employment and Appointments Committee; and**
- (3) agrees to a cross party working group to develop organisational Values to underpin the culture programme.**

**366 LOCAL GOVERNMENT CHRONICLE AWARDS 2012**

Councillor J Green reported that the Council had been short listed for a Local Government Chronicle Award under the Workforce category and invited the Head of HR and Organisational Development to tell the Cabinet more about it.

The Head of HR and Organisational Development reported that the short listing was in relation to the significant changes the Council had made to how it was structured and how it operated. Measures had been put in place to support managers and employees throughout the change, including a co-ordinated approach to communication led from the top, and a support programme to help employees make key decisions about their future.

Councillor J Green told the Cabinet that this was an excellent piece of work and that it was being used as best practice across Merseyside. He offered the Head of HR and Organisational Development his congratulations on obtaining national recognition from this achievement.

**367 ADDRESSING EMPLOYEE CONCERNS**

On 14 April 2011 the Cabinet accepted a report from an independent investigation undertaken by Martin Smith into allegations of bullying and abuse, raised by Martin Morton, a former employee in Adults Social Services. (Minute No. 378 refers.)

One of the recommendations in the report was that the Council needed to strengthen its processes and procedures in relation to Whistleblowing and grievance issues to provide a more robust framework for ensuring such issues are dealt with effectively and to improve employees' confidence to raise such matters.

On the 19 September 2011, Anna Klonowski Associates Ltd (AKA) delivered an initial report: 'Wirral Metropolitan Borough Council's Corporate Governance Arrangements: Refresh and Renew' A Supplementary Report to the Independent Review of Wirral Metropolitan Borough Council's Response to Claims Made by Mr Martin Morton (and others)'. This report identified a series of weaknesses and areas for concern relating to the Council including:

- 'Profound' cultural issues
- A reluctance to listen to and support Wirral MBC staff when they have tried to raise and resolve issues on the Council's behalf.
- Confidential comments made during the DASS review that some staff were at the time of interview reluctant to speak out because of the perceived impact this might have on them and/or their career at Wirral MBC.

A report by the Director of Law, HR and Asset Management set out how the Council was addressing employee concerns. The report outlined a range of actions and proposals including:

- The appointment of an independent external ombudsman.
- Implementation of a revised Whistleblowing Policy.
- Subscription to Public Concern at Work
- Revised Grievance and Dignity at Work policies and further work on HR policies.
- The development of a corporate HR casework system to improve performance.
- Work on changing organisational culture and proposals for training and communication in these areas.

The Council was currently working with The Local Government Association to address key issues and to deliver the Improvement Plan. The actions detailed in the report would contribute to the Improvement Plan

Councillor J Green told the Cabinet that employees should be able to express their worries about the workplace "without fear of reprisals but the evidence from the Martin Smith and AKA reports suggested a totally inappropriate culture within the Council. People who had worked in the Department of Adult Social Services had felt unable to come forward whilst those that did had suffered a negative impact on their career. An Ombudsman was required to

sift and investigate. He or she would have the right and power to go to the Employment and Appointments Committee and demand to be heard about matters of major concern (in the same way as the Chief Internal Auditor had the right and power go to the Audit and Risk Management Committee and demand to be heard).

Councillor D Mitchell enquired whether any members of staff had come forward under the corporate amnesty. The Director of Law, HR and Asset Management reported that as a result of that exercise a number of matters were under investigation. He would come back to Councillor D Mitchell with the number as soon as possible.

Councillor J Green informed that he had not received the report on the Whistleblowers and a mechanism must be found to make information available to senior Members.

Councillor I Lewis enquired if Martin Morton (the Whistleblower) had been consulted on the Whistleblowing Policy. The Head of HR and Organisational Development was unable to confirm this but informed that she had spoken to Martin Smith about it.

Councillor J Green considered that the revised Whistleblowing policy was a move in the right direction. He asked the Head of HR and Organisational Development to ensure that staff that had been through the process would be consulted on it. He also emphasised that the Policy must be fair for all, investigations conducted speedily and appropriate staff training be provided.

**RESOLVED:**

**That subject to endorsement by the Improvement Board:**

**a report be presented to the Employment and Appointments Committee outlining the proposals for an Independent External Ombudsman within the remit set out in the report.**

368 **CORPORATE COMMISSIONING STRATEGY FRAMEWORK**

A report by the Acting Chief Executive/Director of Finance outlined the importance of a Corporate Commissioning Strategy and proposed an overall strategic commissioning framework to be applied corporately and with which more detailed service commissioning strategies should comply.

**RESOLVED: That**

- (1) the development of a Corporate Commissioning Strategy Framework be agreed and its integration within the corporate and business planning cycle be noted; and**

**(2) the report be referred to the Improvement Board for approval.**

**369 DEPARTMENT OF ADULT SOCIAL SERVICES KEY DELIVERY PRIORITIES 2012 - 2014**

A report by the Director of Adult Social Services set out The Vision for the Department of Adult Social Services (DASS) for the next 24 months. The report also outlined the key priority areas for improvement for DASS which would underpin this Vision. The report placed these priorities in the context of the Peer Review that was due to take place between 25 – 29 June 2012.

The report also described how the Departmental imperatives were aligned to the Wirral Improvement Priorities as agreed by Wirral Improvement Board in February 2012 and considered the use of the additional resources that had been allocated to the Department in 2012/13.

**RESOLVED: That**

- (1) the key priority areas for DASS, the detail of which will be described in the Departmental Plan be approved;**
- (2) the resources allocated to the Department in 2012/13 be invested in the achievement of these priorities; and**
- (3) the report be referred to the Improvement Board for endorsement.**

**370 UPDATE FOLLOWING AKA REPORT**

The Director of Adult Social Services provided the Cabinet with an update on the work that was being undertaken within his Department following the findings of the independent review report by AKA which had identified failings within his Department.

There had been a detailed investigation into the safeguarding concerns that had been raised by AKA and a report on this had been sent to the three Political Group Leaders.

There had been a number of findings. Some people, who had been involved in providing care at the time that problems had been identified, were still involved now, in one way or another. The Director informed that he would be looking at specific individuals to determine if they were appropriate to be providing care.

The Director of Adult Social Services went on to provide the Cabinet with an update on the Helpline that had been put in place. The Helpline was staffed by social workers. There had been some technical problems at first but they had quickly been addressed. A small number of complaints were being

received but none had been received on the specific issue that the Helpline had been set up to deal with.

371 **URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - PACIFIC ROAD ARTS CENTRE, MUSEUM AND TRAMWAY - OUTCOME OF TENDER EXERCISE**

Further to Minute No. 357 (a) (i) above, an urgent report by the Director of Law, HR and Asset Management explained the outcome of a marketing exercise for Pacific Road Arts Centre, the Transport Museum and Tramway in Birkenhead. This matter was urgent as a decision was required on what should be done in the short term

The Cabinet was reminded of the background to the unsuccessful attempt to dispose of these assets last year and of the basis on which a further marketing exercise had been carried out.

There had been no compliant bids received and the Director had concluded that there was currently no party willing and ready to take over and operate all three assets on the basis specified by the Council.

The Cabinet was however informed that continued interest had been expressed in the premises by Merseytravel and the BEST consortium. In addition it was evident that there was continuing external interest in the future use of Pacific Road, and three separate organisations had sent brief emails expressing interest in operating the Pacific Road Arts Centre alone.

The Director reported that the first step in considering the way forward was to confirm that the Council still wanted to dispose of the operations and the assets and achieve the annual revenue savings from doing so, as previously agreed. On the assumption that this was still the case he proposed a way forward which would include holding discussions with each of the parties that had expressed interest; detailed examination of the feasibility, technical issues and estimated costs in closing and decommissioning the Tramway, and in separating the Tramway infrastructure from the Pacific Road building; an evaluation of potential alternative uses for the buildings at Taylor Street and Pacific Road and discussions with the volunteers currently active in the operation of the Transport Museum and Tramway to assess their interest in a potential community asset transfer of the facilities and their capacity to complete such a transfer and assume full responsibility for the risks and liabilities arising from continued operation.

On conclusion of this work a further report would be submitted to the Cabinet for consideration to allow a final decision to be made on the preferred option for disposal.

The Cabinet was told that Pacific Road Arts Centre was now effectively 'mothballed' with no further programming of performances. One commercial tenant remained in the building. The Director of Technical Services proposed to transfer lighting and sound equipment to the Floral Pavilion to accommodate performances transferred to that venue from Pacific Road but Pacific Road could be reopened as a performance venue if a suitable operator was identified. The Transport Museum and Tramway continued to operate.

The Council had previously committed itself to dispose of these operations and the properties, and there remained a requirement to achieve a budget saving of £250k from doing so. Provision in this amount had been made as a one year policy option for 2011/12 to allow continued operation whilst a permanent solution was developed, but no such provision had been made for 2012/13.

The Cabinet noted that an ePetition had been submitted to the Council. It closed at midnight on 16 February 2012, 122 petitioners had agreed with the petition and none had disagreed.

The Director of Regeneration, Housing and Planning informed that there had been some early stage discussions with Peel Holdings about extending the tram way around the Egerton side of the docks as part of the Wirral Waters scheme.

Cabinet Members agreed that they did not want to lose the Pacific Road venue if they could avoid it. It was an important venue and they wanted to keep its fixtures and fittings in place whilst the further work outlined in the report was undertaken.

**RESOLVED: That**

- (1) the outcome of the recent tender exercise for the disposal of Pacific Road Arts Centre, the Transport Museum and Tramway be noted;**
- (2) the intention to dispose of these operations and assets be confirmed; and**
- (3) the Director of Law, HR and Asset Management be instructed to proceed on the basis of the way forward outlined in his report during which time existing fixtures and fittings will be left in Pacific Road, and the costs of this flexible approach be met from balances.**

**372 URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) - COMPROMISE CONTRACTS**

On 13 February 2012 the Council had passed a motion that that all future "compromise deals", that included an element of financial or other incentive



were subject to a full democratically accountable process. The Council had asked that The Employment and Appointments Committee be tasked with forming a Sub-Committee to assess and sign off any compromise deals before any such offer was made to employees, and the process and scope of reporting was to be agreed by this Sub-Committee. Members for this Sub-Committee were to be co-opted from the list of Members available for the Appeals Sub-Committee on a 1:1:1 basis. The Chair for any such meeting could be decided by the agreement of the Sub-Committee.

The Council also asked that all such “compromise deals”, once agreed by the Sub-Committee, be reported to the next meeting of The Employment and Appointments Committee, under exempt items if the details were of a sensitive nature.

Further to Minute No. 357 (a) (ii) above, an urgent report by the Director of Law, HR and Asset Management advised the Cabinet about the purpose of compromise contracts, their use by the Council in different situations and set out the options for their future use. The report needed to be considered urgently so it could be agreed and sent on to the Improvement Board for endorsement and so that a report could be presented to the Employment and Appointments Committee

**RESOLVED:**

**That in view of the motion passed by the Council and, subject to endorsement by the Improvement Board:**

- (1) a process be adopted whereby any proposed termination of employment of officers above SCP49 be via compromise contract, which includes a payment or financial incentive as part of the termination arrangement, or where a payment or financial incentive as part of the termination arrangement is over £50k.**
- (2) a report be presented to The Employment and Appointments Committee to agree appropriate arrangements for authorisation which will allow such decisions to be taken in a timely manner.**