

CABINET

Thursday, 16 January 2014

<u>Present:</u>	Councillor	P Davies (Chair)	Finance
	Councillors	G Davies P Hackett AER Jones C Jones B Kenny AR McLachlan C Meaden H Smith T Smith	Neighbourhoods, Housing & Engagement Economy Central and Support Services Adult Social Care Environment and Sustainability Governance and Improvement Health and Wellbeing Highways and Transportation Children and Family Services

126 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor C Jones declared a discloseable pecuniary interest in Item No. 11 on the agenda – Review of Mental Health Services (Minute No. 130 refers) by virtue of her employment with the Cheshire and Wirral Partnership NHS Foundation Trust and left the meeting whilst this matter was under consideration.

127 MINUTES

RESOLVED:

That the Minutes of the meeting of the Cabinet held on 10 December 2013 be approved as a correct record.

128 ORDER OF BUSINESS

The Leader of the Council indicated that it was his intention to vary the order of business and to consider items 14, 'Report Seeking Approval to Consult on the Closure of the Lyndale School' and 11, 'Review of Mental Health Services' first.

129 REPORT SEEKING APPROVAL TO CONSULT ON THE CLOSURE OF THE LYNDAL SCHOOL

The Leader of the Council, having welcomed everyone to the meeting invited Dawn Hughes, a parent of a child at Lyndale School to address the Cabinet. She spoke of the particular needs of the children at Lyndale School and gave a personal account of her own child's needs and experiences which she felt could only be provided for at Lyndale School. She also circulated to the

Cabinet a paper with comments from parents at the school and spoke against any proposals to close the school.

The Director of Children's Services then introduced the report, which sought agreement to undertake a consultation on the closure of The Lyndale School.

The report outlined the background and reasons why it was felt necessary to consult on the future of the school. The closure of the Lyndale School was proposed for consideration because the viability of the school was compromised by its small size and falling roll, which both contributed to a difficult financial position. Over the last 7 years average occupancy at the school had been 59%. She emphasised that this was not being put forward because of the quality of education or standards at the school. The most recent Ofsted inspection in November 2012 had judged that Lyndale School was a good school.

The Lyndale School had a delegated schools budget of £761,733. The report gave details of the expected shortfall in the school's budget for 2014-15 which would be approximately £72,000. This was 9% of the school's budget and was likely to increase over time. Any single place reduction in the school's roll would represent a loss of £10,000 to the school's base budget. A reduction within the school to 24 places (i.e. a reduction of 16 places) might result in further losses of £160,000 pa. This would give an overall deficit position of £232,000.

The report also gave details of a twelve week consultation process which would commence if the Cabinet were to agree the recommendation. She stressed the importance of placing the needs of the children at the school at the centre of the Council's concerns.

The Cabinet Member for Children and Family Services thanked Dawn Hughes for her presentation to the Cabinet. He would ensure that officer support was available to parents to answer all questions during the consultation process. No options had been ruled out and any new options which were put forward during the consultation period would be considered. He felt that the consultation period of 12 weeks would be sufficient time and he would visit the school to meet parents, teachers and governors.

The Leader of the Council thanked Dawn Hughes for her clear and insightful presentation. He stressed the importance of allowing sufficient time for all options to be considered and to keep an open mind on all these options. Eight options had been identified in appendix 2 to the report and any other options which emerged during the consultation process would also be considered. No decision was being made at this meeting other than to consult around the options.

RESOLVED: That

(1) Cabinet agrees to consult on the closure of The Lyndale School;

(2) the Director of Children's Services (or her nominee) be authorised to compile and produce the appropriate Consultation Documentation and proceed with the Consultation exercise as soon as practicably possible.

130 REVIEW OF MENTAL HEALTH SERVICES

Councillor C Jones left the meeting during consideration of this item.

The Leader of the Council invited Alan Small of UNITE to address the Cabinet. He stated that contrary to what was indicated in the report he had not received the report until it was made publically available in the week prior to the meeting. A number of his members had applied for voluntary redundancy in 2013 but this had been put on hold whilst the review was ongoing but he felt that the enhanced severance rate should be offered to this group of staff. Changes had been agreed to terms and conditions in 2013 but this was on the understanding of no further changes before 1 April 2016. He also stated that any transfers to the Cheshire and Wirral Partnership NHS Foundation Trust should be based on TUPE.

The Director of Adult Social Services in response stated that the union had raised the issue of differentials between the NHS and local authority staff terms and conditions. He acknowledged that it was not desirable to have staff 'at risk' for 12 months. The review was needed to understand where savings could be made and in this high risk service area operational requirements had to come first.

The Director introduced his report which provided context in relation to the review of Wirral Council's Community Mental Health Services commissioned and provided by Wirral Council in conjunction with Cheshire and Wirral Partnership NHS Foundation Trust as the lead statutory Health Provider organisation.

The review was instigated by the Director of Adult Social Services, supported by CWP and had focussed upon those areas of service involving local authority resource deployments. Inevitably the review was placed within the wider system of mental health determinants and Cost Improvement Programmes (CSIP) and transformation programmes adopted by CWP.

The report sought agreement from Cabinet to consult upon plans to fully integrate DASS Mental Health service provision with CWP in order to provide an all age mental health service model across the borough which provided 24/7 response through an out of hours pathway service.

A full consultation with staff and Trade Unions from WMBC and CWP would be required should members agree to the recommendations in the report. This would run from 27 January to 14 March 2014. In addition consultation with Senior Managers, the Executive and Board of CWP would be undertaken. Discussions with staff had been ongoing and the Director of Adult Social Services had met with a variety of staff and mental health professionals. These meetings had explored the variety of options available in relation to fuller integration. It was proposed that a period of 12 weeks consultation would be held with people directly impacted by any proposed changes, specifically in relation to proposals to incorporate the functions of Beaconsfield Centre, subject to Cabinet agreement. This would run from 27 January to 18 April 2014.

The Leader of the Council commented that he was reassured that no decisions had been made to change terms and conditions. The Council would do its best to make sure that those people who had volunteered to leave would do so on the best terms available. The Director commented that there were time pressures and they were working closely with staff, unions and HR as those who would want to take voluntary redundancy would need to do so by 31 March, 2014.

RESOLVED: That

Recognising the challenges, that Cabinet agree to officers consulting with staff, TU's and people directly impacted by the proposed changes and plans to achieving full integration on the following proposals:

- (i). that the current staffing structure is reconfigured in order to realign into a more cohesive format that will provide an easier transition into a fully integrated service. This will include a review of terms and conditions to consider alignment and equity with CWP staff;**
- (ii). that the council adopt a stepped process to firstly enhance the current co-location of local authority staff leading to a formal secondment agreement to be completed by May 2014.**
- (iii). It is proposed that staff within the Neighbourhoods Older Peoples Mental Health Teams are re-located and placed within the CMHTs in order to provide an all age Mental Health Service.**
- (iv). It is proposed that the functions of Beaconsfield Day Centre be subsumed into the Community Mental Health Teams in order to provide a more cohesive outreach service and to consolidate current support for people within community settings.**

131 **FINANCIAL MONITORING 2013/14 (MONTH 8)**

The Leader of the Council introduced a report by the Director of Resources which detailed the Monitoring position for Month 8 (ending 30 November 2013). Attached to the report were separate appendices for Revenue and Capital. He highlighted the encouraging news of the projected general fund under spend of £884,000 and that a portion of this money had been earmarked for future Council restructuring costs.

RESOLVED: That

Revenue:

- (1) Cabinet notes at Month 8 (November 2013), the full year forecast projects a General Fund under spend of £884,000. Cabinet previously agreed for the earmarking of the M7 £519,000 forecast underspend against future Council restructuring costs;**
- (2) the use of up to £250,000 General Fund Balances to fund additional costs to the Council of the clean up and repairs to infrastructure from the recent exceptional weather events, as outlined in paragraph 6.3 of Appendix A, and the appropriate replenishment of General Fund Balances from any increased forecast underspend, be agreed, and;**

Capital:

- (1) the spend to date at Month 8 of £16.1 million, with 66.6% of the financial year having elapsed, be noted;**
- (2) (a) the revised Capital Programme of £40.7 million (Table 1 at paragraph 4.1) be agreed**
(b) the re-profiling of a number of schemes into 2014-15, totalling £2.955 million, be agreed.

132 **COLLECTION FUND 2013/14**

The Leader of the Council introduced a report by the Director of Resources, which estimated the Collection Fund position for the year ending 31 March 2014.

The Council maintained a Collection Fund to record the Council Tax and Non-Domestic Rates collected and paid to the precepting authorities and to central Government.

Any surplus or deficit on the Fund must be shared pro-rata to the existing precepts on the Fund. Based upon the 2012/13 precepts and taking the above factors into account the Collection Fund balance for the year ending 31 March, 2014 was estimated to be nil. Any surplus or deficit position would be allocated to precepting authorities as follows:

Precepting Authorities	%share	£
Wirral Council	85.18	0
Police and Crime Commissioner for Merseyside	10.24	0
Merseyside Fire and Rescue Services	<u>4.58</u>	<u>0</u>
Total	<u>100.00</u>	<u>0</u>

On 1 April 2013 a new Local Government Finance System was introduced. The previous NNDR 'central pooling' arrangement, under which authorities received a guaranteed payment, had ceased. Under the new arrangements, billing authorities retained a proportion of locally raised business rates and either paid a tariff or as in Wirral's case received a top-up to ensure a comparable starting position with the previous funding system.

The authority was required at the same time of forecasting its 2013/14 surplus/deficit position (31 January, 2014) to provide a forecast of predicted business rates income for the 2014/15 year. The detailed guidance and instruction would be confirmed by Government on 17 January, 2014. It was recommended that the NNDR surplus deficit forecast for 2013/14 and 2014/15 initial estimate be made via a delegated decision of the Council leader in conjunction with the Director of Resources. This was due to a number of factors, including that the NNDR was a volatile tax area; there was a month's gap between the report being written and the required submission date; the above guidance was not yet available which could impact upon the 2013/14 estimate and Cabinet dates meant that there was no other meeting before the NNDR forecasts submission date of 31 January.

RESOLVED: That:

- (1) the declaration of an estimated nil balance position for the Collection Fund for the year ending 31 March 2014, which is in accordance with current budget assumptions, be noted;**
- (2) that the declaration of the 2013/14 NNDR surplus/deficit position and the 2014/15 initial forecast be made under delegated powers by the Leader in conjunction with the Director of Resources on or before 31 January, 2014.**

133 **DEBT WRITE OFFS (ADULT SOCIAL SERVICES AND HOUSING BENEFITS)**

The Leader of the Council introduced a report by the Strategic Director of Transformation and Resources which recommended the writing off of £318,444.50 in Adult Social Services (DASS) client contributions, £66,460.57 in miscellaneous DASS debt (total £384,904.07) and £161,029.94 in outstanding overpayments of Housing Benefit. Breakdowns of the cases in each of these categories were appended to the report.

This was part of the process of cleansing the long standing DASS debt identified in the Independent Report considered by Cabinet at its meeting on 23 May, 2013 (minute 248 refers).

Both DASS and HB debts written off as irrecoverable were charged against the Council provision for bad debts which was reviewed annually in accordance with the requirements of accounting practice. As detailed in the revenue out-turn report the provision at 31 March, 2013 was £10.9 million which compared to the £7.6 million at 31 March, 2012. Prior to submission to Members all write offs were agreed by the S151 Officer for the authority. Those debts recommended for write-off had been agreed by the Head of Legal and Member Services.

The Strategic Director of Transformation and Resources assured the Cabinet that debts were robustly pursued and he was confident of the mechanisms now in place to recover all possible debts.

RESOLVED: That

(1) the report be noted;

(2) the debts be written off as detailed in the report.

134 **BUDGET COUNCIL PROCEDURE**

The report, of the Strategic Director of Transformation and Resources, proposed a procedure for the Budget meeting of the Council on 25 February this year. The procedure had been prepared following consultation with all three Political Group Leaders.

RESOLVED: That Cabinet

(1) approves the Budget Council procedure as set out in Appendix 1 to the report;

(2) recommends to the Council the adoption of the Budget Council Procedure set out in Appendix 1 of the report.

135 **SYLVANDALE, SPITAL ROAD, BROMBOROUGH**

The Cabinet Member for Central and Support Services introduced a report by the Head of Universal and Infrastructure Services, the purpose of which was to declare Sylvandale, Spital Road, Bromborough, a surplus asset and to seek authority to dispose of the freehold interest at auction.

Sylvandale is located on Spital Road, Bromborough, with a site area of 1.6 acres. Constructed in 1986, Sylvandale was a former Department of Adult Social Services, 23 place, residential home for adults with learning difficulties. The building had closed on 1 September, 2013 and was not required by the Council and was considered appropriate for sale.

Part of the site was open to public access and a proposed disposal would need to be advertised in the local press in accordance with the Local Government Act. Agreement to dispose on the terms proposed would be subject to the outcome of the public consultation period.

It was proposed that the property be offered for sale at auction. Council officers would set a reserve prior to auction based on professional advice from the auctioneer.

RESOLVED:

That Sylvandale, Spital Road, Bromborough be declared surplus and authority be given to its disposal at auction on the terms described.

136 **SITE OF FORMER LINGHAM PRIMARY INFANTS BUILDING, TOWN MEADOW LANE, MORETON**

The Cabinet Member for Central and Support Services introduced a report by the Head of Universal and Infrastructure Services, the purpose of which was to declare the site of the former Lingham Primary Infants building, Moreton, a surplus asset and to seek authority to dispose of the freehold interest at auction.

Lingham Primary School had vacated the infants building; the building had been demolished in 2002 and the site cleared. The site, which extended to 5030 sqm (1.24 acres) was not required by the Council and was considered appropriate for sale.

The site was open to public access and a proposed disposal would need to be advertised in the local press in accordance with the Local Government Act. Agreement to dispose on the terms proposed would be subject to the outcome of the public advertisement period. As the school had not occupied the site for more than 10 years, under Section 77(1) of the School Standards

and Framework Act 1998, there was no requirement to seek approval from the Secretary of State for the disposal of land.

It was proposed that the property was sold at auction. Council Officers would set a reserve prior to auction based on professional advice from the auctioneer.

RESOLVED:

That the site of the former Lingham Primary Infants building, Moreton, be declared surplus and authority be given to its disposal by auction on the terms described.

137 **HIGHWAY MAINTENANCE FUNDING AND STRUCTURAL MAINTENANCE PROGRAMME 2014/15**

The Cabinet Member for Highways and Transportation introduced a report by the Strategic Director of Regeneration and Environment on the highway maintenance funding and structural maintenance programme for 2014/15. On 13 January 2011, Cabinet had endorsed the maintenance allocation within the Local Transport Plan (LTP) Capital Programme for 2011/15 (minute 285 refers). The reported funding figures at that time were indicative but the Programme for 2014/15 for the Highway Maintenance Block amounted to the original reported figure of £2.699 million.

The Chancellor's Autumn Statement on 5 December, 2012 announced an additional, dedicated fund to provide for essential maintenance to renew, repair and extend the life of the highway network in England. Wirral had been allocated £0.279m from that fund in 2014/15.

The report presented the proposed breakdown of that highway maintenance funding between the Bridges, Lighting and Roads/Footway elements of the network and the proposed Highway Structural Maintenance Programme 2014/15, for approval. The maintenance of highways was a statutory duty for the Council under the Highways Act 1980 (as amended).

He welcomed the fact that Wirral's Classified Principal (A) roads were amongst some of the best in the country on the Single Data List item measurement (replacement for the former national indicator) despite scathing Government cuts in Council budgets.

The Leader of the Council congratulated the work of officers in improving the condition of principal 'A' roads especially in the context of current financial constraints.

RESOLVED: That

Cabinet approves:

- (i) the proposed allocation of Local Transport Plan Capital Programme 2014/15 Maintenance Block between Street Lighting, Bridges and Roads/Footways;
- (ii) the Highway Structural Maintenance Programme for 2014/15 (as detailed in section 2 of the report) and;
- (iii) that the Strategic Director for Regeneration and Environment; in conjunction with the Cabinet Member for Highways and Transportation and Party Spokespersons; be able to make necessary adjustments to the priorities within the programme should the need arise, due to financial, condition or other factors;
- (iv) that the additional highways maintenance funding referred to in section 2.3 of the report be expended on those highway schemes specifically referred to in Appendix 1 of the report.

138 EXTRA CARE HOUSING - STRATEGIC DELIVERY PARTNERS

The Cabinet Member for Adult Social Care introduced a report by the Director of Adult Social Services which informed Cabinet of the commissioning activity undertaken with regard to increasing Extra Care Housing provision across Wirral throughout the period 2014-2017.

The term 'Extra Care' housing was used to describe developments that comprised self-contained homes with design features and support services available to enable self-care and independent living. 102 new Extra Care apartments would be made available over a phased development period 2014 – 2017 through different schemes in Wallasey, Pensby and Birkenhead. This increase in provision would reduce the need for higher cost residential and nursing placements, it would increase choice for people who used services, and ensure extra care provision in areas of both high demand and limited provision.

RESOLVED:

That the expenditure of the £3m capital programme allocation, in respect of development of 102 new units of Extra Care housing in partnership with the successful provider, be approved.

139 **PROPOSAL FOR CHANGES TO THE EARLY YEARS SINGLE FUNDING FORMULA**

The Cabinet Member for Children and Family Services introduced a report by the Director of Children's Services, which recommended a number of changes be made to the local formula for funding Early Years, specifically in relation to the funding of the Council's three maintained nursery schools.

The proposals had been the subject of a 6 week consultation with all Early Years providers and had been discussed with the Schools Forum at a meeting on 13 November 2013, which had endorsed these proposals.

RESOLVED:

That the recommendations of the Schools Forum in Appendix 1 of the report be approved.

140 **PROPOSALS FOR CHANGES TO SCHOOL TOP UP PAYMENTS FOR STUDENTS WITH HIGH NEEDS**

The Cabinet Member for Children and Family Services introduced a report by the Director of Children's Services which, following changes that were introduced by the Department for Education (DfE) nationally to the funding for pupils with High Needs (SEN) in April 2013, recommended revised funding arrangements for SEN Top-Ups in maintained Primary, Secondary, Special and Academy Schools. In addition revised place numbers were recommended in some specialist school and base provision.

Proposals had been developed through a working group of the Schools Forum and were advised by a series of meetings with special schools, SEN resourced provision, alternative provision and colleagues from other authorities of the Merseyside Learn Together Partnership. There had been an extended consultation with schools and providers (3 July to 18 October). The report had been discussed with and was approved by the Schools Forum at its meeting on 13 November. The proposals also required Cabinet approval.

RESOLVED:

That the recommendations of the Schools Forum in Appendix 1 to the report be approved with the following amendments and additions:

- **Notional SEN costs (LCHI) are funded from Schools Contingency (new addition).**
- **The costs arising from a High Needs MFG is funded from an SEN underspend in 2013-14 (addition to final recommendation).**

- **The Special Schools Contingency is used to support specialist provision facing financial difficulties (amendment to the second sentence of recommendation 3).**