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SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 23 November 2011

Present:

Councillor J Hale (Chair)

Councillors	D McCubbin	A Sykes
	KJ Williams	J Walsh
	R Wilkins	S Whittingham
	P Hackett	S Williams
	C Jones	

In attendance:

Councillors G Davies
B Kenny
C Meaden
H Smith

44 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor S Whittingham declared his personal interest in agenda item 10 – Wirral Heritage Strategy (see minute 53 post), by virtue of his involvement in the Wirral Transport Museum.

45 MINUTES

The Director of Law, HR and Asset Management presented the minutes of the meeting held on 26 September, the Special Meeting held on 12 October and the Call-In Meeting held on 20 October 2011.

The minutes of the meeting in relation to the call-in of Cabinet minute 117 (22 September 2011) – Parks and Countryside Service Procurement Exercise (PACSPE), had been presented to the Cabinet on 3 November 2011 (minute 173 refers), who had considered carefully the resolution of this Committee submitted to it. However, the Cabinet had re-affirmed its original decision and re-iterated its confidence in the ability and commitment of the workforce to deliver an excellent service, with proper support and good management, over the next ten years.

The Chair expressed his personal view that the minutes of the call-in meeting held on 20 October 2011 were somewhat at odds with his recollection of part of the proceedings of the meeting. He referred also to comments made by Anna Klonowski in relation to governance and anticipated that the issue of costs and the value for money of the PACSPE would continue to be subject to scrutiny.

Resolved – That the minutes of the meetings held on 26 September, 12 and 20 October 2011 be approved.

46 **DOMESTIC ABUSE**

The Director of Law, HR and Asset Management reported that the Council's Corporate Plan 2011-2014 included a goal to reduce anti-social behaviour and improve community safety. The goal was focused upon the provision of advocacy and support to protect survivors of domestic abuse and it built upon the effective partnership working that had led to Wirral having the greatest reductions across Merseyside of repeat incidences of abuse in the highest risk cases.

The Director's report was part of the Committee's agreed scrutiny work programme in its role as the scrutiny body for the activities of the Crime and Disorder Partnership. It provided information on the scale of domestic abuse in Wirral compared to nationally published data and the Director commented that although not all domestic abuse was reported, the reported levels in Wirral indicated a rising trend. Of particular note was that 80% of cases involved child protection issues. He reported upon the role of the Family Safety Unit (FSU) and provided a brief analysis of the work undertaken by the Children's Safeguarding Officer. He reported also upon the work undertaken by Wirral's domestic abuse Multi Agency Risk Assessment Conference (MARAC), which had been recognised by the Merseyside Police Public Protection Unit as being the best performing in Merseyside. Although the estimated cost to agencies of every case taken to MARAC was £20,000, the Director reported that by preventing further abuse to victims who had been supported by MARAC, the FSU had potentially saved Wirral agencies a total of almost £22m of additional costs over the last three years.

In response to a comment from a Member who noted that Department of Health figures had indicated that nationally, between 16% and 24% of violent crime was domestic violence related, the Director agreed to provide to Members direct, comparative data for Wirral against the national average.

Resolved – That the report be noted.

47 **WIRRAL TRADER SCHEME**

The Director of Law, HR and Asset Management provided an update on the progress of the Wirral Trader Scheme (WTS) that was launched in 2003. It was a non-statutory function of Trading Standards and acted as a preventative measure to tackle consumer detriment, support vulnerable people and educate and support businesses in fair trading. The Scheme had proved to be a success with over 84 approved active members and Wirral consumers carrying out 11,675 trader searches in the last 12 months. He commented that the Scheme assisted in delivering key priorities of the Council, including the promotion of sustainable, economic, social, neighbourhood and environmental regeneration, the improvement of the health and well being of

Wirral residents and the provision of opportunities for community and business development.

The primary target market for the Scheme was the Home Improvement sector and he commented that the promotion of the Scheme to local communities and traders was vital to its future development. He set out a number of actions to attract new members and a number of improvements to retain existing members.

Resolved – That this Overview and Scrutiny Committee –

- (a) notes the success of the Wirral Trader Scheme and the high levels of consumer demand;**
- (b) notes the improvements currently being made to the Wirral Trader Scheme**
- (c) recognises the importance of the Wirral Trader Scheme in supporting Wirral residents and businesses, specifically vulnerable people.**

48 CONSUMER LANDSCAPE REVIEW

The Director of Law, HR and Asset Management reported upon proposed changes for the Trading Standards Service, following a major review of consumer protection by the Department of Business Innovation and Skills (BIS), which proposed radical changes to the provision of consumer information, advice, education, advocacy and enforcement. The new proposals aimed to simplify the confusing and overlapping provision of consumer protection, strengthening the effectiveness of consumer enforcement, with more cost-efficient delivery that was closer to the consumer front line.

The Director reported that the BIS issued its consultation paper on 'Empowering and Protecting Consumers' on 21 June 2011 and Wirral's Trading Standards Service participated in the Trading Standards North West (TSNW) regional response, which closed on 21 September 2011. He set out the key proposals within the consultation and the options for stakeholders to consider, those being: Information, Advice and Education; Consumer Codes Approvals; Consumer Advocacy and Enforcement of Consumer Protection legislation.

The Director set out the Trading Standards North West response to the proposed reforms and focused on the changes in enforcement and responsibilities within the proposals. He reported also upon the impact of changes for Wirral, which would be dependent upon the Government's adoption of the proposals set out in the consultation document.

Resolved – That the proposed changes for the Trading Standards Service following the consultation: Empowering and Protection Consumers, be noted.

49 SMOKE FREE PLAY AREAS

Further to a Motion agreed by the Council on 17 October 2011 (minute 62 refers), the Director of Law, HR and Asset Management reported upon proposals for the introduction of a voluntary code to make children's play areas in Wirral Smoke Free,

as part of an initiative with other North West authorities that aimed to de-normalise smoking amongst young children and reduce the likelihood of them becoming smokers in the future, thereby improving the health of the next generation in Wirral. He reported that a survey of 168 park users across Wirral, undertaken during September/October 2011, had revealed strong public support for a voluntary smoke-free code for play areas and he commented upon similar initiatives both in the UK and internationally.

Children from Oakfield primary school in Widnes had designed signs and slogans that would be used for the smoke free play areas and it was intended that the design would eventually be used across Merseyside by authorities who adopt the scheme. The Director reported that, at the request of the Cabinet Member for Environment, a Wirral school would also be asked to design signage to promote the initiative locally, in addition to the signs and slogans that would be used across Merseyside by participating authorities.

Resolved –

- (1) That the proposed voluntary code to make Children’s Play Areas in Wirral Smoke Free be supported.**
- (2) That the selection of any posters and slogans to promote the initiative in Wirral be agreed with the Chair and spokespersons and the Cabinet Member for Environment.**

50 **REDUCING THE COUNCIL'S CARBON FOOTPRINT - PROGRESS REPORT 4**

The Director of Law, HR and Asset Management presented an update report on the various carbon reduction and energy saving projects currently being undertaken across the Council to ‘Reduce the Council’s Carbon Footprint’, which promoted the Council’s Corporate Priorities as set out in the Corporate Plan. The Council was committed to delivering a 60% reduction in carbon emissions by 2025 and he indicated that with an expected spend of around £10m on energy costs in 2012/2013, there were significant financial savings to be made through carbon emission and energy efficiency projects and initiatives. He commented that by endorsing the initiatives contained within his report, Members would be reaffirming their commitment to reducing the Council’s carbon footprint.

Members referred to the Carbon Reduction Programme Project Plan and expressed their concern in relation to the effect on the Solar Photovoltaic PV Project of changes to the Feed In Tariff, proposed by the Government.

On a motion by Councillor J Williams and seconded by Councillor P Hackett, it was –

Resolved –

- (1) That the performance and progress of the various Council ‘Carbon Footprint Reduction’ and energy efficiency projects undertaken to date across Council Departments be noted and the further initiatives proposed in the report, be endorsed.**

- (2) However, Committee also notes that the Government is consulting on changes to the Feed In Tariff.**
- (3) Therefore, Committee requests that a report be presented to the Cabinet at the earliest opportunity outlining the effect to the Solar Photovoltaic PV Project, should there be changes to the Feed In Tariff.**

51 **IMPLEMENTATION OF THE FLOOD RISK REGULATIONS 2009 AND THE FLOOD AND WATER ACT 2010 - PROGRESS REPORT**

The Director of Technical Services reported that the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 had established Wirral Council as a Lead Local Flood Authority (LLFA). He commented that Wirral faced a significant risk from local flooding, with a substantial number of domestic properties identified as at risk from potential future flooding. LLFAs were required to lead the strategic management of local flood risk, arising from surface water, groundwater and ordinary watercourses, and the Director commented upon the substantial new burdens placed upon the Council in its LLFA role. Those new duties and responsibilities would be directed through the Flood and Water Management Partnership, the Sustainable Communities Overview and Scrutiny Committee and finally to the Cabinet for approval.

The Director presented a progress report in relation to the Preliminary Flood Risk Assessment (PFRA) that was now completed and he reported also upon progress in the implementation of the Flood and Water Management Act 2010. He reported upon the work of the Flood and Water Management Partnership and presented a copy of its action plan, which captured the key flood risk activities that would be undertaken over the coming 12 months. He reported that the additional duties and responsibilities were, in general, being funded through financial grants, initially through Defra, with an allocation of £20,000, which was received in October 2010 to begin the work on the PFRA. In addition to this initial grant, Defra had made available nationally some £36m to fund the significant new burdens that had been placed on LLFAs. Wirral Council had additionally received £122,800 in 2011/2012 and would receive subsequent funding of £167,900 annually in years 2012/2013, 2013/2014 and 2014/2015. (Cabinet (date) minutes 84 and 354 refer). In response to a question from a Member, the Director indicated that Defra expected the allocation to be fully utilised as the costs had been calculated based on a model of the significance of the risk to the LLFA and the level of resource required to address that risk.

In addition, he outlined the work of the Operational Flood Group, which provided for operational issues between the Council, United Utilities and the Environment Agency to be progressed on a monthly basis and for responsibility for flooding incidents to be apportioned to the appropriate flood risk management partner.

Resolved –

- (1) That the report be noted.**
- (2) That the report be accepted by the Committee as meeting its responsibilities under the flood legislation to produce an annual report on Flood Risk Management progress.**

52 **SERVICE LEVEL AGREEMENT BETWEEN WIRRAL COUNCIL AND UNITED UTILITIES GROUP PLC**

The Director of Technical Services reported upon progress in formalising the working arrangements between the Council and United Utilities for the identification and correction of defective manhole covers and frames in Wirral. A draft Service Level Agreement was being prepared by the Council based on a generic agreement United Utilities had with other Authorities, but with specific conditions in relation to their apparatus in Wirral and their obligations under the New Road and Street Works Act 1991. He set out new working arrangements that were being developed between the Council and United Utilities, which aimed to improve reporting procedures and ensure that works would be undertaken on a prioritised basis thereby reducing the Council's exposure to potential public liability, highway related insurance claims.

He anticipated that the Service Level Agreement would be finalised early in the New Year subject to continuing negotiations with United Utilities, with the new working arrangements to commence in April 2012.

On a motion by Councillor Hale and seconded by Councillor McCubbin, it was –

Resolved –

- (1) That the content of the report and the proposal to enter into a Service Level Agreement with United Utilities be noted.**
- (2) That the officers be instructed to monitor performance in relation to repairs being undertaken and present an update in 12 months.**

53 **WIRRAL HERITAGE STRATEGY**

The Director of Technical Services presented Wirral's first Heritage Strategy 2011-2014 'Making Our Heritage Matter', the purpose of which was to set out a comprehensive and integrated Heritage framework that would form the basis for heritage activities in the short and medium term and establish principles to be followed in the longer term. The overall vision was *"To ensure that Wirral's heritage is protected, managed, enhanced and used to meet the educational, recreational and sustainable needs of local people, visitors and potential investors to the borough."* The Director set out the strategy objectives and reported that it identified key issues and proposed actions for five thematic areas –

- **Stewardship and Protection** – conserving Wirral's heritage for future generations;
- **Regeneration** – using heritage as a driver for economic development, inward investment and supporting sustainable communities;
- **Learning** – maximising the role of heritage in supporting education, training and life-long learning;
- **Participation** – ensuring that everyone has the opportunity to access, enjoy and participate in heritage;
- **Celebration** – recognising and utilising the part heritage can play in promoting local identity, social cohesion and civic and community pride.

The document also contained an action plan, which expanded on the actions identified in the main strategy. It was envisaged that the action plan would be an evolving document that would be regularly updated as targets were achieved and new initiatives were fed into it. The Strategy and its action plan would be regularly reviewed and monitored and it proposed a Heritage Steering Group composed of officers and key external partners to drive the Strategy forward.

Members referred to Wirral's rich heritage and welcomed the Heritage Strategy which was vital to ensure that Wirral was able to protect its heritage and did not lose out on the opportunity to secure available funding for heritage restoration and preservation. Members praised the officers for engaging local people and organisations throughout the strategy development process and commented also upon the significant educational work being undertaken and the involvement of young people in heritage activity.

On a motion by Councillor J Williams and seconded by Councillor C Jones, it was –

Resolved –

- (1) That the Wirral Heritage Strategy 2011-2014 and action plan, be approved.**
- (2) That the thanks of the Committee be accorded to the officers and to the various organisations, associations and individuals who have been involved in the production of the Wirral Heritage Strategy.**
- (3) That a working group of officers be established to monitor the implementation of the Wirral Heritage Strategy.**
- (4) That a scrutiny working group be established to include the Chair and spokespersons of the Sustainable Communities O&S Committee and the Cabinet Member for Culture, Tourism and Leisure, to meet on a quarterly basis to discuss where the plan is going and to monitor any outcomes or issues within the plan as and when they arise, and to bring back updated reports to scrutiny.**
- (5) That the post of Heritage Officer be made permanent.**

54 WIRRAL MUSEUMS SERVICE FORWARD PLAN 2011 - 2016

Further to minute 133 (10 March 2011), the Director of Technical Services presented the Wirral Museums Service Forward Plan for 2011-2016, which had been subject to a consultation process involving consideration by focus groups of stakeholders, existing/potential partners, schools and the Museums Service staff team. The outcomes of the consultation had informed the re-writing of the document and he outlined its core and strategic aims. The disposal process of a number of sites was ongoing and a tender process was being undertaken to find a new operator for Wirral Transport Museum, the Heritage Tramway and Pacific Road Arts Centre. Until the tender process was complete the Museums Service was responsible for Wirral Transport Museum and the Heritage Tramway, including staff. The lease on Shore Road Pumping Station, housing the Grasshopper pump, had been returned to Network Rail and the building was no longer open to the public. No decision had

been made about the disposal or future of Egerton Bridge, although it was no longer a functioning visitor attraction and was currently secured against vandalism. He commented also that the Council's Asset Management team were developing alternative uses within Council ownership for the former Wirral Museum at Birkenhead Town Hall.

Consequently, the Museums Service was being restructured, centred on the Williamson Art Gallery & Museum and Birkenhead Priory, both of which were Accredited Museums under the current Museums Libraries and Archives Council (MLA) Museum Accreditation Scheme. He indicated that the service offered by the Museums Service, now and in the future, was governed by the requirements of the Museums Accreditation Scheme. Although the present scheme was under review, following the demise of the MLA nationally, the Director expected that Wirral Museums Service would aspire to retain Accredited Museum status.

Resolved –

- (1) That the Museums Service Forward Plan for 2011-2016 be adopted.**
- (2) That a restructure of the staffing of the Museums Service be carried out as soon as possible to support the implementation of the adopted Plan.**

55 2011/2012 SECOND QUARTER PERFORMANCE AND FINANCIAL REVIEW

The Director of Technical Services and the Director of Law, HR and Asset Management presented the 2011/2012 Second Quarter Performance and Financial Review, which set out the performance of the Corporate Plan for July to September 2011, in relation to Sustainable Communities. For each element of the Plan, the Directors set out what had worked well during the monitoring period and provided an overview of performance, resource and risk monitoring.

Resolved – That the report be noted.

56 TENDER ACCEPTED UNDER DELEGATED POWERS - THE HIGHWAY WINTER BUREAU AND FORECASTING SERVICES CONTRACT

The Director of Technical Services reported, in accordance with the Approved Scheme of Delegation, upon the procurement process and acceptance of a tender under delegated authority for the provision of Winter Service Bureau and Forecasting Services for the Merseyside Districts, including Wirral. The procurement exercise had been undertaken by Sefton Council on behalf of all five Merseyside authorities and he commented that the bureau services included the weather stations and computer software on which to view and interpret both the forecast and actual real time weather conditions data. Both were supported by a 24 hour consultancy service throughout the winter period and he indicated that the service had traditionally been procured collectively across the Merseyside region to ensure value for money and to minimise costs to each individual authority. There was also the added benefit of being able to share access to each others' forecast and site data which could be valuable in considering prevailing conditions.

Resolved – That the report be noted.

57 **DECISIONS TAKEN UNDER DELEGATED POWERS**

The Director of Law, HR and Asset Management reported, in accordance with the Approved Scheme of Delegation, of those instances where he had used delegated authority with respect to the appointment of contractors pursuant to Contract Procedure Rule 14.4.

Resolved – That the report be noted.

58 **FORWARD PLAN**

The Director of Law, HR and Asset Management reported that the Forward Plan for the period November 2011 to February 2012 had been published on the Council's intranet/website. Members had been invited to review the Plan prior to the meeting in order for the Sustainable Communities Overview and Scrutiny Committee to consider, having regard to its work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

Resolved – That the Forward Plan be noted.

59 **SCRUTINY WORK PROGRAMME**

The Committee received an update in relation to its work programme and were asked to consider whether any additional topics should be added to it.

Resolved –

- (1) That the work programme be noted.**
- (2) That should Members wish that any additional matters be added to the work programme, they be requested to liaise with the Chair and appropriate officers.**

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