

CABINET

Thursday, 17 March 2011

<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
<u>In attendance:</u>	Councillors	G Davies P Davies	S Foulkes

336 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillor S Holbrook declared his personal interest in relation to agenda item 18 – Wirral Flood and Water Management (see minute 354 post) by virtue of the report making reference to his employer.

Councillor J Green declared his personal interest in agenda item 22 – Extension of Temporary Transport Contracts (see minute 358 post) by virtue of his employment and proposed to leave the room during its consideration. He also declared his personal interest in agenda item 27 – AOB Job Evaluation and Harmonisation for Schools Support Staff (see minute 363 post) by virtue of his wife's employment.

Councillor I Lewis declared his personal interest in agenda item 21 – Committee Referral – Alcohol Scrutiny Review (see minute 357 post) by virtue of him being a Member of the Licensing, Health and Safety and General Purposes Committee, which was requested to examine the recommendations contained in the review and he stated that he would abstain on this item.

337 MINUTES

Resolved – That the minutes of the meeting of the Cabinet held on 21 February 2011 be confirmed as a correct record.

338 JUDICIAL REVIEW

For Members' information, the Chair referred to a judicial review claim that had been commenced by Mr Stephen Hornby in relation to the Cabinet's decision of 9 December 2010 (minute 248 refers) to close five care homes – Mapleholme, Pensall, Poulton, Meadowcroft and Fernleigh. He advised the Cabinet that Mr Hornby's claim was considered today by the Court along with another application made by Mr Randall and Ms Reidy; both of whom used respite services provided at the

Mapleholme care home. Mr Randall and Ms Reidy's legal representatives had initially sought the Court's consent to replace Mr Hornby in his claim. However, during the hearing they changed their position and instead asked the Court to be included with Mr Hornby in his judicial review claim.

The Chair was pleased to be able to announce that His Honour Judge Rayner QC upon hearing the application was not convinced and refused to allow Mr Randall and Ms Reidy to join Mr Hornby in his claim.

As a result of recent developments concerning Fernleigh, and Mr Randall and Ms Reidy's application being refused, Mr Hornby's claim was also then formally withdrawn. Therefore, no injunction or other legal restriction now existed in relation to the implementation of the Cabinet's decision of 9 December 2010.

Resolved – That this be noted.

339 VALE HOUSE NEW BRIGHTON - COMMUNITY ASSET TRANSFER

The Director of Law, HR and Asset Management sought approval for a transfer by lease of Vale House Community Centre, New Brighton, in accordance with the Council's Community Asset Transfer Policy. He informed the Cabinet that the transfer would promote a number of the Council's Corporate Policies including increasing enterprise and promotion of greater independence and choice.

He reported also that there would be a small saving in the Council's budget as a consequence of the transfer and commented that the transfer was not a statutory duty.

Resolved –

(1) That a transfer by lease of the Vale House Community Centre be approved and the Director of Law, HR and Asset Management be authorised to complete the necessary legal documentation, on the terms set out in his report.

(2) That the building works and the transitional costs for the first two years of the business plan be funded from the Community Fund.

340 DELAMERE COMMUNITY CENTRE - COMMUNITY ASSET TRANSFER

The Director of Law, HR and Asset Management sought approval for a transfer by lease of Delamere Community Centre, Eastham, in accordance with the Council's Community Asset Transfer Policy. He indicated that the transfer would promote a number of the Council's Corporate Policies including increased enterprise and promotion of greater independence and choice. He commented also that there would be a small saving in the Council's budget as a consequence of this transfer and commented that the transfer was not a statutory duty.

The Cabinet Member for Corporate Resources indicated that there remained a number of matters, which he believed needed to be resolved prior to transfer and suggested that the decision should be deferred at the present time.

Resolved –

- (1) That the proposed transfer by lease of Delamere Community Centre be deferred so as to allow resolution of outstanding matters.**
- (2) That the decision be delegated to the Director of Law, HR and Asset Management, in consultation with the Cabinet Member for Corporate Resources and the three Ward Members.**

341 NOCTORUM COMMUNITY CENTRE - COMMUNITY ASSET TRANSFER

The Director of Law, HR and Asset Management sought approval for a transfer by lease of Noctorum Community Centre, Noctorum, in accordance with the Council's Community Asset Transfer Policy. The transfer would promote a number of the Council's Corporate Policies including increased enterprise and promotion of greater independence and choice.

He reported also that there would be a small saving in the Council's budget as a consequence of the transfer and he commented that the transfer was not a statutory duty.

Resolved –

- (1) That a transfer by lease of the Noctorum Community Centre be approved and the Director of Law, HR and Asset Management be authorised to complete the necessary legal documentation, on the terms set out in his report.**
- (2) That the repair works and the transitional costs for the first year of operation be funded from the Community Fund.**

342 HESWALL HALL AND ALEXANDER HALL - COMMUNITY ASSET TRANSFER

Further to minute 183 (14 October 2010), which approved the transfer of Heswall Hall in accordance with the council's Community Asset Transfer Policy, the Director of Law, HR and Asset Management reported that, in developing their business plan, the Heswall Halls Steering Group had not had the opportunity to fully explore the requirements for improvement works to the stage and theatre elements of the building. He advised Members of the requirements that had been identified by the Heswall Hall Community Trust (HHCT) for improvements to secure a sustainable transfer of Heswall Hall and he sought approval to the means of funding those works.

He reported that the transfer would promote a number of the Council's Corporate Policies including: Increased enterprise and promotion of greater independence and choice. There would be a saving in the Council's budget as a consequence of the transfer, which was not a statutory duty.

Resolved –

- (1) That the theatre improvement works and the installation of moveable acoustic walls be funded from the Council's budget and recouped from the share of the proceeds of the sale of Alexander Hall, which will be available to the HHCT.**

- (2) That following the expiration of the proposed lease of Alexander Hall, the Director of Law, HR and Asset Management be instructed to arrange for its disposal, with the sale proceeds to be dealt with in the manner set out in the report of the Director of Law, HR and Asset Management.**

343 OVERTON COMMUNITY CENTRE - COMMUNITY ASSET TRANSFER

The Director of Law, HR and Asset Management advised Members of changes to the business plan which was prepared to inform the Community Asset Transfer process and to an amendment to the amounts required from the Community Fund as a result of those changes. He reported that the transfer of Overton Community Centre would promote a number of the Council's Corporate Policies including increased enterprise and promotion of greater independence and choice.

He reported that there would be a saving in the Council's budget as a consequence of the transfer and commented that the transfer was not a statutory duty.

Resolved – That the additional monies required to secure the transfer of Overton Community Centre be approved.

344 PROJECTED BUDGET 2012 - 2015

Following the agreement of the budget for 2011-2012 at the Council meeting on 1 March 2011, the Director of Finance presented the projected budget for 2012-2015, which suggested a shortfall of £21.3m in 2012-2013, £27.6m in 2013-2014 and £30.3m in 2014-2015. He set out the assumptions which underpinned the projections and reported upon grant negotiations and other legislative issues. He commented also that during the course of the budgeting period, the results of the Census 2011 would become available and incorporated into the grant distribution formulae. He stressed the importance of the completion of Census forms and reported that the Mid 2009 estimated populations released by the Office for National Statistics indicated that the reduction for Wirral since the Census 2001 was greater than for any other metropolitan or unitary authority. If this was confirmed in the Census 2011 then the reduction in grant receivable could be significant.

Resolved – That the budget projections be regularly reviewed.

345 REVENUES SERVICES

The Director of Finance reported upon details of the changes being made within the Finance Department that would result in the creation of a Revenues Section which would be responsible for the billing and collection of Council debts, Non Domestic Rates and Council Tax. His report detailed the timescales and the likely savings that would be realised by the changes and the Director confirmed that existing levels of service would be maintained.

Resolved –

- (1) That the creation of a Revenues Section from the merger of the Council Tax and Miscellaneous Income Sections in Finance with the Personal Finance Section in Adult Social Services, be approved.**
- (2) That the saving of £398,400 from the merger be agreed.**

- (3) That the continued delivery of services with a reduction of 22.6 FTE be noted.
- (4) That appropriate monitoring and quality assurance measures be put in place to ensure levels of service are maintained.

346 BANK SIGNATORIES

The Director of Finance sought approval to amend the nominated personnel on the existing bank mandates.

Resolved –

- (1) That National Westminster and Santander be authorised to accept cheques and other instructions on behalf of the Council signed in accordance with existing mandates by the following: -

Director of Finance	Ian E. Coleman
Deputy Director of Finance	David L.H. Taylor-Smith
Head of Financial Services	Thomas W. Sault
Head of Benefits, Revenues and Customer Services	Malcolm J. Flanagan
Head of IT Services	Geoffrey W. Paterson
Head of Support Services	Michael J. Fowler
Chief Accountant	Peter J. Molyneux
Chief Accountant	Jenny Spick

- (2) That the Royal Bank of Scotland and State Street be authorised to accept cheques and other instructions on behalf of the Council signed in accordance with existing mandates by the following:-

Director of Finance	Ian E. Coleman
Deputy Director of Finance	David L.H. Taylor-Smith
Head of Financial Services	Thomas W. Sault
Head of Benefits, Revenues and Customer Services	Malcolm J. Flanagan
Head of IT Services	Geoffrey W. Paterson
Head of Support Services	Michael J. Fowler
Deputy Head of Pension Fund	Peter G. Mawdsley
Financial Controller	Gerard F. Moore
Benefits Manager	Kevin J. Greenough
Members Services Manager	Yvonne M. Caddock

347 PRINT SERVICES

The Director of Finance sought confirmation of the charging policy for services provided by the Print Unit and he provided an update on the progress of the policy to replace small desktop and office printers with multi-functional devices, which were capable of copying, scanning, printing and faxing.

Resolved –

(1) That the charging policy for the Print Unit be confirmed and support for the following agreed policies be reaffirmed:

- **The purchase of printers, scanners, copiers and faxes being controlled by the Print Manager.**
- **Where cost effective, the replacement of desktop and small offices printers, copiers, scanners and faxes with multi-functional devices and the subsequent removal of the redundant devices.**
- **The placing of all orders for printing through the Print Manager and Print Unit.**

(2) That, in order to open up what the Council does to greater scrutiny, Annual Profit and Loss accounts be published on the Council's website.

348 NHS REFORM AND PUBLIC HEALTH

The Interim Chief Executive presented a report which considered the implications of significant national NHS reform and identified a number of issues on which Wirral Council would wish to determine the local approach. Those issues included the introduction of General Practice Commissioning Consortia, the transfer of public health into local authorities and the establishment of Public Health England, and the establishment of local Health and Wellbeing Boards.

The Council had responded with pace to the need to understand the new architecture of the NHS and the changed relationships that would come into place during the next two years. The recommendations contained in the paper would allow the Council to continue to build on this to ensure effective and robust partnerships for health on Wirral in the future.

He advised that a number of the implications were dependent on the outcome of consultation (for example the White Paper on Public Health, Healthy Lives, Healthy People) and on the Health and Social Care Bill, which was currently in passage through Parliament. Within the Bill there were a number of statutory duties that would pass from the NHS to local government and it contained provisions in relation to –

- (i) strengthening commissioning of NHS services;
- (ii) increasing democratic accountability and public voice;
- (iii) liberating provision of NHS services;
- (iv) strengthening public health services;
- (v) reforming health and care arms-length bodies.

On behalf of the Cabinet, the Chair thanked the Director of Public Health for the considerable work she had undertaken in the development of a local approach to NHS reform. He also referred to the considerable involvement of the Chief Executive of NHS Wirral, the Wirral Community NHS Trust and the GP Commissioning Consortia. The Vice-Chair highlighted the importance of Wirral becoming an early implementer for Health and Wellbeing Boards and welcomed the return of public health to local authorities from 2013. He commented also upon the consultation period for the Public Health White Paper having been extended to 31 March 2011 and highlighted the importance of the Council's response.

Resolved –

- (1) That, in view of the progress made to date, the local authority move to the creation of a shadow public health function at the earliest opportunity and the Interim Chief Executive be instructed to bring forward a report to the Cabinet with proposals for appropriate milestones to be put in place, and consideration of the functions for public health in the Council.**
- (2) That since the transfer of public health into the local authority from the NHS is a significant change it be considered as part of the Strategic Change Programme and the Interim Chief Executive be instructed to put in place appropriate seminars and briefings to ensure that all Members are aware of the changes and their implications for the Council.**
- (3) That as the Council has already expressed a strong interest in becoming an early implementer for Health and Wellbeing Boards at its meeting on 3 February, the Interim Chief Executive be instructed to present a report to a future meeting of the Cabinet on proposals for how the Health and Wellbeing Board could be established at the earliest opportunity, and at the latest by October 2011. This will include consideration of how the Health and Wellbeing Board will align with the Council's other governance arrangements. The Cabinet considers that the Health and Wellbeing Board should be established at the earliest opportunity so that progress can be made on the Joint Strategic Needs Assessment.**
- (4) That the Interim Chief Executive be instructed to build on the relationships already established with the GP Commissioning Consortia, and with other NHS partners to ensure that the Council is able to continue to work well on issues of shared interest in a changing environment.**
- (5) That the Council's response to the Department of Health consultations, *Healthy Lives, Healthy People: Consultation on the Funding and Commissioning Routes for Public Health* and *Healthy Lives, Healthy People: Transparency in Outcomes* be delegated to the Interim Chief Executive and be prepared in consultation with the Leader and Deputy Leader of the Council.**

349 CORPORATE PLAN 2011 - 2014

The Interim Chief Executive presented the Council's draft Corporate Plan for 2011-2014, which set out the Council's purpose and goals for the next three years, together with the activity that the Council would deliver this year, the targets being working towards and how residents, businesses, voluntary, community and faith groups of Wirral could hold the Council to account and measure performance.

The draft Corporate Plan reflected the priorities for local people, identified through the 2010 Wirral's Future consultation and put in place a clear and transparent framework for the organisation to deliver on those priorities and implement the commitments agreed by the Council in relation to its budget for 2011-2012. The plan presented a structured approach to make the most of available resources, to take advantage of opportunities open to the Council and to tackle the significant challenges that faced Wirral.

He commented that Chief Officers were preparing individual departmental business plans, which would set out in more detail how the actions and targets in the

Corporate Plan would be delivered alongside any additional activity linked to the Council's goals. The Chair indicated that he would review the Departmental Plans with the relevant portfolio holders, and he expected that they would be signed off before the end of April 2011.

The Chair commented also that at a time of difficult financial challenges, the Corporate Plan presented an opportunity for the rejuvenation of local government and would make the Council more open and transparent. Although, some 1100 members of staff were leaving the organisation on a voluntary basis, there was a commitment to training, developing and equipping the workforce to take the Council forward.

Resolved – That the draft Corporate Plan be approved and referred for adoption by full Council for implementation from the 1 April 2011.

350 **NOMINATION OF MAYOR AND DEPUTY MAYOR FOR MUNICIPAL YEAR 2011/2012**

The Director of Law, HR and Asset Management requested the Cabinet to make nominations for the positions of Mayor and Deputy Mayor for the municipal year 2011/2012, which will be submitted to the Annual Meeting of the Council.

Resolved – That the following nominations be made for the Municipal Year 2011/2012 at the Annual Meeting of the Council on 16 May 2011:

- **Councillor M McLaughlin for the role of Mayor**
- **Councillor G Ellis for the role of Deputy Mayor**

351 **COMMITTEE CALENDAR FOR MUNICIPAL YEAR 2011/2012**

The Director of Law, HR and Asset Management presented the draft calendar of meetings for Council, Cabinet and committees for the municipal year 2011/2012 and highlighted the various issues that had been taken into account in compiling it. He reported also upon two amendments had been proposed by Members of the Council to the draft calendar.

Resolved –

- (1) That, subject to the Health and Well Being Overview and Scrutiny Committee being moved from Monday 27 June to Monday 20 June 2011, the calendar of meetings for the municipal year 2011/2012, attached as an appendix to the report of the Director of Law, HR and Asset Management, be approved.**
- (2) That the Director of Law, HR and Asset Management be granted delegated authority to make any minor changes to the calendar, which become necessary, subject to consultation with the Leader of the Council.**

352 **LOCAL TRANSPORT CAPITAL FUNDING AND THE INTEGRATED TRANSPORT BLOCK FUNDING 2011/2012**

Further to minute 285 (13 January 2011), which set out the Local Transport Plan Capital Programme settlement for 2011/2012 to 2014/2015, and approved the LTP budget for 2011/2012, the Director of Technical Services reported that whereas it had

been anticipated at the time that Wirral's Integrated Transport Block (ITB) allocation would be in the region of £1,149,000, further discussions with Merseytravel had confirmed that Wirral's ITB allocation was now expected to be £1,155,000 (subject to final ratification by the Integrated Transport Authority (ITA)).

He reported also that on 21 February 2011 (minute 330 refers), the Cabinet approved an addition to the Capital Programme of £600,000 specifically for schemes which aimed to address identified road safety problems. The funding would be used to implement engineering schemes to reduce accidents and create safe environments for all classes of road user – including more vulnerable modes such as pedestrians and cyclists. Schemes to be implemented would be selected through a prioritisation of those that would deliver effective road safety improvements (road casualty reductions).

The Director set out the proposed breakdown of the combined ITB and Capital Bid funding, which totalled £1,755,000, and outlined the detailed Capital Programme schemes. He informed Members that the determination of suitable schemes and projects within the proposed 2011/2012 Capital Programme and the budget allocation for the ITB, outlined in his report, were prioritised in line with Council Key Priorities and Corporate Objectives, LTP3 Objectives and the results of the recent 'Living in Wirral Task Force' public consultation. In addition, the schemes detailed within the report that formed the ITB directly addressed the Council's Statutory Duties as set out in the Highways Act 1980, Road Traffic Regulations Act 1984, Road Traffic Act 1988, Local Government Act 2000 and the Traffic management Act 2004.

Resolved –

- (1) That the proposed allocation of the Local Transport Plan Capital Programme 2011/2012 Integrated Transport Block between the five identified headings of 'Improving Road Safety', 'Promoting Active Travel and Health', 'Promoting Economy and Accessibility', 'Reducing Congestion and Carbon Emissions' and 'Advance Design and Forward Planning', be approved.**
- (2) That the detailed programmes of schemes and projects under each of the five identified headings of the combined Integrated Transport Block - Capital Programme bid for 2011/2012, set out in Sections 5 to 9 (and summarised in Appendix 'A') of the report now submitted, be approved.**
- (3) That authority be delegated to the Director of Technical Services, in conjunction with the Cabinet Member for Streetscene and Transport Services and Party Spokespersons, to make any necessary adjustments to the priorities within the programme should the need arise due to financial conditions or other factors.**

353 HIGHWAYS WINTER MAINTENANCE COSTS

In accordance with minute 262 (9 December 2010), the Director of Technical Services informed the Cabinet of the expected adverse financial position, as a result of the impact of the recent prolonged spell of severe winter weather on the highway winter maintenance services provided by the Council; comprising gritting operations, salt procurement and ice and snow clearance. He reported also that repairs to the damage to the road surface (potholes) caused by the effects of the severe weather could be accommodated within approved budgets and he assured Members that highway winter maintenance services continued to be provided in accordance with

the Council's established priorities, regardless of the resultant adverse financial position. Members noted also that the Council had a statutory duty to keep highways clear of ice and snow.

The Director reported also that Wirral had made an application for an allocation of additional funding that had been made available by the Government, which he proposed would be used to support the structural maintenance programme.

Resolved –

- (1) That the increased cost of winter maintenance in 2010/2011 of £358,000 be met from balances.**
- (2) That the Cabinet notes that despite extensive pothole repairs to the highway network caused by the effects of the severe weather, such repairs as instructed to be carried out will be able to be met from the approved budget.**
- (3) That the proposed use of additional grant funding to support the structural maintenance programme be supported.**

354 WIRRAL FLOOD AND WATER MANAGEMENT

The Director of Technical Services reported that the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 created Lead Local Flood Authorities (LLFA) at Unitary or County Council Level. The LLFA were required to lead the strategic management of local flood risk, arising from surface water, groundwater and ordinary watercourses and to approve and adopt Sustainable Urban Drainage Systems (SUDS). He reported that in Wirral, approximately 14000 domestic properties had been identified as 'at risk from flooding' and the new powers placed a substantial new burden on the Council to manage such risks. The Director provided an introduction to the new responsibilities and the detailed initial work which had been undertaken on their implementation.

Resolved –

- (1) That the significant new burdens placed on LLFAs under the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009, and the corresponding financial allocation made to Wirral Council from DEFRA for this purpose, be noted.**
- (2) That Cabinet recognises the work of the Wirral Flood Group and endorses the establishment of a Wirral Flood and Water Management Partnership.**
- (3) That the Wirral Flood and Water Management Partnership be requested to scrutinise the Preliminary Flood Risk Assessment (PFRA), prior to its submission to the Environment Agency in June 2011.**

355 PARKS AND COUNTRYSIDE SERVICES PROCUREMENT EXERCISE (PACSPE) - INVITATION TO TENDER

The Director of Technical Services sought approval to proceed with the proposed Invitation to Tender for the Parks and Countryside Services Procurement Exercise (PACSPE) based on the Select List of Tenderers referred to in his report. He provided Members with an updated business case for the project, a proposed

Benefits Management Strategy for the new contract and sought endorsement in relation to a number of key contract issues. The Director provided an outline of the Office of Government Commerce (OGC) 'Gateway' review process, which was intended to provide external validation of the process, to give confidence in the recommendation to proceed with the Invitation to Tender. The most recent Gateway 2 Procurement Strategy Review had been undertaken on 14/15 March 2011 and the Director was pleased to report that the categorisation from the external professional assessor was a Green rating.

The Director reported that the updated business case for the project contained commercially sensitive information and the disclosure of such information could have a bearing on the forthcoming tender exercise. As such, the information had been classed as Exempt Information under the Environmental Information Regulations 2004 by the Council's Director of Law, HR and Asset Management. For this reason the updated business case was summarised in an exempt appendix to the report. (see minute 366 post).

Resolved –

- (1) That the report be noted and the updated business case for the project, described in section 5.0, be endorsed.**
- (2) That the proposed Outline Benefits Management Strategy for the new contract outlined in section 6.0, be approved.**
- (3) That the recommendation to proceed with the Invitation to Tender, based on the Select List of Tenderers referred to in section 7.0, be approved.**
- (4) That the proposed way forward in relation to a number of key contract issues described in section 8.0, be endorsed.**
- (5) That the proposed extension of existing highway related contracts as described in section 9.0, be approved.**
- (6) That the proposed short list of selected tenderers be noted.**

356 CHOICE BASED LETTINGS

The Interim Director of Corporate Services reported that at its meeting held on 9 December 2010 (minute 242 refers), the Cabinet approved the recommendation of the Living in Wirral Task Force and had instructed him to develop a sub-regional Choice Based Lettings Scheme in Merseyside. The Director outlined the proposed Sub Regional Choice Based Lettings Allocations Scheme, to be known as Property Pool Plus, for approval by Members following a widespread consultation on the draft with stakeholders.

The Interim Director reported that the 1996 Housing Act (as amended by the 2002 Homelessness Act) required local housing authorities to make all of its housing allocations and nominations in accordance with an Allocations Scheme, which included the criteria that was used to assess eligibility and to prioritise housing applicants for the social housing the Council had available through nominations to its partner landlords. The Housing Act 1996 and the Homelessness Act 2002 stated that local authority allocation schemes were required to afford reasonable preference to certain categories of persons over those with no reasonable preference.

He reported also that the proposed scheme for adoption by Halton, Knowsley, Liverpool, Sefton and Wirral Councils sought to ensure that housing was allocated to those in greatest need and also to contribute to the development of balanced communities and sustainable regeneration, including encouraging current and future social housing tenants into employment. It had been designed to offer a simple, accessible service for customers as well as creating efficiencies for partner organisations. Efficiencies in particular for Wirral would be realised through the purchase of a new shared IT system to take advantage of technologies introduced since choice based lettings was originally developed in Wirral in 2004.

On a motion by Councillor Clarke and seconded by Councillor Blakeley, it was –

Resolved –

- (1) That the proposed Sub-Regional Allocations Scheme be approved, for implementation by the sub-regional authority partners.**
- (2) That Cabinet welcomes the agreement that households that are approved for fostering subject to a larger property being made available, would be given High Priority for a move in Band B (Health/Welfare (High)) via the new policy through the formal referrals from Social services under the Children’s Act, where it is confirmed the applicants have an urgent need to move.**

357 COMMITTEE REFERRAL - SCRUTINY PROGRAMME BOARD - ALCOHOL SCRUTINY REVIEW

The Director of Law, HR and Asset Management reported that at its meeting held on 5 January 2011 (minute 44 refers), the Scrutiny Programme Board gave consideration to the Alcohol Scrutiny Review – Final Report, which had been prepared by a Panel of Members, comprised of Councillors Mitchell (Chair), Meaden, Taylor and Bridson. Significant work had been undertaken by Panel Members and the central focus for the Review was “access to alcohol by young people in Wirral”.

The Scrutiny Programme Board supported the content and recommendations of the Review and had referred it to the Cabinet for consideration and approval. It had also been referred to Wirral Health, the Crime and Disorder Reduction Partnership (CDRP) and other partners.

Resolved –

- (1) That the Cabinet welcomes the report and notes the hard work put in by the Alcohol Scrutiny Panel and the Scrutiny Programme Board in carrying out the review.**
- (2) That the Cabinet expresses its concern about the serious issues for the health, safety and wellbeing of young people that the report raises and all of the recommendations of the Panel be accepted.**
- (3) That it be noted that recommendation A is picked up in the Corporate Plan (see minute 349 ante) and that recommendation H has already been acted on in the Budget.**

- (4) That the Scrutiny Review be referred to the Licensing, Health and Safety and General Purposes Committee, with a request that it gives specific attention to recommendations E, F, G and J.**
- (5) That the report be referred to the LSP Executive with a request that it gives specific attention to recommendations B, C, D, I and K.**
- (6) That the Director of Public Health be requested to be the lead officer for co-ordinating the response of the Council and other agencies to the report.**

(Having declared his personal interest, Councillor I Lewis abstained from voting on this item)

COUNCILLOR S HOLBROOK IN THE CHAIR

358 EXTENSION OF TEMPORARY TRANSPORT CONTRACTS

(Councillor J Green, having declared his personal interest in this item (see minute 336 ante) left the room during its consideration)

The Interim Director of Adult Social Services sought approval for the extension of temporary contracts awarded to private providers of transport for up to a further 6 months from March – July 2011, pending the procurement of permanent contracts.

Resolved – That the extension of temporary transport contracts by up to 6 months from March 2011 – July 2011 be approved.

COUNCILLOR J GREEN RESUMED THE CHAIR

359 CONTRACTS FOR PERSONAL SUPPORT

The Interim Director of Adult Social Services sought the agreement of the Cabinet to award contracts for Residential and Nursing Home Care and for provision of Personal Support to people in their own homes. A robust tendering procedure had been followed with an evaluation process that included carers and people who used services and the Director commented that the new contracts needed to be in place as soon as was practicable as the current contract expired no later than 11 April 2011. The Council had agreed a standard price for the provision of residential and nursing home care at its meeting on 9 December 2010 and he indicated that commencement of the Contract by the 11 April 2011 for all Residential and Nursing Home Care and Personal Support to people in their own homes was projected to deliver the £5.4m savings target agreed by Council in the 2011-2012 Budget.

The Director referred to a list of providers to be awarded the Contract, which was included in an exempt appendix to his report (see minute 366 post) and, in view of the urgency of the matter, he requested that “call-in” be waived, recognising that the Health and Well Being Overview and Scrutiny Committee would receive a report on the matter at its next meeting. The matter was considered urgent on the grounds that the Council’s and public interest would be seriously prejudiced due to successful tenderers needing time to organise taking on new work in April 2011, in particular where those areas were connected to the re-provision of services which would not be provided by the Council from 31 March 2011. For the reasons set out by the Interim Director of Adult Social Services, the Interim Chief Executive indicated that it was appropriate for “call-in” to be waived.

The Director commented that the evaluation of Tenders for new business had been conducted by carers, colleagues from NHS Wirral and officers of the Department. The evaluation concluded on 9 March 2011 and highlighted that there was sufficient interest and capacity from good quality providers of Residential and Nursing Home Care, Intermediate Care and Respite Care to accommodate the services currently provided to older people and people with a learning disability at Maplehome, Pensall House, Poulton House, Manor Road and Meadowcroft.

However, the Director reported that there was uncertainty over the capacity of care in the market providing services to people with Mental Health problems and it was his opinion that people could be at risk if the closure of Fernleigh continued as planned. He believed that the uncertainty would be resolved by further work with providers and the consideration of commissioning replacement services from the voluntary, community and faith sectors or the consideration of a social enterprise solution. The Director proposed to continue the consultation with people who used services and carers and report back to Cabinet later in the year with options, which could include the retention of Fernleigh respite centre and services continuing to be provided by the Council.

Resolved –

- (1) That Contracts be awarded to those Providers listed in the appendix to the report of the Interim Director of Adult Social Services.**
- (2) That the closure and re-provision of services currently provided at Maplehome, Pensall House, Poulton House, Manor Road and Meadowcroft in accordance with the planned dates, be noted.**
- (3) That the decision to close Fernleigh respite centre be changed, to instead retain the current level of respite and crisis beds provided at Fernleigh respite centre for people with mental health needs.**
- (4) That the Director of Adult Social Services be authorised to continue to consult with people who use services and carers about the future provision of mental health services provided at Fernleigh.**
- (5) That as the Council's and public interest will be seriously prejudiced due to time restrictions on successful Tenderers needing to organise taking on new work in April 2011, "call-in" be waived, in accordance with paragraph 17 of the Overview and Scrutiny Procedure Rules.**

360 DEPARTMENT OF ADULT SOCIAL SERVICES PROGRESS REPORT - INTERIM MANAGEMENT ARRANGEMENTS

The Interim Director of Adult Social Services reported that the critical Care Quality Commission (CQC) inspection of Wirral's Department of Adult Social Services in September 2010 required an immediate response on behalf of the Council. His report outlined the performance improvements that had been delivered so far and the challenges still to be delivered. The Interim Director indicated that, upon his appointment it had been agreed that an assessment would be made of both the short and long term management and leadership requirements for the Department in order to enable the Council to respond to the requirements for performance improvement and change. Although significant improvements had been made, he indicated that given the critical report and the need to make significant improvements to protect

vulnerable adults and deliver quality services, a new approach to leadership was required and his proposals sought to secure high quality leadership and the transfer of excellent practice across the Council.

He set out the short term needs that had been identified to make the necessary changes, which involved –

- (i) the establishment of an Interim Head of Adults' Service Provision, by way of the appointment of a seconded officer from a neighbouring authority, until 31 December 2011;
- (ii) the appointment of a joint Interim Head of Adults and Children's Safeguarding, to build on the high standard in CYPD of safeguarding children, to be graded at Head of Service level on an interim basis until 31 December 2011;
- (iii) the need to supplement the leadership team in DASS, at a senior level with the ability to drive and embed the change required.

The Chair referred to the excellent work being undertaken in safeguarding children, which was key to the success of the safeguarding partnership and he accorded the thanks of the Cabinet to those officers involved in the process.

In view of there being only one meeting of the Employment and Appointments Committee before the end of the municipal year and the urgent need to deliver improvements, the Chair proposed that "call-in" be waived as any delay caused by the call-in process would seriously prejudice the Council's or the public's interest. The Interim Chief Executive agreed that it was appropriate for "call-in" to be waived in this case.

The Interim Director reported that the staffing implications and costs associated with the proposals contained within his report were set out in an exempt appendix at agenda item 29 in accordance with paragraph 1 of Schedule 12A of the Local Government Act 1972 (see minute 366 post).

Resolved –

- (1) That the improvements that have been delivered so far by the Department of Adult Social Services and the significant improvements still to be delivered, be noted.**
- (2) That it be recommended to the next Employment and Appointments Committee, the establishment of the following positions for a nine month period**
 - **Interim Head of Service provision at Head of Service grade**
 - **Interim Head of Joint Adults & Children' Safeguarding at Head of Service grade.**
- (3) That Cabinet further recommends the appointment to the two posts of the individuals listed in the exempt appendix.**
- (4) That the Interim Director of Adult Social Services be asked to also bring forward to the next Employment and Appointments Committee a proposal for consideration of how the leadership of the Department of Adult Social services can be enhanced and also further drive and embed the**

necessary transformational change to deliver the quality services required for the people of Wirral.

- (5) That the Interim Director of Adult Social Services be asked to bring forward recommendations to Cabinet of what further improvements would be required for the long term structure of the Department, including those affecting front line employees.
- (6) That, in view of the urgent need to deliver improvements and there being only one meeting of the Employment and Appointments Committee before the end of the municipal year, the Cabinet agrees that any delay caused by the “call-in” process would seriously prejudice the Council’s or the public interest. Accordingly, “call-in” be waived, in accordance with paragraph 17 of the Overview and Scrutiny Procedure Rules.

361 **CYPD CAPITAL PROGRAMME 2011/2012**

The Interim Director of Children’s Services presented the proposed CYPD capital programme for 2011/2012, including supporting information on the priority schemes. The report also provided an update of schemes included in the 2010/2011 Capital Programme.

The Interim Director reported that there were a wide range of projects identified in the Capital Programme, which would promote a number of the Council’s corporate priorities helping children achieve their full potential, creating more jobs in the local area and creating a clean, pleasant, safe and sustainable environment.

Resolved –

- (1) That the proposed schemes within the capital programme for 2011/2012 be approved.
- (2) That individual schemes be the subject of scheme and estimate reports, where applicable.
- (3) That the purchase of the Christian Brothers House at St Anselm’s College by the Edmund Rice Trust is supported.

362 **SPECIAL GUARDIANSHIP ORDER POLICY**

Further to minute 344 (18 March 2010), the Interim Director of Children’s Services provided Members with an update on the financial support being provided to Special Guardians and provided details of a revised policy for financial support for Special Guardianship and Assisted Residence Orders. The revised policy ensured that financial support would be provided only to those families that would be unable to care for the child without such support and he confirmed that it complied with the Council’s legal requirements under the Children Act 1989, the Adoption and Children Act 2002 and the Special Guardianship Regulations 2005.

Resolved –

- (1) That the Council agrees to implement the policy for financial support for Special Guardianship and Assisted Residence Orders from 1 April 2011, as outlined in the report of the Interim Director of Children’s Services.

- (2) That a further report be presented on a Policy for Financial Support to Adopters and Potential Adopters.**

363 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR - JOB EVALUATION AND HARMONISATION FOR SCHOOLS SUPPORT STAFF

The Chair informed that he had agreed that this item of urgent business be considered because it could not await the next Cabinet meeting.

The Interim Director of Children's Services presented an update on the proposals for the implementation of Job Evaluation and Harmonisation in all Wirral schools and he sought approval to release money from the General Fund Local Pay Reserve to the Schools Budget in the form of a loan to help meet the costs associated with implementation. He commented that, whilst the costs were significant, the implementation of Job Evaluation and Harmonisation in schools would mitigate the potential threat of equal pay claims being brought against the Council by school based employees and would implement a fair and transparent pay and grading structure in line with that introduced across the Authority in August 2008. Consultation with Schools and trade unions had been on-going during the development of the proposals and he reported that members of the Schools Forum broadly supported the proposal of a loan to meet the costs of back pay.

Resolved –

- (1) That the contribution towards the costs of implementing Job Evaluation and Harmonisation within all schools of £1m from the Local Pay Reserve as agreed by Cabinet on 21 February 2011 in setting the Council Budget for 2011/2012, be noted.**
- (2) That a loan to the Schools Budget via the Schools Forum of £2m from the Local Pay Reserve, with this to be repaid before 31 March 2015, be approved.**

364 COUNCILLOR GILL GARDINER

Councillor Gill Gardiner announced that for personal and family reasons, she proposed to resign from the Council at the end of the municipal year and that this had been her last meeting of the Cabinet. She thanked colleagues and officers for their support during her eight years as a Member of Wirral Council.

Councillor J Green, speaking as Leader of the Council, referred to the substantial contribution to public life in Wirral made by Councillor Gardiner. She had been a Member of the Council since 2003 and a Member of the Cabinet since 2007 and he thanked her, on behalf of the Cabinet, particularly having regard to the work she had undertaken on the Carbon Budget.

Councillor Holbrook, speaking both as Deputy Leader of the Council and Leader of the Liberal Democrat Group, thanked Councillor Gardiner for her support as Deputy Leader of the Liberal Democrat Group and for all the work she had undertaken on behalf of the Council as Environment portfolio holder. He commented specifically upon improvements in recycling, renewable energy and carbon reduction.

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

Resolved – That, in accordance with section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

366 **EXEMPT APPENDICES**

Further to minutes 355, 359 and 360 (ante), the Cabinet considered appendices to reports that contained exempt information which, if disclosed, could provide information relating to the financial/business affairs of a third party or information relating to an individual.

Resolved – That the contents of the appendices containing exempt information that cannot be considered in the presence of the press and public be noted.